



The School-to-Prison Pipeline in Montgomery County

Elaine Bonner-Tompkins
Leslie Rubin
Kristen Latham

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>

Office of Legislative Oversight Report 2016-6

TABLE OF CONTENTS

Executive Summary i

I. Authority, Scope, Purpose and Methodology 1

II. Background and Local Perspectives 3

III. Montgomery County Public Schools Discipline Data 20

IV. MCPS Policies, Programs and Practices 35

V. Law Enforcement and Juvenile Justice Data 55

VI. Police, Juvenile Services, and Other Law Enforcement Agencies 76

VII. Findings and Recommendations 96

VIII. Agency Comments 110

Office of Legislative Oversight Report 2016-6

LIST OF TABLE AND CHARTS

Number	Tables	Page
2-1	Summary of Risk Factors for Juvenile Justice Involvement	12
3-1	Out-of-School Removals and In-School Suspensions in Grades K-12, 2011 & 2015	21
3-2	Percentage of Students Removed from School, 2011 & 2015	22
3-3	MCPS Students Removed from School by School Level, 2011 & 2015	22
3-4	MCPS Out-of-School Removals by Offense Category, 2011 & 2015	23
3-5	MCPS Out-of-School Removals by Frequency, 2011 & 2015	24
3-6	MCPS Out-of-School Removals and In-School Suspensions by Gender, 2011 & 2015	24
3-7	Out-of-School Removals and In-School Suspensions by Race and Ethnicity, 2011 & 2015	25
3-8	Out-of-School Removals by Special Education Status, 2011 & 2015	26
3-9	Five Most Common High School Offenses Leading to Disciplinary Consequences	27
3-10	Five Most Common Middle School Offenses Leading to Disciplinary Consequences	27
3-11	Disciplinary Consequences in High Schools for the Five Top Offenses, 2011 & 2015	28
3-12	Expulsions for Five Top Offenses in High School by Race and Ethnicity, 2011 & 2015	28
3-13	Expulsions for Five Top Offenses in High School by Service Group, 2011 & 2015	29
3-14	Out-of-School Removals from MCPS High Schools, 2011 & 2015	29
3-15	MCPS High School Students Compared to Out-of-School Removals by Quintile, 2015	30

Number	Tables	Page
3-16	Out-of-School Removals per 100 Students by High School, 2015	31
3-17	Out-of-School Removals from MCPS Middle Schools, 2011 & 2015	32
3-18	MCPS Middle School Students Compared to Out-of-School Removals by Quintile, 2015	33
3-19	Out-of-School Removals per 100 Students by Middle School, 2015	33
4-1	MCPS Disciplinary Response Levels and Interventions	38
4-2	MCPS Offense Categories and Recommended Range of Responses	38
Number	Charts	Page
4-3	Alignment between Best Practices and MCPS Practices – Codes of Conduct	40
4-4	Key Features and Feedback from the Office of School Support & Improvement	41
4-5	Alignment between Best Practices & MCPS Practices – School Climate & Improvement	42
4-6	Key Features and Feedback from the Office of Community Engagement & Partnerships	44
4-7	Alignment between Best Practices and MCPS Practices – Systems of Care Approach	45
4-8	Key Features and Feedback from the Department of Student Services	45
4-9	Alignment between Best Practices and MCPS Practices – Support Services and Assessments of Students’ Behavioral Health	47
4-10	Key Features and Feedback from Alternative Programs at Blair Ewing	48
4-11	Alignment between Best Practices and MCPS Practices – Alternative Schools	50
4-12	Key Features and Feedback from the Office of Special Education and Student Services	51
4-13	Key Features and Feedback from the ED Services Unit	52
4-14	Alignment between Best Practices & MCPS Practices – Behavior Management in Schools	53
4-15	Key Features of the Department of School Safety and Security	54

Number	Tables	Page
5-1	Juvenile Arrests in Maryland and Montgomery County, FY12-FY15	56
5-2	Arrests at MCPS High Schools by Type of Offense, FY15	58
5-3	Arrests at MCPS High Schools by Gender, FY15	58
5-4	Arrests at MCPS High Schools by Race and Ethnicity, FY15	59
5-5	Arrests at MCPS High Schools by Age, FY15	59
5-6	Arrests at MCPS High Schools by Campus, FY15	60
5-7	Arrests per 1,000 Students by High School, FY15	61
5-8	Comparison of MCPS High School Suspension and Arrest Rates, FY15	62
5-9	Youth Diverted by Police to DHHS Juvenile Justice Services, FY11-FY15	63
5-10	Distribution of Offenses Diverted to DHHS Juvenile Justice Services, FY11-FY15	63
5-11	Distribution of Youth Diverted to DHHS Juvenile Justice Services by Race and Ethnicity, FY11-FY15	64
5-12	Montgomery County Teen Court Statistics, FY12-FY14	65
5-13	Distribution of Teen Court Participants by Race, Ethnicity and Gender, FY12-FY14	66
5-14	Distribution of Reasons for Referrals to Teen Court, FY09-FY11	66
5-15	Rate of Successful Completion of Teen Court by Race and Ethnicity, FY09-FY11	66
5-16	DJS Intake Cases by Offense Category, FY11 and FY15	67
5-17	DJS Intake Charges for Top 10 Offenses, FY11 and FY15	68
5-18	DJS Intake Decisions, FY11 and FY15	69
5-19	Dispositions of Formal Petitions, FY11 and FY15	69

Number	Tables	Page
5-20	Recidivism Data for Montgomery County Youth, FY11-FY13	70
5-21	DJS Intake Cases by Race, Ethnicity and Gender, FY11 and FY15	71
5-22	DJS Intakes by Offense Category and Race and Ethnicity, FY14	71
5-23	DJS Intake Decisions by Race and Ethnicity, FY14	71
5-24	Pre-Disposition Detentions by Race and Ethnicity, FY14	72
5-25	Pre-Disposition Detentions by Gender, Race and Ethnicity, FY14	72
5-26	New DJS Probation for Adjudicated Offenses by Race and Ethnicity, FY14	73
5-27	New Commitments for Adjudicated Offenses by Race and Ethnicity, FY14	73
5-28	New Admissions to the Noyes Center for Race and Ethnicity, FY14	73
5-29	Relative Rate Index for Youth of Color Compared to White Youth, FY11 and FY15	74
5-30	Juvenile Cases in Montgomery County Circuit Court, FY10-FY14	75

Number	Charts	Page
6-1	Key Features and Feedback from the MCPD SRO Program	78
6-2	Summary of School Resource Officer Memorandum of Understanding	79
6-3	Alignment between Best Practices and Police Practices – School-Police Partnership	81
6-4	Overlap between MCPS Code of Conduct and Juvenile Charges	82
6-5	Summary of Key Features and Feedback from DHHS Staff	84
6-6	Key Features and Feedback from DJS Staff	86
6-7	Key Features and Feedback from SAO Staff on Diversion and Prevention Programs	89
6-8	Key Features and Feedback from the Office of the Courts	92
6-9	Summary of Key Features and Feedback from the Collaboration Council	94
6-10	Alignment between Best Practices and Local Practices – Courts and Juvenile Justice	95
Number	Tables	Page
7-1	Summary of Data Trends for School-to-Prison Pipeline Contact Points	100
7-2	Offenses Leading to Out-of-School Removal in MCPS by Major Offense Category, 2015	101
7-3	Arrests at MCPS High Schools by Type of Offense, FY15	101
7-4	DJS Intake Cases by Offense Category, FY15	101
7-5	Proportion of MCPS High School Students Compared to Out-of-School Removals, 2015	102
7-6	Proportion of MCPS Middle School Students Compared to Out-of-School Removals, 2015	102
7-7	Demographic Distribution of Youth among School-to-Prison Pipeline Contact Points	103
7-8	Distribution of Diverted Youth by Race and Ethnicity, 2014	103

Chapter I: Authority, Scope, and Organization

A. Authority

Council Resolution 17-1266, Amendments for FY 2015 Work Program for the Office of Legislative Oversight, adopted November 25, 2014.

B. Scope, Purpose, and Methodology

According to the Advancement Project,¹ the School-to-Prison Pipeline refers to the crisis facing the country where “students are being suspended, expelled, shuffled off to disciplinary alternative schools, and even arrested for minor behavior or trivial actions like being late or violating a dress code. Instead of a trip to a counselor or a call home, students are being handcuffed and escorted from the schoolhouse to the jailhouse to the courthouse. Metal detectors, armed guards, police, and barbed wire are common in our schools while libraries and counselors’ office are left empty.”

The purpose of this Office of Legislative Oversight Report is to improve the County Council’s understanding of the School-to-Prison Pipeline, including a description of the School-to-Prison Pipeline, the factors that shape it, and its dimensions locally. Toward this end, 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.

The Advancement Project’s illustration of children being carted off to jails for minor infractions does not describe how the School-to-Prison Pipeline operates for the most part in Montgomery County. Instead, the School-to-Prison Pipeline locally refers to how children’s school experiences, particularly with the disciplinary process, impact their risk for juvenile delinquency and criminal justice system involvement. Youth with a history of school suspensions and expulsions are at higher risk of dropping out of school and students dropping out of school are at higher risk for involvement in the juvenile and adult criminal justice systems.

This OLO report describes 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.

For this project, OLO interviewed agency leaders and staff from the following state and local agencies:

- 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; and
- Montgomery County Collaboration Council for Children, Youth and Families.

¹ See School to Prison Pipeline brochure at www.safequalityschools.org

OLO also interviewed local service providers, including staff from the Maryland Multicultural Youth Center and Lead for Life, as well as youth and families involved in the juvenile justice system. Finally, OLO used the information gathered from local and state stakeholders and the research literature to compare local practices to best practices for stemming the School-to-Prison Pipeline.

Summary: Overall, OLO finds that the School-to-Prison Pipeline within the County mirrors national trends in disproportionality by race, ethnicity, gender, and special education status. Black children, boys, students with disabilities, and Latinos are over-represented in the Pipeline compared to other subgroups. Yet, Montgomery County’s School-to-Prison Pipeline is smaller than most other jurisdictions and appears to be shrinking. Less than two percent of MCPS students are suspended annually and the juvenile arrest rate has fallen by 60 percent over the past five years. OLO also finds that while many agency practices align with best practices for stemming for the School-to-Prison 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.

C. Organization of Report

This report is presented in eight chapters.

- **Chapter II, Background and Local Perspectives,** provides an overview of the School-to-Prison Pipeline, the factors that contribute to it, and the perspectives of local stakeholders regarding what works well and opportunities for improving programming to stem the Pipeline locally.
- **Chapter III, Montgomery County Public Schools Discipline Data,** describes state and local discipline trends, including disparities in out-of-school removal rates by gender, race, ethnicity, and special education status to describe the antecedents to the Prison Pipeline.
- **Chapter IV, MCPS Policies, Programs and Practices,** describes MCPS disciplinary policies and practices that impact the School-to-Prison Pipeline, the school system’s general and special education programs, and the alignment with best practices.
- **Chapter V, Law Enforcement and Juvenile Justice Data,** describes trend data for several juvenile justice contact points, including arrests, juvenile justice intakes, delinquency cases processed by the Circuit Court, and participation in local juvenile justice diversion programs.
- **Chapter VI, Police, Juvenile Services, and Other Law Enforcement Agencies,** describes relevant programs and services provided by the Montgomery County Departments of Police, Health and Human Services, and Corrections and Rehabilitation; the Maryland Department of Juvenile Services; the State’s Attorney’s Office; the Office of the Public Defender; the Circuit Court; and the Collaboration Council for Children, Youth and Families.
- **Chapter VII, Findings and Recommendations,** describes this project’s ten key findings and four recommendations for County Council discussion and action.
- **Chapter VIII, Agency Comments,** includes written responses to this report from Montgomery County Public Schools.

Chapter 2: Background and Local Perspectives

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/or who drop out of school.² Millions of students are suspended from school each year, mostly in middle and high schools and overwhelmingly for minor misconduct.³ A student with three or more suspensions by the 10th grade is five times more likely to drop out of school and young people who do not graduate are eight times more likely to go to prison than students who graduate.⁴

A key feature of the School-to-Prison Pipeline is the increasing criminalization of school-based infractions for minor offenses. For example, students may face criminal charges for assault or for disrupting school activities after a fight or being insubordinate to school staff. Another key feature is the over representation of Black youth and students with disabilities in the Pipeline, particularly among boys.

This chapter provides an overview of the consequences of the School-to-Prison Pipeline and the factors that contribute to it. This chapter also summarizes the perspectives of local stakeholders interviewed for this project to describe their perceptions of the School-to-Prison Pipeline locally, what works well in Montgomery County for mitigating the Prison Pipeline, and opportunities for improvement.

This chapter is presented in five sections as follows:

- A. Individual and Societal Costs of the Pipeline** describes the impact of school suspensions, dropping out, and juvenile justice involvement on youth and society at large;
- B. Pipeline Disparities** describes disparities in school discipline and juvenile justice involvement by student gender, race, ethnicity and disability status;
- C. Pipeline Predictors** describes the individual, family, school, community, and criminal justice drivers that act as risk-factors for juvenile justice system involvement;
- D. Zero Tolerance Policies** describes the impact of both school and law enforcement practices on students' juvenile and adult criminal justice system involvement; and
- E. Local Perspectives** describes the perspectives of agency staff, service providers, youth, and their families on the School-to-Prison Pipeline in Montgomery County.

Several key findings emerge from the information synthesized in this chapter:

- Out-of-school suspensions increase students' risks for dropping out of school and juvenile justice involvement. Students who have been suspended multiple times are at greatest risk.
- Involvement in the juvenile justice system can have long-term injurious consequences to youth, such as promoting anti-social behavior, thwarting youth development, and increasing crime.
- Youth who are male, Black, female and Black, Native American, Latino, or have disabilities are over-represented among suspended and juvenile justice-involved youth.
- Youth of color are disproportionately impacted by the risk-factors for suspensions and juvenile justice involvement. The prevalence of these risk factors, however, fails to fully explain the trend of racial and ethnic disparities in school discipline and juvenile justice system contact.

² 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

³ U.S. Department of Education data from 2009 cited in the *School Discipline Consensus Report*

⁴ See *The School to Prison Pipeline: and the pathways for LGBT youth*, GSA Network, 2011

- Zero tolerance policies have contributed to the School-to-Prison Pipeline by increasing schools' use of out-of-school suspensions for non-violent offenses.
- Local stakeholders agree that a School-to-Prison Pipeline exists in Montgomery County that impacts Black and Latino boys, Black girls, students with disabilities, and non-gender confirming and LGBT youth.
- Local stakeholders believe MCPS' changing approach to addressing school discipline and the willingness of staff across different agencies and service providers to work together are strengths of the County's current approach to addressing the School-to-Prison Pipeline.
- Local stakeholders also believe that a variety of opportunities exist to reduce the School-to-Prison Pipeline locally, including increasing programming addressing the root causes of misbehaviors, improving data sharing across agencies, expanding educational opportunities for at-risk youth, and providing meaningful access to criminal justice diversion programs for low-income and youth of color.

A. Individual and Societal Costs of the Pipeline

This section synthesizes available data to describe (1) the impact of school suspensions and dropping out on the Prison Pipeline and (2) the impact of juvenile justice involvement on the Pipeline.

1. School Suspensions and Student Disengagement

In 2006, about 1 out of every 14 students nationally (7 percent) was suspended out of school at least once during the year and about 1 out of every 476 students (0.2 percent) were expelled from school.⁵ In all, more than 3.3 million students were suspended from school and another 102,000 were expelled.

Research shows that out-of-school suspensions can severely disrupt a student's academic progress in ways that have lasting negative consequences. Students who are suspended are placed at significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system. More specifically, a synthesis of the research shows that:

- Students who have been suspended or expelled are 10 times more likely to drop out of high school than other students.⁶
- Being suspended is associated with a greater likelihood of recurring misbehavior and future suspension.⁷
- For similar students attending similar schools, a single suspension or expulsion doubles the risk that a student will repeat a grade.⁸ Being retained a grade, especially while in middle or high school, is one of the strongest predictors of dropping out.⁹
- One national longitudinal study found youth with a prior suspension were 68 percent more likely to drop out of school.¹⁰

⁵ See http://nces.ed.gov/programs/digest/d10/tables/dt10_169.asp for suspension data and http://nces.ed.gov/programs/digest/d13/tables/dt13_105.30.asp?referrer=report for enrollment data.

⁶ Lamont et al., 2013 cited by Porowski et al, 2014

⁷ Anfinson, Autumn, Lehr, Riestenberg, & Scullin, 2010 cited by Porowski et al, 2014

⁸ 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

⁹ Shane Jimmerson et al cited by Vera Institute for Justice

¹⁰ Suhyn Suh, et al cited by Vera Institute for Justice

- Dropping out of school is strongly related to juvenile delinquency and both are related to exclusionary discipline.¹¹
- Students who are in the juvenile justice system are likely to have been suspended or expelled.¹²
- Suspension and expulsion can lead to juvenile delinquency/justice system involvement. A 2011 study in Texas found that 23 percent of students involved in the school disciplinary system also were involved with the juvenile justice system compared to only 2 percent of students not involved in the school disciplinary system who were involved in the juvenile justice system.¹³

Additionally, the long-term effects of failing to complete high school are well documented. As noted in OLO Report 2012-4, *Alternative Education in Montgomery County*,¹⁴ individuals without a high school diploma have much less earning power (working fewer hours than their more credentialed peers), are more likely to be unemployed, and less likely to be employed in family-sustaining careers that offer employee benefits (e.g., health insurance and pension plans).

In addition to the individual costs, there are societal costs of dropping out. Dropouts contribute less to the tax base due to lower earning potential.¹⁵ Dropouts are also more likely to receive public assistance and the costs of publicly funded health care for dropouts have been found to be higher than that for graduates.¹⁶ Dropouts are also overrepresented in the criminal justice system – accounting for 25 percent of the general population but 68 percent of the prison population.¹⁷

2. Impact on Youth of Juvenile Justice Involvement

An estimated 1.6 million youth are referred to juvenile court each year. Approximately 39 percent are charged with property offenses, 25 percent involve public order offenses, 24 percent are charged with offenses against persons, and 12 percent involve drug law violations.¹⁸ Other youth are charged with status offenses such as truancy, underage drinking, and running away from home but many of these cases are handled outside the delinquency system. Approximately 62 percent of all children and adolescents adjudicated delinquent are placed on probation while another 23 percent receive residential placements.¹⁹

The youth in residential placement or custody include those detained pending a hearing in court, those committed to a youth agency following an adjudicatory hearing, and those placed in group homes and specialized treatment facilities by the courts. The most recent census of youth in residential custody for delinquency showed that 94,875 children under age 21 were held in 3,257 publically and privately operated facilities throughout the United States.²⁰ These youth are held in detention centers, group homes, camps, ranches, and state training schools.

Research shows that involvement in the juvenile justice system can have lasting negative consequences. Early introduction to the juvenile justice system can increase the likelihood of later juvenile justice

¹¹ Forsyth et al., 2013 cited by Porowski et al, 2014

¹² Fabelo et al., 2011

¹³ Fabelo et al cited by Vera Institute for Justice

¹⁴ <http://www.montgomerycountymd.gov/olo/resources/files/FullReport2012-4AlternativeEducation.pdf>

¹⁵ Ibid

¹⁶ Waldfoegel, J., Garfinkel, I., and Kelly, B., 2007 and Muennig, P., 2007, in Tyler and Loftstrom, 2009

¹⁷ Harlow, C. W., 2003, in Tyler and Loftstrom, 2009

¹⁸ Snyder and Sickmund, 2006

¹⁹ Snyder and Sickmund, 2006.

²⁰ Livsey, Sickmund, and Sladky, 2009

system involvement.²¹ Several specific harms of juvenile detention are noted by Cahn and Robbin's in their review of research on juvenile justice outcomes showing evidence that juvenile justice detention:²²

- Halts youth development and thwarts “mature decision-making capacity” compared to community support with access to support from family or surrogate supervision, wrap-around and enrichment programming, mentors, role models, school, and employers that enables most delinquent youth to “naturally outgrow such actions as they attain maturity.”
- Causes “long-term injurious consequences” where youth are unable to break out of behaviors that they might have outgrown as adults.
- Promotes “antisocial behavior” because an environment of incarcerated youth living in close proximity to one another promotes the development of antisocial behavior among teenagers seeking both competency in illicit behavior and acceptance by their peers.
- Fosters gaps in education and health care access because incarcerated youth typically do not receive the education or health care services that would have been available to them had they been sent home under supervision.
- Leads to a “conviction stigma” for anyone convicted of a felony drug offense whose collateral consequences include lifetime bans on the receipt of federal benefits (such as food stamps and other types of public assistance) as well as the loss of public housing and student loan benefits.
- Creates schooling and employment re-entry problems for students returning from detention because “substantial obstacles must be overcome upon release, such as re-entry to public schools, obtaining marketable skills, and finding employment opportunities.”
- Increases crime, as research shows that “unnecessarily excessive juvenile detention begets crime and actually increases recidivism.”
- Increased punitive contact with the juvenile justice system by youth of color leads to lasting damaging effects, including diminished educational outcomes due to school interruption, stigma, and social disconnection/isolation. Children and youth who spend time in locked detention are much less likely to receive high school diplomas.

B. Pipeline Disparities

A central feature of the School-to-Prison Pipeline is the over-representation of boys, Black and Latino students, and students with disabilities. Researchers are increasingly finding that youth who identify as lesbian, gay, bisexual or transgender (LGBT) as well as gender non-conforming youth are also over-represented in the Pipeline.²³ This section describes the disparities in school discipline and juvenile justice involvement by gender, race and ethnicity, and special education status.

1. Disparities by Gender

Disparities in School Discipline: National data compiled by the U.S. Department of Education show that, in general, male students are suspended from schools at higher rates than female students. For example, in 2006, males were suspended from school at more than twice the rate of females (9 percent v. 4 percent). Approximately 2.3 million boys were suspended in 2006 compared to 1.1 million girls.

²¹ Hanson, 2005.

²² Edgar Cahn and Cynthia Robbins, April 10, 2010

²³ See *LGBTQ Youth and the School to Prison Pipeline by the Advancement Project (2015)* and *GSA Network's LGBTQ YOUTH OF COLOR: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline*

Some female subgroups, however, are suspended at higher rates than some male subgroups. For example, among secondary students in 2012, Black females were suspended from schools at twice the rate of White males (18 percent v. 9 percent).²⁴

Disparities in Juvenile Justice: National data from the Census of Juveniles in Residential Placement shows that males were six times more likely to be placed in residential correctional facilities than females. More specifically, in 2011, about 280 young men per 100,000 were housed in residential correctional facilities compared to 46 young women per 100,000.

Rates of residential placements by gender also varied considerably by race and ethnicity. In 2011. The rate of residential placement for Black males was 733 per 100,000 compared to 486 per 100,000 Native American males, 312 per 100,000 Latino males, 153 per 100,000 White males, and 50 per 100,000 Asian Males. Black males comprised more than one-third of all youth in residential placement in 2011.

Some female subgroups, however, experienced juvenile detention rates that equal or exceed some male subgroups. For example, 179 per 100,000 Native American females were placed in juvenile facilities compared to 180 per 100,000 White males; and 123 per 100,000 Black females were detained in juvenile facilities compared to 61 per 100,000 Asian males.²⁵

2. Disparities by Race and Ethnicity

Disparities in School Discipline: National data compiled by the U.S. Department of Education show that Black students and to a lesser extent, Latino and Native American students, are more likely than White students to be suspended or expelled from school.²⁶ More specifically, in 2006:

- About 15 percent of Black students were suspended compared to 8 percent of Native Americans, 7 percent of Latino, 5 percent of White, and 3 percent of Asian students.
- About 0.5 percent of Black student were expelled from school compared to 0.3 percent of Native American, 0.2 percent of Latino, and 0.1 percent each of White and Asians students.

Additionally, research based on national and state level data sources have found that:

- Black students receive more disciplinary actions than students of all other racial/ethnic groups. They are significantly more likely to be referred to the principal's office than students of other racial/ethnic groups.²⁷ Black students also have the highest rate of out-of-school suspension.²⁸
- Latino students are over-represented in exclusionary school discipline. They receive more suspensions (in-school and out-of-school) than White students.²⁹ They also are considerably more likely to be referred for disciplinary actions for lesser offenses than White students and to be suspended for minor offenses (such as non-compliance) than their White peers.³⁰

²⁴ See Losen, D. et al., *Are We Closing the School Discipline Gap?*, Table 9, 2015

²⁵ See Child Trends Data Bank, data from Census of Juveniles in Residential Placements.

²⁶ See http://nces.ed.gov/programs/digest/d10/tables/dt10_169.asp for suspension data by race and ethnicity

²⁷ See Rocque, 2010; Skiba et al., 2011; Skiba et al., 2002

²⁸ See Anfinson et al., 2010; Fenning & Rose, 2007.

²⁹ See Jones et al., 2012; Skiba et al., 2011.

³⁰ See Moreno & Gaytán, 2013; Skiba et al., 2011.

- Native American students receive more disciplinary actions than do White students. While Black students receive the most out-of-school suspensions, Native American students actually receive the most expulsions compared with all other racial/ethnic groups.³¹

Given these patterns, student of color, and Black students in particular, evidence higher rates of suspension and expulsion than their White peers. More specifically:

- Nationally, Black students comprised 18percent of all students but 35percent of students suspended once, 46percent of students suspended more than once, and 39percent of expelled students.³²
- In Maryland, Black students were more likely to receive an out-of-school suspension or expulsion than Latino or White students and among students sanctioned for the same infraction, they were twice as likely to receive an out-of-school suspension or expulsion as White students.³³
- During the 2010 school year, Black students in Maryland had a 1 in 6 chance of being suspended compared to a 1 in 13 chance among Native American students, a 1 in 14 chance among Latino students, a 1 in 20 chance among White students, and a 1 in 50 chance among Asian students.³⁴

Researchers have increasingly found that racial differences in suspension rates have widened since the early 1970s and that suspension is being used more frequently as a disciplinary tool.³⁵ Some might posit that the higher discipline rates for Black children reflect higher levels of student misconduct related to underlying risk factors such as poverty and single parent households that disproportionately impact Black students. Research, however, suggests that poverty only explains a small part of the Black-White discipline gap. As noted by Skiba:³⁶

(R)egardless of the source, there is virtually no support in the research literature for the idea that disparities in school discipline are caused by racial/ethnic differences in behavior. Studies comparing the severity of behavior by race have found no evidence that students of color in the same schools or districts engage in more severe behavior that would warrant higher rates of suspension or expulsion. Race/ethnicity remains a strong predictor of school punishment even after controlling statistically for student misbehavior.

Disparities in the Juvenile Justice System. Extensive available data demonstrates that Black and Latino juveniles are more likely than their White peers to be arrested, referred to juvenile court rather than to diversion programs, charged, waived to adult court, detained pre-trial, and locked up at disposition.³⁷ Research also demonstrates that these disparate outcomes are not solely the product of “race neutral factors.” More specifically, researchers have found that:

³¹ See Anfinson et al., 2010; Forsyth et al., 2013.

³² Cited by Marilyn Elias, Teaching Tolerance, Southern Poverty Law Centers – Spring 2013

³³ U.S. Department of Education, March 2014, *Disproportionality in school discipline: An assessment of trends in Maryland, 2009–12*, Allan Porowski, Rosemarie O’Conner, and Aikaterini Passa - ICF International

³⁴ Ibid.

³⁵ Losen and his colleagues

³⁶ See http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf

³⁷ Edgar Cahn and Cynthia Robbins, University of the District of Columbia Law Review, David A. Clarke School of Law, April 10, 2010

- Black youth between the ages 10 and 17 are arrested at nearly twice the rate of their White peers,³⁸ they are 1.4 times more likely to be detained than their White peer,³⁹ and young Black offenders are more than twice as likely to be transferred to an adult court as their White counterparts.⁴⁰ Black youth on average are also confined for 61 days longer than White youth.⁴¹
- Latino youth are one and a half times more likely to be incarcerated than White youth nationally, but are twice as likely in 14 states and three times more likely in another six states.⁴² At the sentencing stage of the juvenile court system, Latino youth were sent to detention facilities more often and for longer time periods than White youth who had committed the same offenses.⁴³ Latino youth were also confined 112 days longer than White youth who committed the same offenses and had comparable histories of delinquency.⁴⁴

Studies show that youth of color are sanctioned more punitively than White youth who have committed the same offense, even given similar offense histories. For example, the National Council on Crime and Delinquency finds that about 50 percent of drug cases involving White youth result in formal processing, while more than 75 percent of drug cases involving Black youth result in formal processing.⁴⁵ Youth of color are also four times more likely to be arrested for a drug trafficking offense, even though White teens self-report using and selling drugs at rates greater than Black teens.⁴⁶

According to the Sentencing Project,⁴⁷ it has long been the case that youth of color have much more frequent contact with the justice system than White youth, a disparity that is not fully explained by differences in delinquency. In nearly all juvenile justice systems, youth of color remain in the system longer than White youth.

Multiple studies have also show that Black youth are given more restrictive dispositions than White youth, even when they have committed the same offense and have the same prior record. Minority juvenile offenders also are more likely to be transferred to adult court than White offenders, even for the same offense. This, in turn, increases the likelihood that they will re-offend – since contact with the adult system increases the likelihood that youth will commit more crime – magnifying the racial differences seen throughout the justice system.

Given these patterns, youth of color, and Black youth in particular, evidence higher rates of criminal justice involvement than their White peers. More specifically, the most current estimates show that:

- Black youth make up 16 percent of the general population of youth, but account for 30 percent of juvenile court referrals, 38 percent of juvenile placements, and 58 percent of youth in prisons.⁴⁸

³⁸ Office of Juvenile Justice and Delinquency Prevention, *OJJDP Statistical Briefing Book*, Washington, DC, September 08, 2006.

³⁹ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.

⁴⁰ Building Blocks for Youth, *Youth Crime/Adult Time: Is Justice Served*, Washington, DC, October 26, 2000.

⁴¹ Cahn and Robbin, 2010

⁴² Human Rights Watch, *Backgrounders: Race and Incarceration in the United States*, New York, NY, February 27, 2002.

⁴³ Building Blocks for Youth, *Donde Esta La Justicia?*, Washington, DC, July 2002.

⁴⁴ <http://juvjustice.org/sites/default/files/resource-files/Latino%20Youth.pdf>

⁴⁵ http://www.nccdglobal.org/sites/default/files/publication_pdf/justice-for-some.pdf

⁴⁶ Cahn and Robbins, 2010

⁴⁷ http://www.sentencingproject.org/doc/publications/publications/jj_dmcfactsheet.pdf

⁴⁸ http://www.futureofchildren.org/futureofchildren/publications/highlights/18_02_Highlights_03.pdf

- The Sentencing Project, which calculated state rates of incarceration by race and ethnicity, found that Black youth are incarcerated at six times the rate of White youth, while Latino youth are incarcerated at twice the rate of White youth.⁴⁹
- Nationwide, one of every three young Black males is in prison, on probation or on parole.⁵⁰
- Nearly 60percent of young offenders serving time in adult state prisons are Black, although Black youth comprise only 15percent of the youth population.⁵¹
- Although minorities make up one-third of the total U.S. youth population, they make up nearly two-thirds of young offenders behind bars.⁵²

3. Disparities by Special Education Status

Disparities in School Discipline: Although students with disabilities that have individualized education plans for special education have some protections against suspensions and expulsions,⁵³ they are disproportionately suspended and expelled from schools compared to their non-disabled peers.

U.S. Department of Education data analyzed by the Civil Rights Project at UCLA show that in 2010 students with disabilities were suspended at nearly twice the rate of their non-disabled peers (13 percent v. 7 percent).⁵⁴ Students of color with disabilities were also suspended at higher rates than their White (and Asian) peers. More specifically, in 2010, 25 percent of Black students with disabilities in grades K-12 had been suspended at least once during the school year compared to:

- 12 percent of Latino students with disabilities,
- 11 percent of Native American students with disabilities,
- 9 percent of White students with disabilities, and
- 3 percent of Asian students with disabilities.

Researchers have also found that students suspended and expelled for minor infractions are more likely have disabilities;⁵⁵ and students with attention deficit/hyperactivity disorder and emotional behavioral disorder are more likely to be suspended than students with a learning disorder.⁵⁶

Disparities in Juvenile Justice: Youth with disabilities are at a higher risk for involvement in the juvenile justice system. Numerous studies show that students with disabilities, and those with emotional or behavioral disabilities in particular, are arrested and incarcerated at higher rates their non-disabled peers.⁵⁷ Specific research findings include the following:

⁴⁹ http://www.sentencingproject.org/doc/publications/rd_stateratesofincbyraceandethnicity.pdf

⁵⁰ Marc Mauer, The Sentencing Project, *Young Black Americans and the Criminal Justice System: Five Years Later*, Washington DC, 1995.

⁵¹ Building Blocks for Youth, *Youth Crime/Adult Time: Is Justice Served*, Washington, DC, October 26, 2000

⁵² Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006

⁵³ In determining disciplinary actions for students with disabilities, the Individuals with Disabilities Education Improvement Act (2004) requires schools to ask detailed questions about an incident to determine the cause of a student's actions. When a student's misbehavior is a manifestation of a disability, schools must adjust the student's individualized education program to address the behavior rather than issuing disciplinary consequences.

⁵⁴ Losen and Gillespie, 2012

⁵⁵ Advancement Project, 2005; Losen and Skiba, 2010

⁵⁶ Bowman-Perrott et al., 2013, Fabelo et al, 2011

⁵⁷ Quinn, M.M, et al 2005 *Youth with disabilities in juvenile corrections: a national survey*

- In 2005, students with disabilities accounted for 9 percent of all public school students. Yet, a national study found that, on average, 33 percent of youth in juvenile corrections settings were receiving special education services, almost 20 percent of youth with emotional and behavioral disorders were arrested while in secondary school, approximately 13 percent of juvenile offenders had developmental disabilities, and 36 percent had learning disabilities.⁵⁸
- Approximately 15-20 percent of youth in juvenile corrections facilities are considered to be severely emotionally disabled.⁵⁹ In 2006, 65-70 percent of youth involved in the juvenile justice system had at least one diagnosable mental health disorder.⁶⁰
- Black students with learning disabilities are three times more likely to be suspended than similarly situated White students and four times more likely to end up in correctional facilities.⁶¹
- Without the appropriate diagnosis of a disability and the services that must be legally provided at school, some students are referred to court because their disabilities have not been adequately addressed. In addition, students with disabilities who are involved in multiple systems, such as the foster care system, are at even higher risk for ending up in court.⁶²

C. Pipeline Risk-Factors

Researchers have identified five categories of risk factors for juvenile justice involvement, summarized in Table 2.1 on the next page. Many of these risk factors overlap, and in some cases, existence of one risk factor contributes to the existence of another or others.⁶³

Youth of color tend to be disproportionately subjected to multiple risk factors (i.e., poverty, substance abuse, mental health problems, poor school performance, family history of incarceration, maltreatment, and trauma) that increase the likelihood of delinquent behavior. The over-representation of male, Black, Latino, and disabled students among those who experience these risk factors helps to explain disproportionate minority contact within the juvenile justice system.

Skiba and Williams also find, however, that neither poverty nor differential rates of misbehavior fully explain the trend of racial and ethnic disparities in school discipline, suggesting that differences in risk factors do not fully explain the racial and ethnic differences in juvenile justice system involvement.⁶⁴

⁵⁸ Ibid

⁵⁹ http://www.futureofchildren.org/futureofchildren/publications/highlights/18_02_Highlights_02.pdf

⁶⁰ 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

⁶¹ Poe-Yamagata and Jones, 2000

⁶² Pacer Center

⁶³ See *Delinquency Prevention and Intervention, Juvenile Justice Guide for Legislators*, National Conference of State Legislatures

⁶⁴ Disparities Collaborative - *What does Predict Disciplinary Disparities?*

Table 2.1. Summary of Risk Factors for Juvenile Justice Involvement

Risk Categories	Specific Risk Factors
Individual Risk Factors	<ul style="list-style-type: none"> • Conduct problems and behaviors • Poor school performance and truancy • Suspensions, expulsions, and dropping out • Special needs (e.g., untreated disabilities) • Substance abuse • History of trauma, abuse, and/or neglect • Race, ethnicity, gender, and LGBT status
Family Risk-Factors	<ul style="list-style-type: none"> • Poverty/socio-economic status (SES) • Single parent-headed families • Unemployment/under employment • Parental management practices • Family history of criminal activity/incarceration • Foster care
Peer and Community Risk-Factors	<ul style="list-style-type: none"> • Poor neighborhoods/concentrated poverty • Differential opportunities for health care and treatment • Peers who engage in delinquent behaviors • Access to guns and drugs • Gang membership
School Drivers	<ul style="list-style-type: none"> • Achievement gap • School climate and bullying • Overuse of suspensions and criminalization of school infractions • Availability and effectiveness of socio-emotional interventions • Staff diversity • School diversity • Police in schools
Criminal Justice Drivers	<ul style="list-style-type: none"> • Police discretion and differential treatment of children in high-poverty communities • Differential access to private attorneys based on family income • Gap in officer and community diversity • Bias in the adjudication process and other juvenile justice contact points

The interplay between how disciplinary infractions are addressed in schools and by the juvenile justice system also act as drivers in the School-to-Prison Pipeline. A review of the research identifies two specific interagency drivers to the Prison Pipeline.

Agency Silos: Education and juvenile justice systems often share young people in common, but rarely consider the implications of their actions across agencies.⁶⁵ Classroom teachers and school administrators typically know very little about the processes of the youth justice system, while juvenile justice officers and courts have little knowledge about school discipline or climate.

The lack of coordination between education and juvenile justice systems often makes the consequences of transferring school disciplinary issues to the juvenile justice system unknown. If educators understood the full consequences of juvenile justice involvement on student outcomes, they may be less likely to refer students to the juvenile system, particularly for minor offenses.

⁶⁵ Disparities Collaborative

The adoption of zero tolerance school discipline policies exacerbate these trends because they transfer the informal influence of educators, and even some of the authority and decision-making discretion of school administrators, to law enforcement, probation, and the courts.

Ineffective Classroom Management: The Disparities Collaborative describes healthy schools as “micro-communities” that rely on informal relationships between individual teachers, coaches, other staff, students, and parents to socialize students.⁶⁶ Educators without the effective classroom management skills, however, can undermine the socializing functions of schools by transferring this role to school administrators, law enforcement, and juvenile justice systems that often rely on social controls rather than influence to determine socio-emotional learning opportunities of youth.

The Southern Poverty Law Center also notes that the Prison Pipeline begins in the classroom when teachers decide to refer students to the principal’s office for punishment.⁶⁷ And when students are referred to the principal’s office, out-of-school suspensions often follow, as Skiba and his colleagues found that out-of-school suspensions were the most common response to student infractions among school administrators.⁶⁸ It is important to note, however, that not all teachers or schools contribute to the Prison Pipeline. Skiba and his colleagues found a wide variance in the referrals rates of teachers, with some teachers referring more students than others.⁶⁹

D. Zero Tolerance Policies

Several researchers attribute the rise in zero tolerance policies among schools as a driver of the School-to-Prison pipeline.⁷⁰ Zero tolerance policies assign a mandatory consequence for each rule infraction and leave no room for exceptions or adaptations.⁷¹

Zero tolerance policies in schools were given federal support when the Clinton Administration passed the Federal Gun-Free Schools Act in 1994.⁷² Although this Act only applied to firearm violations – with a subsequent mandatory one-year expulsion – schools subsequently adopted zero tolerance policies for drug offenses, fighting, bullying, and other disruptive behaviors.⁷³

The intention of zero tolerance policies were to create safer schools and environments that fostered education without fear by removing problem students from the school setting. However, soon after zero tolerance policies became widespread in U.S. schools, experts in education and law enforcement began recognizing serious and unanticipated implications. These unintended implications include students being suspended and expelled for minor infractions, particularly students of color. Numerous studies have shown that zero tolerance policies have resulted in disproportionate discipline of low-risk students, which serves as a gateway to the juvenile justice system.⁷⁴ For example:

⁶⁶ http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Disparity_Overview_031214.pdf

⁶⁷ <http://www.tolerance.org/sites/default/files/general/School-to-Prison.pdf>

⁶⁸ Skiba & Rausch, 2006

⁶⁹ Skiba et al., 2002

⁷⁰ Deal, T., Ely, C., Hall, M., Marsh, S., Schiller, W., & Yelderman, 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

⁷¹ APA, 2008

⁷² Skiba, 2013

⁷³ Kaufman, Chen, Choy, Peter, Ruddy, Miller, Fleury, Chandler, Planty, & Rand, 2001

⁷⁴ Education Development Center, 2012

- Referrals to the juvenile justice system in Denver increased by more than 70percent due to zero tolerance policies.⁷⁵
- A rigorous and detailed study in Texas found that more than 60percent of students who began 7th grade in 2000-2002 were suspended or expelled in middle or high school, with a majority of suspensions and expulsions resulting from behaviors that did not fall within the parameters of Texas' zero-tolerance mandate (e.g., tobacco use, disruption).⁷⁶
- Across the nation, 43 percent of expulsions and out-of- school suspensions lasting a week or longer were for insubordination.⁷⁷
- In recent years, an estimated two million students annually are suspended from secondary schools. As a point of comparison, slightly more than three million students graduated high school in 2013.

However, the juvenile violent crime rate – as measured by youth arrests for violent crime – peaked in 1994 and has declined since. Youth arrests for violent crime are now at historically low levels. Nationally, only 5 percent of serious school disciplinary actions in recent years have involved possession of a weapon.⁷⁸ In Maryland, the proportion is even lower, with less than two percent of suspensions and expulsions related to carrying a weapon in school.⁷⁹

Increasingly, researchers have found that zero tolerance policies do not create safer schools and may, in fact, undermine academic achievement by decreasing student engagement and connectivity to schools. Tough school policies have also be associated with increased participation in risky and illegal behavior.⁸⁰ Thus, zero tolerance policies likely contribute to the School-to-Prison Pipeline rather than remediate it⁸¹ – failing to make schools more orderly or safe while producing life-long negative effects that can severely limit a young person's future potential.⁸²

E. Local Perspectives

In addition to reviewing research on the dynamics and drivers of the School-to-Prison Pipeline, OLO staff interviewed a number of local stakeholders to solicit their perspectives on the Prison Pipeline in the County. OLO met with staff from MCPS, Montgomery County Government, the Montgomery County Circuit Court, the Maryland Department of Juvenile Services, and the Montgomery County Office of the Public Defender. OLO also met with service providers such as the Maryland Multicultural Youth Center and Lead for Life and with focus groups of local youth and families who have been involved in the juvenile and adult criminal justice systems (e.g., DJS, MCCF).

As part of our interviews, OLO posed the following questions to solicit local perspectives on the School-to-Prison Pipeline in the County:

- Does a School-to-Prison Pipeline exist locally and if so what factors contribute to it?
- What works well in Montgomery County for addressing/preventing the Prison Pipeline?
- What opportunities exist for improving the County's approach to eliminating the Pipeline?

⁷⁵ Advancement Project, 2005

⁷⁶ 2011 by the Council of State Governments and the Public Policy Research Institute at Texas A&M University

⁷⁷ Ibid

⁷⁸ Poworksi, et. al, 2014

⁷⁹ Ibid

⁸⁰ Fader, Fazal, and Ramirez - *Promising Approaches to Interrupting the School to Prison Pipeline*; APA, 2008; Schiff and Bazemore, "School Environment & Discipline: Model Approaches.

⁸¹ Boccanfuso and Kuhlfield, 2011; Cassalla, 2003

⁸² <http://www.vera.org/sites/default/files/resources/downloads/zero-tolerance-in-schools-policy-brief.pdf>

This section summarizes the feedback received from these varying stakeholders to describe their perspectives on the School-to-Prison Pipeline in Montgomery County.

1. Perceptions of the School-to-Prison Pipeline in Montgomery County

Six themes regarding perceptions and local predictors of the School-to-Prison Pipeline emerged from OLO's interviews with agency stakeholders, service providers, youth and families. These themes follow.

A Prison Pipeline Exists in Montgomery County. Agencies' staff and youth interviewed for this report generally agreed that a School-to-Prison Pipeline exists in Montgomery County. Some at MCPS took issue with framing the issue as a School-to-Prison Pipeline, noting that students' challenges beyond schools – such as poverty and mental health issues – more strongly impact children's risk for criminal justice involvement than what occurs in school.

Nevertheless, there was consensus among agency stakeholders inside and outside of MCPS and among youth and families that a School-to-Prison Pipeline exists in Montgomery County. There was also general consensus that the magnitude of the School-to-Prison Pipeline in Montgomery County is small, especially when compared to surrounding jurisdictions.

Disproportionality in the Local Pipeline. There was also consensus among local stakeholders that the Prison Pipeline disproportionately impacts four student subgroups in Montgomery County: boys, Black students, Latino students, and students with disabilities. Some stakeholders also perceived that the Prison Pipeline disproportionately impacted Black girls and non-gender conforming youth.

In particular, youth stakeholders interviewed by OLO noted the disparities by race and ethnicity among youth in the school discipline and criminal justice systems. A few youth of color noted that they had never witnessed a White or Asian student be suspended or detained by DJS. Other youth of color felt that they were targeted by law enforcement and adults with authority in the community and in their schools.

A recent study published by BETAH Associates with support from the Community Foundation of the National Capital Area echoes the concerns of youth interviewed for this study.⁸³ The BETAH study of 1,200 Black youth found high levels of law enforcement involvement among current high school students, high school graduates, and high school dropouts in Montgomery County. More specifically:

- Among the 403 Black high school students surveyed, 31percent had been stopped by the police, 13percent has been arrested, and 9percent has been in juvenile detention.
- Among the 406 Black high school graduates surveyed, 49percent had been stopped by the police, 20 percent had been arrested, and 18 percent has been in juvenile detention.
- Among the 401 Black high school dropouts interviewed, 64 percent had been stopped by the police, 45 percent had been arrested, and 42 percent has been in juvenile detention.

Multiple Factors Increase Youth Risk for Entering the Prison Pipeline. Stakeholders, and in particular the youth interviewed, identified the following factors that may contribute to the likelihood that a minor will be involved in the justice system:

⁸³ *Connecting Youth to Opportunity: How Black and African American Youth Perspectives Can Inform a Blueprint for Improving Opportunity in Montgomery County, Maryland* (Conceived and written by the Community Foundation and BETAH Associates, Inc.) – October 2015

- Peer pressure, primarily to engage in risky behavior or to accumulate material goods;
- Disputes that occur in the community or on social media;
- Prior institutionalization;
- Family issues, including unstable homes or childcare needs;
- Lack of employment opportunities;
- Too much unaccounted for time;
- Substance abuse issues;
- Anger control issues or general juvenile impulsiveness;
- Parental disengagement;
- Struggle with grades and attendance, often leading to dropping out; and
- Childhood trauma, especially when youth are not provided with the tools to deal with it.

Some stakeholders believed that youth are punished too severely at a young age when other interventions could be more beneficial. Some also believed that the school and criminal justice systems target Black and Latino youth for harsher punishments.

Stakeholders identified one significant factor that they see perpetuating the pipeline – the terms of probation often imposed on youth in the DJS system. Stakeholders, particularly DJS staff and youth, report that the use of probation after commitment is a recipe for failure, providing little, if any, flexibility and often too lengthy relative to the crimes committed. Of note, a 2015 evaluation of juvenile confinement in Maryland found that technical violations of probation account for one in three commitments statewide.⁸⁴

Other risk factors cited by agency stakeholders include youth who are first generation immigrants and youth co-committed to the courts through the child welfare system. Youth respondents also noted that the “reunion of bad kids” in MCPS alternative schools and non-public placements also contributes to the Pipeline as the children with the most challenging behaviors often reinforce each other and escalate problematic situations, leading to further juvenile justice involvement. Finally, some youth stated that there was nothing that anyone could have done to prevent them from committing crimes, due to any one of the reasons listed above.

Many Youth Did Not Feel Engaged in School. A majority of youth interviewed report that they would have been interested in more engaging, hands-on courses to increase their interest in schools. They believed that many of the classes they were required to take would not be relevant to their adult lives; they would have rather participated in more skill-related coursework. Many noted that when they reached high school, their poor school records did not allow them to pursue MCPS’ skill-related offerings at the Thomas Edison High School of Technology.

Further, many of the youth interviewed reported that they were looking for a sense of belonging in school but did not find it. In particular, many youth felt that there was unfair/unequal treatment of students in their school and felt no motivation to become engaged. Some students report that they had a “champion” in the school (often a teacher) who would engage them; but many felt like school staff only devoted attention to students with exceptional grades or involved in athletics.

Nearly all of the incarcerated young men interviewed at MCCF indicated that they had dropped out or had been expelled from school. A majority of other youth interviewed participating in youth development programs with MMYC and Lead for Life had also dropped out of high school and/or earned their GED.

⁸⁴ *Doors to DJS Confinement: What Drives Juvenile Confinement in Maryland?*, Juvenile Justice Strategy Group, Annie E. Casey Foundation, January 2015.

Law Enforcement Discretion Pushes Youth into the Prison Pipeline. Several stakeholders mentioned law enforcement discretion as a driver of the School-to-Prison Pipeline in Montgomery County. For example, OPD staff contend that law enforcement can be overly aggressive with filing charges against youth by filing charges several levels above what is merited by an actual occurrence, which can move youth into the adult criminal justice system. This includes filing charges that lead to detention of youth rather than lower level charges that lead to release. Children can be held in detention for up to two weeks until an indictment comes from the SAO.

2. What Works Well in Montgomery County for Reducing the Prison Pipeline

Three major themes emerged in response to the question of what currently works well in the County for addressing the School-to-Prison Pipeline. These themes – synthesized from OLO interviews with agency stakeholders, service providers, and youth – are described below.

MCPS’ More Comprehensive Approach to School Discipline. Last school year, Maryland required school systems to reduce suspension rates and provide educational services to students who have been suspended. As a result, MCPS adopted a new code of conduct that addresses these concerns and decreases the number of suspension-eligible offenses. Stakeholders both inside and outside of the school system agree that the new code of conduct is a better way to address school discipline.

In addition, MCPS is implementing new approaches to school discipline. Stakeholders report that two MCPS programs are moving the district in the right direction – but stressed that both programs require full “buy-in” from the schools implementing the programs. The first – Positive Behavior Interventions and Supports (PBIS) – focus on establishing effective relationships between students and staff and targeting additional services to students with exceptional socio-emotional needs. The second – restorative justice practices – focuses on restoring relationships between offenders and those they have harmed.

Greater Services in Montgomery County than in Other Counties. Stakeholders in government and among non-profits generally agreed that Montgomery County offers more services to children at-risk of entering the School-to-Prison Pipeline than other jurisdictions. They noted the coordinated efforts of Montgomery County’s Positive Youth Development Initiative (e.g., Street Outreach Network, Youth Opportunity Centers) and collaborations across agencies to meet the out-of-school needs of MCPS students (e.g., School Health Services, Linkages to Learning, Wellness Centers, Cluster Projects, and Truancy Court) as examples of the available services in the County. Several stakeholders also commented on the availability and coordination of services at the Montgomery County Corrections Facility to connect adjudicated youth to treatment and education opportunities.

Work across Agencies and Organizations to Reduce the Prison Pipeline. Stakeholders perceive that staff members across agencies and non-profit organizations are committed to working together to figure out how to improve outcomes among children at risk of criminal justice system involvement. Staff are perceived to be collaborative and focused on learning and problem solving on behalf of at-risk youth. The Collaboration Council’s Disproportionate Minority Contact (DMC) Committee was cited as an example of agencies’ and social service providers’ commitment to wrestle with and work on difficult issues. Organizational members of the DMC include MCPS, MCPD, SAO, DHHS, DJS, OPD, YMCA, Lead for Life, and the Mental Health Association.

3. Additional Opportunities for Eliminating the School-to-Prison Pipeline

Finally, seven themes emerged among local stakeholders in describing opportunities for Montgomery County to better address the School-to-Prison Pipeline. These themes are described below.

More Services to Address the Root Causes of the Prison Pipeline. There was consensus among agencies, service providers, family, and youth stakeholders of a need for more community-based services to stem the Pipeline, such as behavioral, educational, employment, health, mental health, housing, and child care services, especially in at-risk communities. Despite the perception that Montgomery County offers more services than other jurisdictions, stakeholders contend that the current level of services available in Montgomery County are insufficient given the need.

Additional services advocated by stakeholders include the following:

- Therapy, mentoring, and medical treatment to address underlying issues;
- Skills-based education, including “vocational” education and “life-skills” education;
- Basic need support (housing, food) for youth whose families are struggling;
- Juvenile job opportunities;
- Services for immigrant populations such as employment, transportation, and education;
- Expanded services for homeless youth;
- Childcare and parenting services for young mothers and their families; and
- Services for incarcerated youthful offenders, including more educational and recreation services.

A few stakeholders also noted the need for programs for youth beyond those provided by the Department of Recreation because the families and youth most in need often do not participate in these programs.

Schools Responding to Challenging Behaviors Therapeutically. Many of the youth stakeholders interviewed, particularly the young women, acknowledged acting out in school as a way of asking for help. Rather than sparking conversation between students and staff, however, their actions often led to suspensions. To enable schools and communities to address the root causes of misbehavior, several stakeholders recommended that schools treat consistent misbehavior as cries for help.

Toward this end, several stakeholders recommended that schools pay better attention to youth by providing training to school staff on the signs of distress, effective classroom management, and building effective relationships with students at-risk. They also noted the need for more counselors and mental health professionals in schools, more conflict resolution training for students, and increased outreach to parents to enhance their engagement.

Make Parents and Youth Aware of Rights and Available Services. Stakeholders noted that parents, who may be struggling with a variety of health, employment, and housing issues, can easily become overwhelmed with the school discipline and juvenile justice systems, particularly parents who do not speak English as their first language. Parents also may not have the time, transportation, or financial means to fully participate in the process, which can undermine their understanding of their child’s rights during the school disciplinary and/or juvenile justice process and the services available to them.

Stakeholders also advocated for additional training and support for parents to enable them to serve as strong advocates for their at-risk children. Stakeholders perceived that stronger parental advocacy would facilitate the inter-agency connections that are often necessary to ensure that their children receive the services that they need.

Enhance Youth’s Long-Term Relationships with Adults. Some stakeholders recommended that many high-risk youth would benefit from positive relationships with caring adults as a primary strategy for enabling at-risk youth to successfully transition into adulthood. Positive relationships with adults could help youth who have had difficult relationships with their parents, have suffered traumas during childhood that have not been treated, and who have experienced homelessness due to conflicts at home.

One example is the Promotour Pathway at MMYC, which provides case managers for out-of-school youth. Promotours case managers meet with clients at least monthly to help connect them to employment and education opportunities. A recent evaluation of this approach found that youth having the most contact with their Promotours (45 or more connections over an 18 month period) were more likely to enroll in school, access needed social services, and not have more children.⁸⁵

Improve Coordination and Data Sharing among Agencies and Organizations. Stakeholders report mixed levels of coordination and data sharing among organizations in the County to serve youth. While some of the lack of coordination among agencies may be due to the legal constraints of sharing information, stakeholders report that some organizations simply choose not to communicate with other service providers. This “silo” approach to providing services can lead to a youth not receiving available services or, in some cases, an overlap of services. Effective coordination between the schools, County departments, 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 viewed as the exceptions to this trend.

Expand Diversion Opportunities for Low-Income Youth. Several stakeholders indicated that current diversion programs in the County – SASCA and Teen Court – are designed to meet the needs of middle class and affluent children to keep them out of court. They contend that the costs of complying with SASCA and Teen Court requirements (e.g., program fees, community service hours, transportation, and restitution) effectively preclude low-income youth with limited family support from participating. Stakeholders noted that there are waitlists for sliding scale services to meet SASCA requirements. Low-income youth eligible for current diversion programs who do not participate are automatically referred to DJS, which in turn increases their risk of future DJS/criminal justice involvement. Moreover, youth charged with simple assault are ineligible to participate in the County’s Teen Court programs.

Make Schools Engaging for High-Risk Students. A majority of the juvenile justice-involved youth interviewed for this project had dropped out of middle or high school due to disengagement, a lack of sufficient progress in school, and/or DJS detention. When queried about what opportunities and approaches could have kept them engaged enough to finish school, they offered a number of suggestions that included use of small groups, more organized sports and recreational opportunities for struggling students, supportive school environments, hands on activities, field trips, and assistance in making up work after being suspended. Several youth also noted the need to address racism and profiling in schools and a desire to access the Thomas Edison High School of Technology and alternative programs that mirror the Conservation Corps. Alternatively, they noted that the quickest way to push high-risk students out of school is to have SRO’s and school security target them.

Increase Jobs and Income Generating Opportunities for High-Risk Youth. Youth stakeholders cited the ability to earn a stipend as a critical feature and benefit of the Conservation Corps administered by MMYC. About 40 percent of Conservation Corps participants have been incarcerated. Stakeholders, including MCCF personnel, also noted the difficulty of high-risk youth, and Black offenders in particular, in securing employment after adjudication. The Full Circle Program funded by the Traywick Foundation at MMYC, which pairs middle school boys of color with mentors from the Conservation Corps, is an example of providing employment opportunities to high-risk and formerly adjudicated youth and of strengthening relationships between high-risk youth and caring adults.

⁸⁵ See <http://nawrs.org/wp-content/uploads/2015/09/9C-Edelstein-Promotor.pdf>

Chapter III. Montgomery County Public Schools Discipline Data

Fully understanding the magnitude and composition of the School-to-Prison Pipeline would necessitate tracking students facing school-related discipline who eventually end up in the criminal justice system. Privacy laws, regulations, and policies, however, prevent the tracking of youth as they move from the school disciplinary system to the juvenile justice system. Given these limitations, this chapter on Montgomery County Public Schools data and the next chapter on juvenile justice data offer snapshots of the youth involved in each system.

This chapter summarizes school discipline data to describe the school antecedents to the Prison Pipeline across several dimensions. It is presented in five parts:

- A. State and Local Discipline Trends** describes data on the number and percentages of students across the state and locally who have received out-of-school removals or in-school suspensions;
- B. Local Discipline Trends** describes data on out-of-school removals by school level, major offense category, and frequency for MCPS;
- C. Disparities in Local School Discipline** describes data on out-of-school removal and in-school removals by student gender, race, ethnicity, and special education as well as disciplinary data among the most common offenses; and
- D. School Discipline Trends among MCPS Secondary Schools** separately describes data on out-of-school removals among middle school and high school campuses.

This chapter reviews both incident data (the number of out-of-school suspensions and expulsions) and population data (the percentage of students who were suspended and expelled) based on unpublished data from MCPS and published data from the Maryland State Department of Education (MSDE). MSDE groups data into two categories – (1) in-school suspensions and (2) a combined number for out-of-school suspensions and expulsions. This chapter refers to the later as “out-of-school removals” or “removals.”

Several key findings emerge from the school disciplinary data reviewed in this chapter:

- The School-to-Prison Pipeline in Montgomery County is small and shrinking. Between 2011 and 2015, the number of out-of-school removals diminished by half. Moreover, MCPS had the lowest out-of-school removal rate among Maryland’s 24 school systems in 2015.
- There exists a disciplinary gap within the school system that disproportionately impacts boys, Black students, Latino students, students with disabilities, students receiving free and reduced priced meals (FARMS), and students who overlap among these subgroups. These student subgroups are more likely to be removed from MCPS schools than other subgroups.
- The risks for entering the Prison Pipeline may also be higher among nine MCPS middle schools that accounted for 47 percent of removals compared to 22 percent of enrollment and among five high schools that accounted for 37 percent of removals compared to 23 percent of enrollment.
- Disciplinary consequences for two offense categories – attacks, threats, and fighting; and disrespect, insubordination, and disruption – comprise the bulk of all removals and in-school suspensions within MCPS.

Together, these findings suggest that efforts to reduce the School-to-Prison Pipeline in Montgomery County should target student subgroups and schools disproportionately impacted by disciplinary consequences within MCPS with a focus on implementing strategies that reduce incidents of fighting and disrespect in schools and the severity of disciplinary consequences for these offenses.

A. State and Local School Discipline Trends

This section compares statewide data and MCPS data on the number and percentage of students suspended or expelled from school and the number of offenses leading to expulsion or out-of-school suspensions. In all respects, the number of offenses and the number of students involved in offenses decreased significantly between 2011 and 2015 – both statewide and in MCPS schools.

MCPS has the lowest percentage in the state of students expelled or suspended out of school – 1.2% of students in the 2015 school year. The student removal rates in the remaining counties (and Baltimore City) range from a low of 1.6% in Garrett County to a high of 14.2% in Somerset County.

Out-of-school suspensions are, by far, a larger driver of out-of-school removals than expulsions. Statewide, expulsions accounted for 1.2% of out-of-school removals statewide in 2011 and 1.0% of out-of-school removals in 2015. Unpublished MCPS data on out-of-school suspensions and expulsions for the five most common offense categories (listed on pages 26 - 28 in this chapter) show that expulsions accounted for 1.3% of all out-of-school removals in 2014-15 and less than one percent of all disciplinary consequences.

Number of Students and Offenses. The table below summarizes State data on enrollment, the number of out-of-school removals in 2011 and 2015, the number of students suspended and/or expelled, and the number of in-school suspensions.

Table 3.1. Out-of-School Removals and In-School Suspensions in Grades K-12 (Incidents and Students),⁸⁶ 2011 & 2015

	2011	2015	% Change
Maryland			
Total Enrollment	822,834	844,129	3%
School Removal Incidents (Expulsions and Out-of-School Suspensions) ⁸⁷	95,722	54,084	-43%
Unduplicated Count of Students Removed	55,936	33,758	-40%
Unduplicated Count of Students with In-School Suspensions	19,491	10,422	-47%
MCPS			
Total Enrollment	140,520	150,319	7%
School Removal Incidents (Expulsions and Out-of-School Suspensions)	4,900	2,447	-50%
Unduplicated Count of Students Removed	3,674	1,804	-51%
Unduplicated Count of Students with In-School Suspensions	562	324	-42%

Source: MSDE

⁸⁶ In 2011, 15 Pre-K students received in-school suspensions in Maryland and 105 Pre-K students were suspended out of school or expelled. In 2015, 12 Pre-K students received in-school suspensions in Maryland and 65 Pre-K students were suspended out of school or expelled. No Pre-K students in MCPS were suspended or expelled in either year.

⁸⁷ In 2011, there were 95,868 out-of-school removals across the state of Maryland in all grades PK-12 – with 1,142 expulsions accounting for 1.2% of these removals. In 2015, there were 54,177 out-of-school removals across the state in all grades – with 545 expulsions accounting for 1.0% of out-of-school removals.

For the State of Maryland and for MCPS, student enrollment increased between 2011 and 2015 while the number of incidents and students either removed from school for disciplinary reasons or who received in-school suspensions diminished. Moreover, MCPS experienced a greater decline in the number of disciplinary incidents and students involved in these incidents than the state overall. More specifically:

- The number of disciplinary incidents decreased by 50% in MCPS v. 43% statewide, and
- The number of students removed from school decreased by 51% in MCPS compared to 40% statewide.

Percentage of Students Removed from Schools. The data in the next table show the percentage of students removed from school (out-of-school suspensions and expulsions) from 2011 to 2015. The percentage of students removed from school decreased steadily in Maryland and in MCPS during this time with the rate decreasing at a faster rate in MCPS compared to the State. Students in MCPS are removed from school at a lower rate compared to all students in Maryland. In 2015, 1.2% of students were removed from MCPS compared to 4% of students in all Maryland schools.

Table 3.2. Percentage of Students Removed from School, 2011 & 2015

	2011	2012	2013	2014	2015	% Change
Maryland	6.8	6.2	5.1	4.5	4.0	-41%
MCPS	2.6	2.5	2.4	1.7	1.2	-54%

Source: MSDE

B. Local School Discipline Trends

Out-of-school removals in MCPS are driven by out-of-school suspensions for secondary students in middle and high schools. Table 3.3 summarizes data on the distribution of out-of-school removals by school level in 2011 and 2015.

Table 3.3. MCPS Students Removed from School by School Level, 2011 & 2015

School Level	2011 Removals		2015 Removals		% Change* 2011-2015
	#	%	#	%	
Total	3,674	100%	1,804	100%	-51%
High School	1,923	52%	847	47%	-56%
Middle School	1,256	34%	677	38%	-46%
Elementary School	369	10%	187	10%	-49%
Combined Schools	126	3%	93	5%	-26%

* Difference between 2015 and 2011 number of removals

Source: MSDE

In 2015, 1,804 students were removed from school, compared to 3,674 students in 2011. Further, the data show that:

- Approximately 85% of all out-of-school removals occurred in secondary schools in both years;
- High, middle, and elementary schools experienced similar declines in out-of-school removals from 2011 to 2015, ranging from 46-56%; and

- MCPS’ combined schools that include special education campuses and alternative schools experienced only a 26% decline in the number of students removed from school for disciplinary reasons between 2011 and 2015.

Out-of-school removals in MCPS schools are also driven by three major offense categories: fighting, disrespect, and dangerous substances. The Maryland State Department of Education categorizes school incidents into eight major offenses categories:

- Attendance⁸⁸
- Dangerous Substances
- Weapons
- Attacks/Threats/Fighting
- Arson/Fire/Explosives
- Sex Offenses
- Disrespect/Insubordination/Disruption
- Other⁸⁹

The data in the next table show the types of offenses leading to removal in 2011 and 2015:

- Attacks/threats/fighting was the most common reason for removal in both years, although the number of offenses decreased 40%;
- Removals for disrespect/insubordination/disruption decreased by 66%;
- Removals for dangerous substances decreased by 50%; and
- Removals for weapons, accounting for 4-5% of offenses in each year, decreased the least – by 26%.

Table 3.4. MCPS Out-of-School Removals by Offense Category, 2011 & 2015

Offense Category	2011 Offenses		2015 Offenses		% Change* 2011-2015
	#	%	#	%	
Total	4,900	100%	2,447	100%	-50%
Attacks/Threats/Fighting	2,616	53%	1,571	64%	-40%
Disrespect/Insubordination/Disruption	898	18%	301	12%	-66%
Dangerous Substances	523	11%	260	11%	-50%
Weapons	181	4%	134	5%	-26%
Sex Offenses	155	3%	68	3%	-56%
Arson/Fire/Explosives	62	1%	22	1%	-65%
Other	465	9%	61	2%	-87%

* Difference between 2015 and 2011 number of offenses

Source: MSDE

Frequency of Student Removal. The data in the next table show the number of times that students were removed from MCPS schools in 2011 and 2015. In both years, 79% of students who were removed from school were removed only once and 14% were removed twice while 8% were removed three or more times.

⁸⁸ Note that as of July 1, 2009, Maryland students cannot be suspended or expelled for attendance-related offenses.

⁸⁹ “Other” includes academic dishonesty/cheating, inappropriate use of telecommunications, theft, trespassing, unauthorized sale or distribution, and vandalism/destruction of property.

Table 3.5. MCPS Out-of-School Removals by Frequency, 2011 & 2015

# of Removals	2011 Removals		2015 Removals		% Change* 2011-2015
	#	%	#	%	
Total	3,674	100%	1,804	100%	-51%
One	2,892	79%	1,418	79%	-51%
Two	520	14%	245	14%	-53%
Three	157	4%	84	5%	-46%
Four	63	2%	24	1%	-62%
Five	23	1%	21	1%	-9%
More than 5	19	1%	12	1%	-37%

* Difference between 2015 and 2011 number of removals

Source: MSDE

C. Disparities in Local School Discipline

Despite the overall decline in disciplinary infractions, disparities remain in suspension (out-of-school and in-school) and expulsion rates among subgroups most impacted by the Pipeline: Black students, students with disabilities, and boys. Although their rates of disciplinary infractions have diminished, suspension and expulsion rates have diminished faster for other subgroups (e.g., White, Asian, and non-disabled students), thus widening the discipline gap by race, ethnicity, disability status, and gender.

Proportion of Out-of-School Removals and In-School Suspensions by Gender. The data in the next table summarize removals by gender in 2011 and 2015. Male students make up the vast majority of out-of-school removals and in-school suspensions in MCPS. In 2015, male students accounted for 73% of out-of-school removals and 81% of in-school suspensions while accounting for 52% of all students.

Table 3.6. MCPS Out-of-School Removals and In-School Suspensions by Gender, 2011 and 2015

	2011		2015		% Change* 2011-2015
	#	%	#	%	
Student Population	140,520	100%	150,319	100%	7%
Male		51%		52%	
Female		49%		48%	
Out-of-School Removals	3,674	100%	1,804	100%	-51%
Male	2,638	72%	1,319	73%	-50%
Female	1,036	28%	485	27%	-53%
In-School Suspensions	562	100%	324	100%	-42%
Male	422	75%	261	81%	-38%
Female	140	25%	63	19%	-55%

* Difference between 2015 and 2011 number of students

Source: MSDE

Proportion of Out-of-School Removals and In-School Suspensions by Race and Ethnicity. Black and Latino students comprise a disproportionate share of students removed from school. The data in the next table summarizes the proportion of out-of-school removals and in-school suspensions in 2011 and 2015 by race and ethnicity. The number of out-of-school removals decreased by 51% from 2011 to 2015 and in-school suspensions decreased by 42% during the same time period. In 2015:

- Black and Latino students accounted for 21% and 28% of MCPS students respectively in 2015 but accounted for 50% and 32% of all students removed from school for disciplinary reasons;
- White and Asian students accounted for 31% and 14% of all students in 2015 but accounted for only 12% and 2% of students removed from school for disciplinary reasons, respectively.
- Comparing the proportion of removals to in-school suspensions for each student cohort, the data show that White, Asian, and Multiple Race students accounted for a larger proportion of in-school suspensions compared to each cohort’s proportion of out-of-school removals.
- Black and Latino students accounted for a larger proportion of out-of-school removals compared to those cohorts’ proportion of in-school suspensions.

Table 3.7. Out-of-School Removals and In-School Suspensions by Race and Ethnicity, 2011 & 2015

	2011		2015		% Change* 2011-2015
	#	%	#	%	
Student Population	140,520	100%	150,319	100%	7%
Black		21%		21%	
Latino		25%		28%	
White		35%		31%	
Asian		14%		14%	
Multiple Races		4%		5%	
Out-of-School Removals	3,674	100%	1,804	100%	-51%
Black	1,796	49%	900	50%	-50%
Latino	1,004	27%	581	32%	-42%
White	583	16%	208	12%	-64%
Asian	142	4%	44	2%	-69%
Multiple Races	144	4%	71	4%	-51%
In-School Suspensions	562	100%	324	100%	-42%
Black	260	46%	154	48%	-41%
Latino	150	27%	77	24%	-49%
White	113	20%	62	19%	-45%
Asian	23	4%	11	3%	-52%
Multiple Races	14	2%	20	6%	43%

* Difference between 2015 and 2011 number of students

Source: MSDE

Proportion of Out-of-School Removals by Special Education Status. The data in the next table summarize the proportion of out-of-school removals in 2011 and 2015 by special education status. Like Black and Latino students, the data show a similar disparity between the proportion of MCPS special education students in the student body and these students’ out-of-school removal rates. Students with disabilities made up 12% of MCPS students in 2015 while 30% of out-of-school removals and 22% of out-of-school removals for 11 or more days were students with disabilities.

Table 3.8. Out-of-School Removals by Special Education Status, 2011 & 2015

	2011		2015		% Change** 2011-2015
	#	%	#	%	
Student Population	140,520	100%	150,319	100%	7%
Special Education		12%		12%	*
Non-SPED		82%		82%	*
Out-of-School Removals	3,674	100%	1,804	100%	-51%
Special Education	1,015	28%	544	30%	-46%
Non-SPED	2,659	72%	1,260	70%	-53%
Removals for 11+ Days	165	100%	102	100%	-38%
Special Education	44	27%	22	22%	-50%
Non-SPED	121	73%	80	78%	-34%

** Difference between 2015 and 2011 number of students

Source: MSDE

Expulsions. MCPS provided incident data on the five most common reasons for in-school suspensions and out-of-school suspensions in all MCPS schools and expulsions in MCPS high schools. Whereas MSDE data group out-of-school suspensions and expulsions together, MCPS’ data break out high school expulsions separately.

Note about MCPS’ Data

Note that these data do not include the total number of in-school and out-of-school suspensions and expulsions from MCPS schools in each school year. The data include the number of suspensions and expulsions *for the top five most common reasons* at each school level.

Also note that these are incident data identifying the *number of times* that students were suspended or expelled. The data do not show the *number of students* suspended or expelled. A single student suspended more than once is counted as two (or more) separate incidents in the data.

These data provide insight in the number of expulsions in MCPS compared to the number of suspensions and the data show that expulsions are imposed infrequently in MCPS. MCPS expelled 29 students for the five most common reasons in 2011 and 10 students in 2015.

The next two tables list the five offenses resulting in the most suspensions or expulsions each year in MCPS high schools and middle schools. Between 2014 and 2015, the most common offense at the high school level changed from physical attack and fighting to other weapons and drugs; and at the middle school level, the most common offense changed from fighting to physical attack. These changes likely reflect MCPS’ adoption of a revised Code of Conduct which is described on pages 35-40 of this report.

Table 3.9. Five Most Common High School Offenses Leading to Disciplinary Consequences

	School Years	Expulsions	Out-of-School Suspensions	In-School Suspensions
Offense #1	2011-2014	Physical Attack – Student	Fighting	Fighting
	2015	Other Weapons	Drugs	Drugs
Offense #2	2011-2014	Distribution	Drugs	Class Cutting
	2015	Physical Attack–Teacher/Staff	Other Weapons	Fighting
Offense #3	2011-2014	Drugs	Physical Attack – Student	Refusal to Obey School Policies
	2015	Physical Attack – Student	Physical Attack – Student	Classroom Disruption
Offense #4	2011-2014	Physical Attack–Teacher/Staff	Inciting/Participating in Disturbance	Inciting/Participating in Disturbance
	2015	Verbal or Physical Threat– Student	Verbal or Physical Threat– Teacher/Staff or Others	Inciting/Participating in Disturbance
Offense #5	2011-2014	Vandalism/Destruction of Property	Theft	Theft
	2015	Sexual Harassment	Fighting	Refusal to Obey School Policies

Source: MCPS

Table 3.10. Five Most Common Middle School Offenses Leading to Disciplinary Consequences

	School Years	Out-of-School Suspensions	In-School Suspensions
Offense #1	2011-2014	Fighting	Fighting
	2015	Physical Attack – Teacher/Staff	Physical Attack – Student
Offense #2	2011-2014	Physical Attack – Teacher/Staff	Class Cutting
	2015	Physical Attack – Student	Fighting
Offense #3	2011-2014	Physical Attack – Student	Physical Attack – Student
	2015	Verbal or Physical Threat – Teacher/Staff or Others	Bullying
Offense #4	2011-2014	Verbal or Physical Threat – Teacher/Staff or Others	Disrespect
	2015	Fighting	Sexual Harassment
Offense #5	2011-2014	Insubordination	Classroom Disruption
	2015	Sexual Harassment	Classroom Disruption

Source: MCPS

Like the MSDE data, MCPS’ high school data show a major decline in the number of both in-school and out-of-school suspensions and expulsions between 2011 and 2015. The data in the next table show that out-of-school suspensions, the most common consequence of the three, declined 47% in that time period and expulsions declined 66%.

Table 3.11. Disciplinary Consequences in High Schools for the Five Top Offenses, 2011 & 2015

	2011	2015	% Difference
Expulsions	29	10	-66%
Out-of-School Suspensions	1,468	771	-47%
In-School Suspensions	224	104	-54%
Total	1,721	885	-49%

Source: MCPS

MCPS’ high school data also describes expulsion data by race and ethnicity. As noted in the table below, the data show that in 2011, approximately 40% of high school students expelled for the top five reasons were Black, 28% were Latino, and 24% were White. In 2015, 80% of high school students expelled for the top five reasons were Black and 20% were Latino. Of note, MCPS expelled only 10 high school students for the top five reasons in 2015.

Table 3.12. Expulsions for Five Top Offenses in High School by Race and Ethnicity, 2011 & 2015

	Expulsions	
	2011	2015
	n=29	n=10
Black	41%	80%
Latino	28%	20%
White	24%	0%
Asian	3%	0%
Multiple Races	3%	0%

Source: MCPS

MCPS also provided these data broken down by student group for students who:

- Receive Free and Reduced-Price Meals (FARMS students),
- Are Special Education students, and
- Who speak English as a second language (ESOL students).

The data show that 80% percent of students (8 out of 10) expelled in 2015 were FARMS students compare to 31% in 2011. FARMS students made up 28% of MCPS high school students in 2015 and 24% in 2011.

Table 3.13. Expulsions for Five Top Offenses in High School by Service Group, 2011 & 2015

	High School Population		Expulsions	
	2011	2015	2011	2015
			n=29	n=10
FARMS	24%	28%	31%	80%
Special Education	12%	10%	10%	20%
ESOL	5%	7%	0%	14%

Source: MCPS

D. School Discipline Trends among MCPS Secondary schools

This section breaks down MSDE’s data on out-of-school removals by high school and by middle school – and compares the data from 2011 to 2015.

High Schools. Table 3.14 describes the number of removals in each high school in 2011 and 2015. During this time frame, out-of-school removals declined by more than half at 58%. Overall, the number of out-of-school removals either declined or stayed the same for every MCPS high schools.

Table 3.16 on the next page describes MCPS high schools by quintiles to compare the proportion of students enrolled to the proportion of removed due to disciplinary reasons. This data shows the concentration of out-of-school suspensions and expulsions among a subset of MCPS high schools. In 2015, the proportion of removals in the high schools with the highest numbers exceeded the proportion of students in those high schools. For example, the five high schools with the most removals included 23% of MCPS high school students and accounted for 37% of all removals. Conversely, the five high schools with the fewest removals included 17% of student and represented only 5% of removals.

The final table in this section, Table 3.16, describes the number of out-of-school removals per 100 students in MCPS high schools in 2015. This comparison takes into account differences in student populations among schools. On average, two students were removed for every 100 students. Wheaton High School had the most removals per 100 students (5) and Churchill High School had the fewest (0).

Table 3.14. Out-of-School Removals from MCPS High Schools, 2011 & 2015

High School	2011 Removals	2015 Removals	% Change 2011-2015
Total # of Removals	2,450	1,025	-58%
Blair	213	77	-64%
Gaithersburg	199	68	-66%
Northwest	191	90	-53%
Blake	184	37	-80%
Springbrook	149	75	-50%
Kennedy	128	52	-59%
Northwood	125	23	-82%
Richard Montgomery	121	46	-62%

Table 3.14. Out-of-School Removals from MCPS High Schools, 2011 & 2015, Continued

High School	2011 Removals	2015 Removals	% Change 2011-2015
Clarksburg	111	64	-42%
Paint Branch	111	55	-50%
Watkins Mill	98	53	-46%
Seneca Valley	93	42	-55%
Quince Orchard	93	20	-78%
Sherwood	83	29	-65%
Magruder	80	39	-51%
Wheaton	70	68	-3%
Damascus	59	17	-71%
Einstein	57	57	0%
Poolesville	56	7	-88%
Churchill	53	5	-91%
Walter Johnson	44	20	-55%
Rockville	39	15	-62%
Wootton	36	34	-6%
Whitman	34	12	-65%
B-CC	23	20	-13%

Source: MSDE

Table 3.15. MCPS High School Students Compared to Out-of-School Removals by Quintile, 2015

High Schools	Students	Removals	Ratio of Removals to Students
Total #	45,242	1,025	
Northwest, 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, Magruder, 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)

Source: MSDE and MCPS

Table 3.16. Out-of-School Removals per 100 Students by High School, 2015

High School	Removals	Student Population	Removals per 100 Students
Total	1,025	45,242	2/100
Wheaton	68	1,465	5/100
Springbrook	75	1,747	4/100
Northwest	90	2,105	4/100
Watkins Mill	53	1,492	4/100
Einstein	57	1,695	3/100
Kennedy	52	1,553	3/100
Seneca Valley	42	1,278	3/100
Clarksburg	64	1,970	3/100
Gaithersburg	68	2,230	3/100
Paint Branch	55	1,989	3/100
Blair	77	2,892	3/100
Magruder	39	1,523	3/100
Blake	37	1,601	2/100
Richard Montgomery	46	2,196	2/100
Wooton	34	2,190	2/100
Sherwood	29	1,890	2/100
Northwood	23	1,585	1/100
Damascus	17	1,247	1/100
Rockville	15	1,331	1/100
Quince Orchard	20	1,889	1/100
B-CC	20	1,992	1/100
Walter Johnson	20	2,261	1/100
Whitman	12	1,902	1/100
Poolesville	7	1,223	1/100
Churchill	5	1,996	0/100

Source: MSDE and MCPS

Middle Schools. The next table summarizes data on the number of removals in each middle school in 2011 and 2015. Overall, MCPS middle schools had 42% fewer out-of-school removals in 2015 than in 2011. Eight middle schools, however, saw increases in the number of removals during this time: Francis Scott Key, Benjamin Banneker, White Oak, Parkland, Loiderman, Westland, Redland, Herbert Hoover, and North Bethesda.

Table 3.17. Out-of-School Removals from MCPS Middle Schools, 2011 & 2015

Middle School	2011 Removals	2015 Removals	% Change 2011-2015
Total # of Removals	1,714	989	-42%
Neelsville	137	34	-75%
Rocky Hill	94	90	-4%
Julius West	86	26	-70%
Briggs Chaney	86	25	-71%
Earl B. Wood	75	6	-92%
Forest Oak	74	68	-8%
Argyle	74	12	-84%
Roberto Clemente	71	45	-37%
Eastern	58	43	-26%
Martin Luther King, Jr.	55	51	-7%
Kingsview	54	19	-65%
Ridgeview	53	15	-72%
Silver Spring International	53	41	-23%
Sligo	51	14	-73%
Francis Scott Key	50	55	10%
Montgomery Village	48	27	-44%
Benjamin Banneker	43	44	2%
Shady Grove	42	10	-76%
White Oak	42	53	26%
Parkland	42	43	2%
Loiederman	41	54	32%
Newport Mill	38	20	-47%
John Baker	34	18	-47%
Takoma Park	34	28	-18%
Gaithersburg	32	5	-84%
John Poole	30	6	-80%
William Farquhar	30	13	-57%
Pyle	25	8	-68%
Cabin John	23	1	-96%
Westland	22	25	14%
Tilden	21	9	-57%
Robert Frost	20	1	-95%
Col. Lee	19	13	-32%
Rosa Parks	17	12	-29%
Lakelands Park	15	5	-67%
Redland	11	17	55%
Herbert Hoover	9	24	167%
North Bethesda	5	9	80%

Source: MSDE

The next table divides the middle schools into five groups and compares the proportion of students to the proportion of removals.⁹⁰ Showing a larger disparity than MCPS high schools, the eight middle schools with the highest number of removals represented 22% of MCPS middle school students and almost half (47%) of middle school removals. Conversely, the six middle schools with the fewest removals included 15% of students and represented only 2% of removals.

Table 3.18. MCPS Middle School Students to Out-of-School Removals by Quintile, 2015

Middle Schools	Students	Removals	Ratio of Removals to Students
Total #	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% as 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)

Source: MSDE and MCPS

The data in the next table show the number of removals per 100 students in MCPS middle schools in 2015. On average, MCPS middle schools removed three students for every 100 students in the student population. Removals at individual schools ranged from a high of 8/100 at Martin Luther King, Forest Oak and Rocky Hill middle schools to a low of 0/100 at Cabin John and Robert Frost middle schools.

Table 3.19. Out-of-School Removals per 100 Students by Middle School, 2015

Middle School	Removals	Student Population	Removals per 100 Students
Total	989	33,169	3/100
Martin Luther King, Jr.	51	611	8/100
Forest Oak	68	823	8/100
Rocky Hill	90	1,130	8/100
White Oak	53	746	7/100
Loiederman	54	912	6/100
Francis Scott Key	55	943	6/100
Benjamin Banneker	44	879	5/100
Eastern	43	863	5/100
Parkland	43	943	5/100
Silver Spring International	41	974	4/100
Montgomery Village	27	658	4/100

⁹⁰ The first four groups include eight middle schools each and the fifth group includes six schools.

Table 3.19. Out-of-School Removals per 100 Students by Middle School, 2015, Continued

Middle School	Removals	Student Population	Removals per 100 Students
Roberto Clemente	45	1,204	4/100
Neelsville	34	915	4/100
Newport Mill (2014)	20	600	3/100
Redland	17	543	3/100
Takoma Park	28	993	3/100
Briggs Chaney	25	903	3/100
Sligo	14	521	3/100
John Baker	18	771	2/100
Herbert Hoover	24	1,063	2/100
William Farquhar	13	582	2/100
Julius West	26	1,197	2/100
Ridgeview	15	699	2/100
Westland	25	1,251	2/100
Kingsview	19	1,002	2/100
John Poole	6	326	2/100
Col. Lee	13	720	2/100
Shady Grove	10	595	2/100
Rosa Parks	12	904	1/100
Argyle	12	915	1/100
Tilden	9	797	1/100
North Bethesda	9	949	1/100
Gaithersburg	5	750	1/100
Earl B. Wood	6	927	1/100
Thomas Pyle	8	1,479	1/100
Lakelands Park	5	1,000	1/100
Cabin John	1	942	0/100
Robert Frost	1	1,139	0/100

Source: MSDE

* MSDE' 2015 report did not included data for Newport Mill Middle School. The number of removals for Newport Mill reflects 2014 data.

Chapter IV: MCPS Policies, Programs, and Practices

According to the Advancement Project,⁹¹ the School-to-Prison Pipeline refers to the crisis facing the country where “students are being suspended, expelled, shuffled off to disciplinary alternative schools, and even arrested for minor behavior or trivial actions like being late or violating a dress code. Instead of a trip to a counselor or a call home, students are being handcuffed and escorted from the schoolhouse to the jailhouse to the courthouse. Metal detectors, armed guards, police, and barbed wire are common in our schools while libraries and counselors’ offices are left empty.”

The Advancement Project’s illustration of children being carted off to jails for minor infractions as evidence of the School-to-Prison Pipeline does not describe what occurs in Montgomery County. Less than 2 percent of children in the County are suspended annually, and only 4 of every 1,000 students were arrested in MCPS high schools in 2014. So, in Montgomery County, the School-to-Prison Pipeline refers broadly to how children’s school experiences, particularly with the disciplinary process, impact their risk for juvenile delinquency and later criminal justice system involvement.

In interviews with OLO staff, most school system stakeholders acknowledged that a Prison Pipeline exists for some MCPS students, particularly for boys of color, low-income students, and students with disabilities. These students are at increased risk for following a pathway to prison rather to college and career readiness compared to other students. The Prison Pathway for them can be characterized by multiple out-of-school suspensions, placements in alternative programs or in separate special education programs, and later juvenile justice and adult criminal justice system involvement.

This chapter describes the MCPS policies, programs, and practices that impact the start points to the School-to-Prison Pipeline locally. It describes the policies and programs that impact the school disciplinary process and students most at risk at being impacted by school discipline. More specifically, this chapter is presented in two parts:

- A. MCPS Discipline Policies and Practices**, describes changes in the school system’s disciplinary code to align with changes in state policy in 2015 and their alignment with best practices recognized by researchers and consensus groups;⁹² and
- B. MCPS Programs and Services**, describes the school system’s general and special education programs that impact the School-to-Prison Pipeline and their alignment with best practices.⁹³ This section includes descriptions of multiple MCPS departments and functions including the Offices of School Support and Improvement and Special Education and Student Services.

Several findings emerge from the information reviewed in this chapter:

- Many MCPS’ practices as described by supporting documents and during interviews align with best practices for stemming the School-to-Prison Pipeline. These include their Code of Conduct and partnerships with the Department of Health and Human Services to provide Linkages to Learning and Wellness Centers at select schools. However, an assessment of whether MCPS implements best practices with fidelity was beyond the scope of this report.

⁹¹ See School to Prison Pipeline brochure at www.safequalityschools.org

⁹² Assessing the whether MCPS policies and practices are implemented with fidelity was beyond the scope of this report. This chapter compares MCPS’ stated policies and practices with recommended best practices rather than compares MCPS actual policies and practices with recommended best practices.

⁹³ Ibid

- A minority of MCPS stakeholders took issue with characterizing the increased risk for juvenile justice involvement among students who have been suspended as a School-to-Prison Pipeline. They contend that other agencies beyond schools bear primary responsibility for meeting the health and socio-economic needs of at-risk children and students.
- Opportunities for improving MCPS' alignment with best practices that stem the Prison Pipeline include developing a district wide school climate plan, assessing students' behavioral health and access to community-based services, and engaging parents and community stakeholders in the annual review and update of its Code of Conduct.
- Opportunities to stem the Pipeline cited during interviews with MCPS staff include improving access to resources in the Eastern part of the County, enhancing coordination and data sharing between MCPS and other agencies serving high-risk youth, and addressing poverty.

Key questions beyond the scope of this report left unaddressed that are key to further understanding the Prison Pipeline in Montgomery County and its impact among children include the following:

- What are the experiences of students with emotional disabilities and among Black boys in particular with the Prison Pipeline?
- What are the experiences of non-conforming gender, LGBT youth locally with the Pipeline?
- What are the demographics, characteristics, and experiences of MCPS students suspended and/or expelled from school?
- What is the availability and efficacy of tier 2 and tier 3 services for meeting the needs of students at highest risk of entering the Pipeline?
- What is the role of non-public schools in meeting the needs of students with disabilities at high risk for entering the Pipeline?

A. MCPS Disciplinary Policies and Practices

During the 2014-15 school year, MCPS made changes to its disciplinary policies and practices based on both state and federal concerns about the School to Prison Pipeline and the overuse of out-of-school suspensions to address disciplinary offenses. With the goal of promoting “fairness and equity through clear, appropriate, and consistent expectations and consequences to address student misbehavior,”⁹⁴ MCPS released a new Code of Conduct that reflected the following changes in policy:

- **Elimination of automatic suspensions and recommendations for expulsion for “Big Five” offenses.** To comply with changes to state law, MCPS no longer automatically mandates suspensions and recommends expulsions for bomb/bomb threats, distribution of intoxicants, possession of firearms, violent attacks of students or staff, and use of weapons to cause bodily harm. Yet, under federal law, possession of a firearm on school grounds still yields an automatic out-of-school suspension and recommendation for expulsion.
- **Creation of the right to continued access to instruction during disciplinary proceedings.** Maryland law requires that students who are suspended or expelled be provided the opportunity to keep on track with classwork as is reasonably possible. Each suspended or expelled student who is not placed in an alternative program will receive daily classwork and assignments from a teacher that must be checked weekly. Students may also be entitled to receive interim instructional services (formerly called Home and Hospital Teaching) while undergoing disciplinary proceedings.

⁹⁴ 2014-15 MCPS Code of Conduct

- **Guidance for schools to implement a progressive set of responses to disciplinary infractions.** The Code of Conduct includes a Disciplinary Response Matrix that provides a suggested continuum of tiered responses to inappropriate or disruptive student behavior. The Matrix contains a list of behaviors and the appropriate interventions or consequences that encourage school staff to use non-exclusionary disciplinary approaches for most offenses before using exclusionary approaches (e.g. out-of-school suspensions).
- **Requirement for principals to consult with OSSI on school disciplinary responses that exceed the recommended guidelines.** Building administrators retain the discretion of implementing disciplinary responses that do not align with the Disciplinary Response Matrix. However, during the 2014–2015 school year, if a principal determined that an intervention/disciplinary response was warranted at a level that was incongruent with the recommendation indicated on the Matrix, that principal had to consult with their associate superintendent in the Office of School Support and Improvement (OSSI) before taking action.

Although MCPS had a short window to implement the required changes in state law on school discipline, MCPS staff report that the transition was fairly smooth in part because these changes were a continuation of previous efforts aimed at reducing suspensions and disproportionality. For example, MCPS' 2008 Suspension Workgroup recommended limiting the use of suspensions as consequence for behaviors that were both disruptive and detrimental to the operation of schools, and identifying alternatives to suspensions. The changes in state law and MCPS' Code of Conduct reflect these changes.

Previously, MCPS' Code of Conduct was embedded in its Students Responsibilities and Rights Handbook. According to MCPS, the current Code of Conduct is meant to make the information included more explicit and known to staff, families and students. The Code is also a response to the concern that discipline has been handled differently across MCPS campuses.

The Code addresses the list of mitigating circumstances that should determine disciplinary consequences to infractions. The Code also describes the recommended range of disciplinary responses for infractions and recommends that school staffs employ the lowest level responses to first-time offenses. Table 4.1 on the next page describes the specific interventions and consequences recommended for consideration by school personnel at each response level; Table 4.2 also on the next page synthesizes MCPS' Disciplinary Response Matrix to describe the recommended range of disciplinary responses by offense category.

For the most part, the Discipline Matrix encourages schools to use the least amount of discipline necessary to keep students engaged in schools. It recommends that classroom teachers attempt to address disciplinary offenses first before referring students to administrators. The Matrix also recommends schools address student misconduct via the problem solving teams before consider in-school or out-of-school suspensions for misbehavior. MCPS staff noted during OLO interviews that this represents a cultural shift for many teachers, particularly among those lacking effective classroom management skills.

Table 4.1: MCPS Disciplinary Response Levels and Interventions

Levels of Responses		Disciplinary Responses and Interventions
1	Classroom, Support, & Teacher-led Responses	Verbal correction, detention, peer mediation, parent/guardian outreach, school-based conferencing, school-based conflict resolution and restorative practices, check-in with counselor, school-based mentoring, and referrals to substance abuse counseling/mental health services
2	Classroom, Support, and Removal Responses	Includes Level 1 responses plus parent/guardian and student/teacher conference, functional behavioral assessment and behavior contracts/intervention plans, community service, temporary removal from class, removal from extracurricular activities, referrals to student support team/community based organization, and restitution.
3	Support, Removal, and Administrative Responses	Includes Level 2 responses plus in-school intervention, in-school suspension, school/outside-based facilitate conflict resolution, and classroom-based or specialist-facilitated restorative practices.
4	Out-of-School Exclusionary Responses	Includes Level 3 responses plus formal mentoring programs, and short-term out-of-school suspensions from 1-3 days.
5	Long-Term Out-of-School Exclusionary, Responses	Includes Level 4 responses plus recommendations for further action (e.g. referrals to law enforcement), referrals to alternative education, out-of-school suspensions for 4-10 days, extended suspensions for 11 to 44 days, and expulsions for 45 days or longer.

Of note, Table Y shows that the most serious consequences recommended for attendance offenses, disrespect, and insubordination are in-school suspensions/interventions or conflict resolution practices. This is a departure from prior policy and practice where students could receive out-of-school suspensions for these infractions. For example, disrespect and insubordination accounted for 16 percent of all out-of-school suspensions within MCPS in 2006.

Table 4.2: MCPS Offense Categories and Recommended Range of Responses

Offense Categories	Specific Offenses	Range of Responses
Attendance and Behavior Offenses	Tardiness, truancy, disrespect, electronics, insubordination, class cutting	Levels 1-3
	Disruption, cheating	Levels 1-5
Controlled Substances	Tobacco, alcohol	Levels 1-5
	Inhalants, drugs	Levels 2-5
Property Offenses	Theft, arson, destruction of property, trespassing, false alarm, bomb threat, extortion	Levels 1-5
Person-to-Person Offenses	Sexual activity, threats (adult/student), fighting/attack, harassment, bullying, serious bodily injury, sexual attack	Levels 1-5
Weapons Offenses	Firearms,* other guns, explosives/matches or lighters, knives and other weapons	Levels 1-5

* Under federal law, firearm possession leads to automatic suspension and expulsion.

Source: OLO analysis of MCPS Disciplinary Response Matrix

Referring back to Table 4.2, there are only a few interventions recommended in Levels 3-5 beyond exclusionary responses (in-school suspensions, out-of-school suspensions, referrals to alternative programs, and expulsion). While the large number of Level 1 and 2 response options increases the likelihood that MCPS will use out of school suspensions as a last resort, the low number of Level 3-5 options begs the question of whether MCPS offers a sufficient number of alternatives for students who have been multiply suspended from schools.

Yet, MCPS offers more than just disciplinary responses as a consequence of student misbehavior and school offenses – MCPS also offers programs and services in general and special education aimed at enhancing the socio-emotional skills of students and at-risk students in particular. These programs and services are summarized in the next section.

Discipline for Students with Disabilities: There are differences in how students experience the Code of Conduct depending on whether they have disabilities and if their infractions are considered to be a manifestation of their disability. If the infraction is determined to not be a disability manifestation, then a student with disabilities' experience with the Code of Conduct is no different than the experience of a general education student. But if the infraction is determined to be a disability manifestation, MCPS cannot recommend a student for expulsion or long term suspension (except for infractions that result in bodily injury) because this would be considered a change of placement.

Additionally, if a Code of Conduct infraction is determined to be caused by a student's disability, then MCPS may make changes to the student's IEP and functional behavior plan to ensure that a student's needs are being met. If the behavior plan is implemented, services are delivered, and the disability-driven behavior persists, then the student is referred to the centralized IEP team to consider if another placement is warranted (e.g. RICA or a nonpublic program).

Alignment with Best Practices: To understand best practices for eliminating the School-to-Prison Pipeline, OLO reviewed and summarized the policy recommendations of the Council of State Government's Justice Center's School Discipline Consensus Report.⁹⁵ OLO also compared these best practices to local practices in Montgomery County among agencies impacting the Pipeline. This analysis is summarized in the chart on the next page.

As demonstrated in Chart 4.3, MCPS' Code of Conduct generally align with the best practices articulated in the School Discipline Consensus Report. Only one potential gap between best practices and MCPS practices emerge: whether MCPS regularly solicits feedback on the Code of Conduct from students and families. In interviews, MCPS staff described a two-year process for soliciting feedback from parents and community stakeholders, including the PTSA, NAACP and the National Association for Mental Illness. It remains unclear, however, if MCPS has in place a plan or has executed a process for keeping stakeholders informed and eliciting community feedback about the Code of Conduct on regular basis.

⁹⁵ https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf .

Chart 4.3: Alignment between Best Practices and MCPS Practices – Codes of Conduct

Policy Goal	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
District code of conduct provides clear expectations of behavior and describes graduated responses to student minor conduct before resorting to suspensions	Review and modify laws if necessary to ensure that provided a foundation for schools to develop effective codes of conduct	MCPS modified local regulations to align with changes in state law and released Code of Conduct in 2014-15 articulating a graduated set of responses to student misconduct	Yes
	Regularly engage students, families, and other stakeholders to enhance the code of conduct	MCPS has briefed BOE, school-based staff, and community groups on the development of the Code of Conduct	Partial – Unclear if MCPS solicits regular feedback on the Code of Conduct
	Graduated system of developmentally appropriate responses to misconduct	MCPS Code of Conduct articulates a graduate set of responses to misconduct	Yes
	Space on campus for students who are receiving discipline to be engaged	MCPS offers in-school suspensions as a disciplinary response. Each school has an in-school suspension space	Yes
	Due process protection and continuation of education services for students facing expulsion	MCPS modified local regulations to align with changes in state law on continuing education services and new timelines	Yes
	Successful implementation of the code of conduct by engaging those affected	MCPS has briefed BOE, MCPS staff, parents, and students through several modalities (e.g. Parent Academy)	Yes

B. MCPS Programs and Services

MCPS offers programs and services aimed at enhancing the socio-emotional skills of students that vary in scope and magnitude depending on whether a student is classified as having a disability and whether infractions to the Code of Conduct are deemed to be a manifestation of their disability. Generally, general education students and students with disabilities whose infractions are not a manifestation of their disabilities participate in programs and receive services through the Office of School Support and Improvement while students with disabilities with infractions that are disability manifestations participate in programs and receive services through the Department of Special Education Services.

This section is presented in two parts to separately describe MCPS’ general education and special education programs that impact the Prison Pipeline. Each part describes the administrative offices responsible for delivering services and compares that office’s practices to best practices identified by the Council of State Government’s Justice Center’s School Discipline Consensus Report or by the Maryland Steering Committee on Students with Emotional Disabilities.⁹⁶ OLO’s assessment of whether MCPS’ practices align with best practices is based on a review of the information acquired through interviews and document reviews. OLO’s assessment, however, does not attempt to measure whether MCPS’ practices are implemented with fidelity; this level of analysis was beyond the scope of this project.

⁹⁶ http://www.marylandpublicschools.org/NR/rdonlyres/5F4F5041-02EE-4F3A-B495-5E4B3C850D3E/26558/EDReport_September2010.pdf

1. MCPS General Education Programs

This subsection describes MCPS general education programs and supports administered by:

- The Office of School Support and Improvement
- The Office of Community Engagement and Partnerships
- The Department of Student Services
- Alternative Programs at the Blair Ewing Center.

Office of School Support and Improvement (OSSI): This office bears primary responsibility for implementing MCPS’ Code of Conduct because its core functions include managing principals and staff on all campuses. The chart on the next page summarizes the core functions and key programs delivered by OSSI as well as program strengths and challenges articulated by MCPS staff during OLO interviews.

OSSI also manages the school system’s Level I, II, and III alternative programs for students at high risk of entering the Prison Pipeline. The Alternative I program is administered as a resource class on comprehensive secondary school campuses for general education students who are experiencing academic, attendance, and/or behavioral difficulties. Alternative I teachers, in turn, serve as case managers, provide check in services, and offer flash pass designations for stressed students who need a place to decompress. Features of MCPS’ Alternative II and III Programs housed at the Blair Ewing Center are described in detail starting on page 48.

Chart 4.4: Key Features and Feedback from the Office of School Support and Improvement

MCPS Office	Core Functions and Services	Key Programs and Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Office of School Support and Improvement (OSSI)	Manages principals and schools and responsible for the implementation and administration of the Code of Conduct in schools.	<ul style="list-style-type: none"> - Staff training on Code of Conduct - Staff training on best practices (e.g. restorative justice) - Partner with MCPD in implementation of SRO program 	<p><u>Strengths:</u> Linkages to Learning and Wellness Centers; student support teams, MCPS’ and willingness to tackle challenges (e.g. Alternative Programs)</p> <p><u>Challenges:</u> Community resources in areas of the County with the greatest needs.</p>

OSSI’s key strategies for managing schools relative to reducing the School to Prison Pipeline includes School Improvement Planning, training and staff development for building administrators and staff (e.g. coaching on paper), monitoring and oversight of school discipline and suspension data, and ensuring a continuum of services for students with socio-emotional learning needs in partnership with other MCPS offices and outside entities and agencies. OSSI’s school improvement planning and training on the Code of Conduct and restorative practices are described in greater detail below.

- *School Improvement Planning:* Neither OSSI nor any other MCPS office operates an explicit plan for addressing the “School to Prison Pipeline.” Nevertheless, MCPS views socio-emotional learning (SEL) as a key component of promoting academic achievement and uses the school improvement process toward this end. According to OSSI, MCPS’ school improvement template includes questions that focused on SEL, student engagement, and building relationships. Starting this school year (2015-16), schools are also required to offer specific school climate goals in their school improvement plans.

Additionally, according to OSSI staff, school counselors always have an annual action plan that includes SEL goals and focuses on the specific needs of each school. Some school counseling plans might focus on stress, depression, and/or suicides while others may focus on school climate. OSSI staff also noted the need to merge the counselors’ plan and school improvement plan into one document for each campus.

- *Training on the Code of Conduct:* As a result of the change in state regulations and MCPS’ revised Code of Conduct, OSSI focused on re-educating staff and community members last school year – particularly those who feared that MCPS would become too lenient with students who committed offenses against the Code of Conduct. Within these trainings, the OSSI team also emphasized the importance of strong instruction to meet the needs of most students. OSSI recognizes that some teachers are masters and never refer a student to a principal while there are some who make a lot of referrals. They noted the invaluable roles of the staff development teachers and principals to help re-train some teachers and to challenge them to be connected to all of their students rather than to only serve a subgroup of students who look or act like themselves. Overall, the OSSI team noted that MCPS has an excellent workforce that wants to help all students. But they acknowledged that there are a few folks who need to be counseled out and learn how to de-escalate situations.
- *Restorative Practices:* OSSI staff acknowledged in interviews with OLO that more work needs to be done to encourage the use of restorative practices that build community, relationships, and student engagement in schools. Last year, MCPS principals participated in two training sessions on restorative justice and how students can reflect on their behavior. This year, OSSI is building a restorative justice network. According to OSSI, there has been a push for schools to think beyond the consequences of misbehavior and to pull parents and community partners into the process to address root causes. High schools have also received equity training and there is a goal of having restorative practices implemented in each high school. According to OSSI, schools are also trying to be more proactive when addressing conflict: when they hear something, they have begun to initiate peer mediations and to get parents involved sooner.

Alignment with Best Practices: Chart 4.5 compares best practices for eliminating the School-to-Prison Pipeline identified in the Council of State Government’s Justice Center’s School Discipline Consensus Report relative to school climate and school improvement planning with MCPS’ current practices.

Chart 4.5: Alignment between Best Practices & MCPS Practices – School Climate & Improvement

Policy Goals	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
District works with students, families, health, child welfare, other child serving agencies and groups to assess and improve school climates	Disaggregated school discipline data collected and reported	MCPS publically reports disaggregated data on suspensions and expulsions	Yes
	Annual report data on school climate	MCPS reports data on school safety and Gallup data on student engagement. MCPS is in the process of collecting school climate data for all schools. The Learning Environment Survey was last administered in FY12. PBIS middle schools currently collect school climate data	No

Chart 4.5: Alignment between Best Practices & MCPS Practices – School Climate & Improvement, Continued

Policy Goals	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
District works with students, families, health, child welfare, other child serving agencies and groups to assess and improve school climates (Continued)	Data examined with stakeholders to determine trends & identify opportunities for improvement	MCPS staff examine data with BOE and school-based stakeholders with community representatives such as the 1977-II Group	Yes
	Engage relevant stakeholders and outside experts	MCPS has consulted and sought training from outside experts (e.g. Advancement Project)	Yes
School improvement plans include strategies for improving school climate and alternatives to suspension and expulsion to manage student behavior	Student and adult relationships reflect respect and trust	MCPS Code of Conduct articulates staff responsibilities and expectations	Yes based on Gallup Poll results where 68% of students felt respected ⁹⁷
	Shared expectations for behavior developed with students	Code of Conduct was developed with students, families, or community members. OSSI is in the process of requiring schools to include school climate strategies and goals in their school improvement plans	Yes
	Instructional practices are evidence based		
	Families and community members engaged in school-based activities and decision making		
	Facility conditions and school security ensure safe, orderly, and welcoming schools	MCPS schools are generally welcoming and orderly	Yes
Staff development to create effective learning climates for all students	Current educators and administrators receive professional development on enhancing school climate	Each MCPS campus has a team trained in de-escalation and employs a staff development teacher that provides job-embedded training	Yes – in particular, OSSI trained principals on revised Code of Conduct and restorative practices and DSS trained staff on PBIS in 104 schools
	Teacher education program partners include school-climate in their curriculum	MCPS has several partnerships with institutions of higher learning in the area	Unsure
	Principal evaluations include school climate measures	OSSI monitors school suspension rates and coaches principals	Yes
	Educators evaluations include school climate measures if there is a comprehensive school climate plan in place	MCPS requires schools to have a school climate plan	Partial – MCPS does not have a comprehensive school climate plan

⁹⁷ Page 4 of <http://www.montgomeryschoolsmd.org/uploadedFiles/info/gallup/MontgomeryCountyPublicSchools-OverallStudent2014.pdf>.

As noted in the chart on the prior pages, MCPS’ practices generally align with best practices for assessing and improving school climates as part of the school improvement process with a few caveats. First, MCPS does not have a district level school climate plan nor does MCPS currently report school climate data by campus⁹⁸. The development of school level school climate plans aligned to schools’ improvement plans, however, are in progress this school year.

Second, the staff development that MCPS provides to staff toward creating an effective learning climate for all students may be inadequate because the impact of these investments are not evaluated. Although OSSI has provided training to building administrators on the Code of Conduct and restorative practices and MCPS has also provided training on positive behavior supports and de-escalation strategies to schools, the connection between these investments and their impacts on school climate or staff performance remain unclear. Without these feedback loops, it’s difficult to discern whether staff development investments are making the differences in school climate and staff actions desired.

Office of Community Engagement and Partnerships (OCEP): This office bears primary responsibility for fostering positive relationships between students, families and schools and supporting partnerships with other agencies that meet the needs of MCPS students by removing barriers to learning. The chart below summarizes the core functions and key programs delivered by OCEP and lists program strengths and challenges in how the School to Prison Pipeline is addressed in Montgomery County.

Chart 4.6: Key Features and Feedback from the Office of Community Engagement & Partnerships

MCPS Offices	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Office of Community Engagement and Partnerships	Works with families, schools, and community partners to remove barriers to learning	<ul style="list-style-type: none"> - Parent Academies - After school programs - Parent community coordinators - Study Circles - Linkages to Learning - Kennedy and Watkins Mill Cluster Programs - Backpacks for children fundraiser 	<p><u>Strengths:</u> Revised Code of Conduct, Child Opportunity Fund, Linkages to Learning and Wellness Centers</p> <p><u>Challenges:</u> Fiscal challenges; need for more community-based organizations that can assist in SEL; greater coordination among current programs; and alternative programs that engage at-risk students</p>

Alignment with Best Practices: Chart 4.7 on the next page compares best practices for eliminating the School-to-Prison Pipeline identified in the Council of State Government’s Justice Center’s School Discipline Consensus Report relative to using a system of care approach to meet the behavioral needs of students to MCPS’ current practices.

⁹⁸ See <http://sharedaccountability.mcpsmd.org/SurveyResults/content.php?sch=1001> for prior MCPS Learning Environment Surveys and Results which include parents’ and students’ perspectives on school climate.

Chart 4.7: Alignment between Best Practices and MCPS Practices – Systems of Care Approach

Policy Goal	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
School districts use a systems-of-care approach to provide comprehensive and multi-system array of interventions for behavioral health and related needs	School systems develop partnerships with external providers to deliver health and related services to students on and off campus	MCPS partners with DHHS for Linkages to Learning in 29 schools, Wellness Centers in 3 schools and Cluster Projects in 17 schools. DHHS also delivers health care in schools; MCPS also partners with other groups to deliver services	Partial – Schools with Linkages to Learning, Wellness Centers and Cluster Projects offer comprehensive set of services on campus
	Multiple funding sources are combined to support partnerships and service delivery	DHHS funding blended with MCPS funding to support Linkages, Wellness Centers, and Cluster projects. MCPS also blends funding with other entities to provide services	Yes

As noted in the chart above, MCPS’ practices for partnering with external providers to deliver health and related services to students aligns with best practices for meeting the multi-system needs of students. The blending of MCPS funding with DHHS funding to support Linkages to Learning, Wellness Centers, and Cluster Project programming are in particular a best practice. However, these comprehensive multi-system programs with DHHS support that meet the behavioral health and related needs of students only operate in a small minority of MCPS schools. It remains unclear whether students with behavioral health needs enrolled in schools without these additional resources have access to these recommended services.

Department of Student Services (DSS): This central office provides support to schools via its cadre of counselors, school psychologists, and pupil personnel workers to meet the SEL needs of students. The chart below summarizes the core functions and key programs delivered by DSS as well as feedback on MCPS’ responses to the Prison Pipeline offered by DSS staff during OLO interviews.

Chart 4.8: Key Features and Feedback from the Department of Student Services

MCPS Offices	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Department of Student Services and OCIP	Develops and implements a coordinated program of student services that supports student achievement and social and emotional development	<ul style="list-style-type: none"> - School counseling - Implements PBIS - Student support teams - Delivers interim instructional services - Administers functional behavioral assessments - Coordinates with court involved students - Facilitates second level of disciplinary appeals - Restorative practices - Truancy review board - Attendance matters - Health curriculum 	<p><u>Strengths:</u> MCPS partners with lots of agencies to serve students; there are also effective partnerships among MCPS staff in central office and school based positions</p> <p><u>Challenges:</u> Need to better address school attendance before students reach high school, teachers’ classroom management skills, and access to effective substance abuse treatment</p>

DSS staff members have expertise in mental and behavioral health and socio-emotional learning. Their primary role is to assist schools in meeting the SEL needs of students in general education. This is accomplished through the delivery of proactive services summarized below that seek to meet the SEL needs of all students and prevent disciplinary offenses. DSS also delivers reactive services to assist students who have experienced exclusionary discipline or juvenile justice placements transition back into MCPS schools. These services for students at highest risk of entering the Prison Pipeline are also summarized below as well as DSS' efforts to use data for decision-making.

- *Proactive Practices:* These refer to strategies under taken by DSS and MCPS schools to ensure that the SEL needs of students are met in general education schools and classrooms through the use of school wide practices that focus explicitly on teaching the behaviors expected in schools. These Tier 1 services can include effective instructional practices, character education, comprehensive behavior management systems, and the use of positive behavior interventions and supports (PBIS) to enhance school climates. Of note, DSS employs a PBIS coordinator who supports 104 MCPS schools (73 elementary schools, 26 middle schools, RICA, Alternative Programs, Carl Sandburg, Kennedy, and Wheaton) through PBIS trainings and classroom consultations. Each PBIS school has a team comprised of an administrator, team leader/coach who is usually the school counselor or PPW, and grade level representative. Proactive/Tier 1 practices are intended to meet the SEL needs of the vast majority of MCPS students (85%).
- *Reactive Practices:* These refer to the strategies under taken by DSS and MCPS schools to ensure the SEL needs of high-risk students are met through the use of focused and targeted services that teach the behaviors expected in schools. These Tier 2 and 3 services include student service teams and documentation of interventions used, interim instructional services for students under long-term suspensions (more than 10 days), functional behavioral assessments, crisis prevention training, connecting students to community based resources, case management and transition services for court involved students, truancy court and the interagency truancy review board, and disciplinary appeals. Currently, DSS is seeking to expand its expertise and training to schools on the effective use of restorative practices as a way to enhance relationships in schools and student success. DSS' goal is to implement restorative practices in schools with the same intensity as it has implemented PBIS in schools. Reactive/Tier 2 and 3 practices are intended to meet the SEL needs of the minority of MCPS students who need more intensive and targeted services to develop the behaviors expected and required for success in schools.
- *Data for Decision Making:* DSS regularly uses data to inform its practices and is seeking to expand its use of data toward this end.⁹⁹ For example, based in part on data documenting disproportionality in suspension rates by race and ethnicity, DSS is currently focused on providing cultural proficiency training for staff to address disparities. DSS is also working with the Office of Shared Accountability (OSA) to begin the process of reporting and monitoring data on Level 1- 3 responses to the Code of Conduct to discern whether disparities by race and ethnicity are occurring in lower level disciplinary responses. Of note, OSA has also developed an early warning system (EWS) using academic, attendance, and suspension data to identify students at highest risk of dropping out of school. EWS data could be used by DSS to target students for dropout prevention programming. DSS is also collecting data on the use of interventions among student support teams and among PBIS schools. The compilation and analysis of this data will be useful in documenting the efficacy of MCPS' Tier 2 and 3 services.

⁹⁹ According to MCPS, OSSI also routinely uses data for decision making.

Alignment with Best Practices: Chart 4.9 compares best practices for eliminating the School-to-Prison Pipeline identified in the Council of State Government’s Justice Center’s School Discipline Consensus Report relative to providing support services and assessing students’ behavioral health needs with MCPS’ current practices.

Chart 4.9: Alignment between Best Practices and MCPS Practices – Support Services and Assessments of Students’ Behavioral Health

Policy Goals	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
School leaders and staff establish school-level interdisciplinary support teams to meet the needs of students with intensive needs	Develop and use early warning system (EWS) to identify students in need of academic and behavioral supports	MCPS’ Office of Shared Accountability has developed an Early Warning Indicator (EWI) system that relies on attendance, suspension, coursework, and mobility data to identify students at risk of dropping out	Partial – DSS encourages schools to use EWI to identify students in need of supports. DSS, however, does not use the EWI to identify and service students districtwide
	Incorporate strength based indicators into EWS and use to guide provision of supports	OSA’ EWI does not include strength based indicators (e.g. hope, engagement, well-being)	Partial – the Gallup survey rather than the EWI tracks strength based indicators
	District officials use EWS data to guide decision making	MCPS has presented the EWI to the BOE and encouraged schools to use this data	Partial – Schools encouraged to use EWI for decision making
Assessment of students’ behavioral health and related needs and districts’ capacity to meet those needs	Assessments of students’ behavioral needs to inform school action plans and deliver comprehensive services	MCPS participates in the Maryland Youth Tobacco and Risk Behavior (YTRB) survey	Partial – School may access behavioral health but this data is not aggregated at the district-level
	Assessment of schools capacities and identification of gaps to meet students’ behavioral needs	MCPS provides support and training to its PBIS schools and is increasing its capacity to implement restorative practices	Partial – no system wide assessment of gaps, but efforts to increase capacity underway
School-level interdisciplinary student support teams (SST) that address intensive academic and behavioral needs	Ensure SST are responsive to schools’ characteristics with a transparent referral process	MCPS uses SST of school professionals to problem solve and implement interventions for students in need. There is a referral process in place	Yes
	Clearly define the roles and responsibilities of SST and engage students and families	MCPS in the process of updating counselors and pupil personnel workers roles	In progress
	SST have the resources and supports needed to achieve their goals, including systems that measure the impacts of interventions	MCPS’ central offices provides minimal direct guidance to SST on which interventions to use; systems for documenting the use and impact of interventions are at the initial stages	In progress

Overall, MCPS’ practices align with recommended best practice of using interdisciplinary student support teams to meet the needs of students with intensive SEL needs. DSS ensures that each MCPS campus has problem solving student support teams in place to coordinate services for students. However, there seems to be no system in place to assess students’ behavioral health needs across MCPS or to determine and address gaps between students’ needs and the availability of supports.

Alternative Programs at the Blair Ewing Center: The Alternative Programs at Blair Ewing serve as MCPS’ alternative school campuses for students who have been chronically disengaged from school due to academic, attendance, and/or behavioral challenges. As noted in Chapter II, research suggests that students enrolled in alternative schools and separate special education schools for students with serious emotional disabilities are at highest risk for entering the Prison Pipeline. The chart on the next page summarizes the core functions and key services delivered by Alternative Programs as well as feedback on MCPS’ responses to the Prison Pipeline offered by Alternative Programs staff during OLO interviews.

Alternative Programs at the Blair Ewing Center include two types of programs:

- *Level II Programs* for students referred by their home schools due to “chronic disengaged” as evidenced by their attendance, grades, and suspensions. Before being referred to a Level II program, students are supposed to have had a functional behavioral assessment and behavior improvement plan with progress monitoring and evidence of interventions at their home campus, including Level I Alternative Program participation (i.e. a resource class). This, however, does not always happen. Of note, the placement process for Level II programs changed last year from an admittance process determined solely by Blair Ewing Center staff to a central office admissions process. As a result of the Code of Conduct, students are generally placed in Level II programs on a quarterly basis and are comprised of 9th and 10th grade students.
- *Level III Programs* for students referred by the school system for expulsion. This used to be a half day program but with the redesign of Alternative Programs (discussed below), this is now a full day program. But with the change in the Code of Conduct, there are currently more short-term Level III placements (44 days or less) than previously.

Chart 4.10: Key Features and Feedback from Alternative Programs at Blair Ewing

MCPS Offices	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Alternative Programs at Blair Ewing Center	Level II Program for students who are “chronically disengaged” from their home school Level III Program for students recommended for expulsion	<ul style="list-style-type: none"> - Smaller class sizes - Use of universal design - Mental health team - Fewer interactions with different teachers - Teachers trained in the use of dialogue circles and mediations - Coordinated student services team - Partnerships with local service providers and with parents 	<p><u>Strengths:</u> Reconceptualization of Alternative Programs, committed staff, & coordinated student services team</p> <p><u>Challenges:</u> Coordination between Level I and II/III programs; awareness of outside agency involvement among students; special education services; after school and parental involvement; ongoing poverty.</p>

In addition to the Code of Conduct, changes to the administration of Alternative Programs at the Blair Ewing Center reflect the *redesign and reconceptualization* of Alternative Programs as a pathway to graduation for a subset of students in need of a more individualized educational experience. Students can opt to remain at the Alternative School now rather than to return to their home high schools. As part of the redesign, Level II and III programs that used to be run separately with several middle school programs held in non-Blair Ewing facilities have been combined by grade span. MCPS is in the process of advertising this new option to interested students and families.

Key features of the combined Alternative II and III programs include:

- Smaller classes
- Opportunities for closer relationships with adults
- Instructional focus using UDL (universal design for learning) to eliminate barriers to learning
- Personalized learning (e.g. each student participates in a collaborative problem solving team)
- Fewer interactions with different teachers
- Closer attention to SEL needs and a mental health team on campus that works with families and partners with other agencies (e.g. DHHS) to coordinate wrap around services for students
- Developing a restorative justice program in partnership with the Montgomery County Conflict Resolution Center
- Teacher trained in the use of dialogue circles and mediations to develop students' skills at restoring relationships

The Alternative School redesign is also trying to make the campus more fun and engaging for students by offering applied classes, initiating clubs, and hosting activities of interest. One of their pressing challenges, however, is that they lack the parent connections that can be easier to foster with a neighborhood/cluster school. After school engagement is difficult in a school that serves that entire County. Moreover, the parents of Alternative School students are often stressed and struggling financially. Nevertheless, the school hopes to launch a PTSA this year and also hopes to create opportunities for students to connect in their own neighborhoods.

During OLO's site visit to Alternative Programs, staff expressed concerns with two additional challenges: meeting the needs of students with disabilities and coordinating services among students involved in multiple systems. At the time of OLO's staff visit, there were 160 students enrolled at the Blair Ewing Center with 91 students enrolled in Level II programs and 69 enrolled in Level III programs.¹⁰⁰ Although the Alternative Programs employed a team of mental health professionals, including several social workers, there was only one special educator on staff at the time of OLO's visit. Alternative Programs staff also shared that it can challenge to effectively serve students involved with multiple agencies if their parents do not grant permission for school social workers to coordinate services. This is especially a concern among families from immigrant and linguistically diverse backgrounds.

Alignment with Best Practices: Chart 4.11 compares best practices for eliminating the School-to-Prison Pipeline Report relative to offering high quality alternative programs with MCPS' current practices. It shows that the MCPS generally aligns with best practices that meet the SEL needs of its students.

¹⁰⁰ Annually, Alternative Programs at Blair Ewing serves 440 – 470 students.

Chart 4-11: Alignment between Best Practices and MCPS Practices – Alternative Schools

Policy Goal	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
School systems provide all students access to high quality alternative education services that address students SEL needs	Alternative education options available for all students removed short term from school for disciplinary violations	MCPS provides Alternative III programs for students recommended for expulsion; also provides interim instructional services (IIS) for students removed from school for disciplinary reasons	Yes – access to ISS expanded to comply with changes to state law
	Multiple pathways available for students not succeeding in traditional school settings	MCPS provides short term Alternative II programs for referred students; MCPS is expanding the mission of Alternative Programs to serve more students long term and also offers the Pathways to Graduation program	In progress with the reconceptualization and roll out of Alternative Programs

2. MCPS Special Education Programs

This section describes programs and supports offered by the Office of Special Education and Student Services and its Emotional Disability Services Unit. Research shows that students with emotional disabilities have the highest dropout rates and juvenile justice risks among all students with disabilities, so this section profiles MCPS programs focused on meeting the needs of this subgroup of students.

Of note, OSESS leadership made clear in interviews with OLO that students with emotional disabilities are not classified as such based on their suspension histories or juvenile justice involvement: emotional disabilities refers to emotional challenges and behaviors that impede student progress in regular general education classrooms. They noted that acting out is not always a marker of emotional disability: depression, anxiety, self-injurious behaviors, or a preoccupation with emotional challenges are often characteristic of students identified with emotional disabilities.

Additionally, some students with emotional disabilities in MCPS are also served in separate special education settings that include RICA and non-public placements. Students with IEP’s at RICA and in non- public placements are generally placed there as a result of less restrictive special education placements not meeting their individualized needs. It was beyond the scope of this project, however, to compile information and conduct interviews with staff in these other placements.

Office of Special Education and Student Services (OSESS): This office, via its Department of Special Education Services, is responsible for delivering instruction and related services for all students with disabilities enrolled in MCPS. As noted in the prior section, its Department of Student Services (DSS) is also responsible for providing coordinated student services to all MCPS students. The chart on the next page summarizes the core functions and key programs delivered by OSESS as well as feedback on the efficacy of local efforts to mitigate to the Prison Pipeline offered by OSESS staff during OLO interviews.

Chart 4.12: Key Features and Feedback from the Office of Special Education and Student Services

MCPS Office	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Office of Special Education and Student Services	Coordinates student services to meet the SEL needs of students in general education and provides instruction, interventions, and related services to students with disabilities and student services	<ul style="list-style-type: none"> - School student support teams and PPW’s - Counseling and school psychology services - Disability identification - Crisis prevention training - Functional behavioral assessments and behavior plans - Training for central office and school leadership - Model Learning Center at the MCCF - Prevention -Tier 1 services - Interventions -Tier 2 and 3 services 	<p><u>Strengths:</u> Increased awareness of alternatives to suspensions; decline in suspensions with the Code; and minimal Pipeline in the County based on the low numbers of MCPS students in local DJS programs.</p> <p><u>Challenges:</u> Quick timing and changes to COMAR required immediate implementation of Code of Conduct without initial training.</p>

OSESS’s DSS focuses on improving students SEL skills that prevent their entry into the Prison Pipeline while the Department of Special Education Services focuses more on providing interventions to the minority of students with disabilities who require intensive services to meet their SEL needs. Toward these ends, OSESS shared that it delivers the following services with the new Code of Conduct:

- Expanded access to functional behavioral assessments and behavioral intervention plans to students without disabilities.
- Training to central office leadership and building administrators on factors that impact the school to prison pipeline from the Advancement Project
- Training to central office and school building administrators on restorative practices
- Annual training for school-based teams at each campus on crisis prevention and how to utilize seclusion and restraints as a last resort

Students with Disabilities and the Code of Conduct: Although students whose disciplinary infractions are determined to be a result of their disability from a manifestation determination may avoid expulsion or long-term suspension. When a behavior is related to a disability, then the school system must make changes to the student’s IEP and functional behavioral plan to ensure that their needs are being met.

If the behavior plan is implemented, services are delivered, and the disability-driven behavior persists, then the student is referred to the centralized IEP team to consider if another placement is warranted (e.g. RICA or a nonpublic placement). OSESS staff notes that it is students with other disabilities (e.g. learning disabilities) that have higher suspension rates than students with emotional disabilities within MCPS. Nevertheless, given the connection between emotional disabilities and criminal justice involvement, the next section describes MCPS ED Services Unit.

Emotional Disabilities Services Unit (ED): The ED services unit provides programs for students in six elementary schools, five middle schools, and seven high schools. ED Unit – served 590 students grades K through age 21 last school year. The ED Services unit operates two programs that are located within comprehensive campuses to enable students to access the least restrictive environment:

- *ED Cluster Programs* for students with external social issues who are often disruptive. The disability classifications of students enrolled in ED Cluster Programs often include emotional disabilities and other health impairments; many have social, emotional, and behavioral needs.
- *Bridge Services*, offered in two middle schools and two high schools, meet the needs of students with internalized challenges. They are often on the autism spectrum and are seen by outside mental health providers.

Chart 4.12: Key Features and Feedback from the ED Services Unit

MCPS Office	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
ED Services Unit	Operates self-contained programs for students with emotional disabilities and consultative services to schools	<ul style="list-style-type: none"> - ED Cluster focuses on students with external social issues who are often disruptive - Bridges in two middle and two high schools meets the needs of students with internalized challenges - Social workers embedded within ED centers and nonpublic programs - Training and consultative services 	<p><u>Strengths:</u> The ED high school programs have good relationships with the SRO’s on their campuses; ED Unit training to school personnel well received.</p> <p><u>Challenges:</u> Collaboration between MCPS and DJS to reorient after DJS placements; some ED students are graduating without college or career readiness</p>

ED Cluster students are usually on the diploma track, although they may be several years behind in reading. The ED Cluster employs two teachers per class in the secondary grades, and 3 staff per class in the elementary grades. In total, the ED Unit employs 31 staff across the 23 school based programs. They include behavior support teachers, social workers, psychologists who provide counseling, case management, and home visits. The ED Unit principally staffs self-contained classes.

Additionally, the ED Unit also provides consultative services to schools requests for behavioral/social consults. Generally, the behavior support teachers provide these services. The ED unit also assists general education problem solving teams and offers guidance to school-based staff on how to deescalate situations. The behavioral support teachers also do staff-wide training for principals.

The ED Unit staff also coordinates with the SRO’s and school security teams located on their campuses and ensures they receive non-violent crisis intervention training required under COMAR. ED Unit staff report that there has been an increasing focus on restorative practices in the ED Cluster and Bridge Programs. They are trying to implement restorative circles in middle and high school programs and recently had a training on restorative practices.

Finally, the ED Unit works with DHHS (SASCA) and also employs 10 social workers and 6.5 psychologists who connect students to therapists and external care providers (e.g. Potomac Ridge, non-public placements). The ED Unit, however, is not sure if families have meaningful access to services beyond school although social workers try to educate families. The ED Unit also tries to do parent training to make home and school life more consistent and mutually supportive. ED Unit staff wishes more services were available for students and their parents who are often overwhelmed.

Alignment with Best Practices: Chart 4.13 below compares best practices for meeting the needs of students with emotional disabilities identified by the Maryland Steering Committee on Students with Emotional Disabilities to MCPS’ current practices in OSESS and the ED Services Unit. More specifically, it compares best practices around the policy goal of effectively managing behavior in schools to MCPS’ practices in this area. As noted in the chart, MCPS’ practices generally align with best practices for effectively managing the behavior of students with emotional disabilities in schools.

The Maryland Steering Committee also offers three additional policy goals as best practices for meeting the needs of students with emotional disabilities: use appropriate identification practices, develop and implement effective individualized education plans, and adopt effective high school transition practices. A comparison of MCPS’ alignment with these best practices was beyond the scope of this project.

Chart 4.13: Alignment between Best Practices & MCPS Practices – Behavior Management in Schools

Policy Goal	Best Practices	MCPS Practices	MCPS Alignment with Best Practices
Effective Behavior Management in Schools	Training on emotional disabilities	- Trains school teams and ED staff on non-violent crisis prevention and intervention	Yes - MCPS training on crisis prevention and de-escalation
	Use of Tier 2 and 3 interventions	- Self-contained programs include teams of mental health professionals, including nonpublic schools assigned social workers. - ED/MCPS makes referrals to the DHHS Crisis Center	Yes - MCPS delivers Tier 3 and 3 interventions for students with disabilities
	Training and assistance on functional behavior assessments and behavior improvement plans	- ED services provide consultative services to schools on functional behavior assessments and behavior improvement plans - ED services also provides support to local schools on restorative circles and the Prison Pipeline	Yes - MCPS provides support to schools on how to conduct functional behavior assessments and behavior improvement plans
	Administrators view students with emotional disabilities as assets	- MCPS co-locates ED Cluster and Bridge programs on campuses that support its self-contained programs as well as supports inclusion in general education classes	Yes.

3. School Security and Resources Officer Policies and Practices

Two agencies address security and law enforcement policies in local schools: MCPS and the Montgomery County Department of Police (MCPD). This section describes the core functions of MCPS’ Department of School Safety and Security, a description of the School Resource Officers Programs administered by MCPD in partnership with local municipal police departments and MCPS is described in the next chapter.

Department of School Safety and Security: The core function of this MCPS department is to promote school safety and security across the school system. The chart on the next page summarizes the core functions and key programs delivered by the Department of School Safety and Security.

Overall, the core functions of DSSS are delivered at the central office or school-building level.

- *Central office functions* include emergency planning, monitoring safety drills, hiring school security personnel, and providing biannual training to security staff and other personnel.
- *School-building functions* for security include patrolling school buildings and its environs, breaking up altercations, mediating conflicts, and conducting root cause analysis. In alignment with Code of Conduct, security staff are encouraged to use progressive disciplinary approaches in schools and to de-escalate situations.

Chart 4.14: Key Features of the Department of School Safety and Security

MCPS Office	Core Functions and Services	Key Programs/Services for Students
Department of School Safety and Security	Develops and administers the school system’s overall security plan, provides security staffing to middle and high schools, and 24-hour video surveillance of MCPS schools to promote security and safety	<ul style="list-style-type: none"> - Patrols schools and environs during the school-day and for select after-school events - Implements security initiatives for close-circuit television camera, visitor management, and access control systems - Liaise with SRO’s and other law enforcement officials at the local, state, and federal levels

DSSS allocated one to two security assistants per middle school, and four to eight security assistants per high school depending on their enrollment and needs. School principals have discretion in how they use their security personnel. According to DSSS, security staff generally address altercations that occur in schools unless someone is injured and requires medical attention beyond a visit to the nurse’s office.

The School Resource Officers Memorandum of Understanding (SRO MOU), summarized in the next subsection, specifies which events must be addressed by the Police Department v. those that may be reported to the Police but will typically be handled by school security staff. Of note, MCPS staff state that the school system initiated the revision of the SRO MOU to ensure that it aligned with the revised MCPS Code of Conduct. According to DSSS, school security staff has a favorable working relationship with MCP and the SRO’s assigned to MCPS schools.

Chapter V. Law Enforcement and Juvenile Justice Data

As noted in Chapter III, fully understanding the magnitude and composition of the School-to-Prison Pipeline in Montgomery County would necessitate longitudinal data that describes how youth engaged in the school disciplinary process later engage the juvenile justice and adult criminal justice systems. Since data tracking the experiences of individual students with suspensions and expulsions in the criminal justice system are not available, this chapter offers a snapshot of the youth who come into contact with law enforcement and juvenile justice agencies in Montgomery County.

This chapter describes law enforcement and juvenile justice data by agency to provide an overview of the youth who are arrested and enter the juvenile justice system or are diverted to other programs. This chapter also describes disparities among secondary schools in arrest rates and disparities by race, ethnicity, and gender among youth involved in the juvenile justice system. It is presented in five parts:

- A. Montgomery County Police Department** describes data on juvenile arrests in the community and among MCPS high schools by offense and student demographics.
- B. Montgomery County Department of Health and Human Services** describes data on youth diverted from the juvenile justice system and on the offenses recommended for diversion.
- C. Montgomery County State’s Attorney’s Office** describes data on youth referred to the Teen Court Program, reasons for referrals, and program completion.
- D. Maryland Department of Juvenile Services** describes data on youth intakes, dispositions, and recidivism, and on the demographics of juvenile justice-involved youth, and
- E. Montgomery County Circuit Court** describes trend data on the number of delinquency cases handled by juvenile court.

This chapter describes incident data and makes comparisons to population data when available. This chapter also relies on published and unpublished data provided by several of the agencies. Several findings emerge from the data reviewed in this chapter, including the following:

- Available arrest, juvenile justice intake, and court data indicate that there has been a sizable decline in juvenile delinquency and crime in Montgomery County over the past four to five years. Available data suggests that juvenile delinquency has declined between 16 percent (DJS charges) and 61 percent (juvenile arrests) since FY 2011.
- Historical data on school-based arrests is essential to understanding police involvement in schools and the magnitude of the School-to-Prison Pipeline locally. MCPD, however, could not provide this data to OLO as requested.
- Misdemeanors and status offenses account for the vast majority of juvenile crime in Montgomery County. Misdemeanors and status offenses account for 80% of arrests in schools: drug offenses and weapons are the most common offense, followed by theft and minor assault.
- A subset of MCPS high schools accounted for the majority of arrests from in FY 2015: Paint Branch, Montgomery Blair, Einstein, Wheaton, Seneca Valley, and Northwest High Schools.
- Most complaints referred to DJS neither result in probation or detention. DJS refers less than a half of all complaints to the juvenile court, and among those referred, a third result in probations and a tenth in detentions.

- Compared to their share of the population, White youth are half as likely to be arrested or referred to DJS, but are twice as likely to participate in the County’s diversion programs. Black youth, however, are more than twice as likely to be arrested or referred to DJS, but are less likely to participate in the County’s diversion programs. Further, the over-representation of Black youth in the juvenile justice system increases with deeper levels of juvenile justice system contact.
- To the extent that a School-to-Prison Pipeline exists locally, data trends show that the Pipeline disproportionately impacts Black youth.

This chapter’s findings suggest that efforts to reduce the School-to-Prison Pipeline in Montgomery County should target schools and student subgroups disproportionately involved in the juvenile justice system. More specifically, strategies aimed at ending the Pipeline should focus on reducing arrests among Black youth and reducing DJS intakes in part by increasing Black youth participation in local diversion programs. Efforts to reduce the Prison Pipeline should also address the disproportionate contact of Black youth in the juvenile justice system, especially among detentions.

A. Montgomery County Police Department

Background: The Montgomery County Police Department is often the first law enforcement agency a youth may experience as part of the School-to-Prison Pipeline. MCPD officers provide interventions in schools and in the community aimed at disrupting the Prison Pipeline for youth at-risk of or involved in criminal activity. This includes mediation sessions with parents, students, and school administrators and classroom presentations on the impact of impaired driving, controlled dangerous substance, and gangs. MCPD also strives to suppress juvenile crime via collaborative approaches with MCPS and other agencies, as well as via investigations and arrests.

As noted in Table 5.1 below, there has been a dramatic decline in juvenile arrests in Montgomery County that exceeds the rate of decline across the state. The number of juvenile arrests and arrests per 10,000 youth in Montgomery County declined by 60 to 61 percent between FY12 and FY15 according to data compiled by the Maryland Department of Juvenile Services compared to 26 – 28 percent across the state.

Table 5.1. Juvenile Arrests in Maryland and Montgomery County, FY12 – FY15

	FY12	FY13	FY14	FY15	Change	
					#	%
Maryland						
Number of Arrests	38,354	32,948	28,217	27,791	-10,563	-28%
Number of Arrests per 10,000 Youth	706.6	614.7	531.1	523.1	-183.5	-26%
Montgomery County						
Number of Arrests	4,517	3,751	3,223	1,776	-2,741	-61%
Number of Arrests per 10,000 Youth	485.1	417.7	359.7	195.6	-289.5	-60%

Source: DJS

Data compiled by Montgomery County Government also shows a downward trend in juvenile crime:

- A 2012 County Stat presentation¹⁰¹ documents a decline in youth crime from 3,844 to 3,104 cases between 2007 and 2010, although there was an uptick in youth crime to 3,897 cases in 2011.
- The 2014 Montgomery Crime Report published by MCPD finds that juvenile offenses declined by a third from 874 cases in 2013 to 582 cases in 2014.

Together, these trends suggest that there has been an overall decline in juvenile arrests and crime over the past several years that parallel the declines in suspensions and expulsions noted in Chapter III. Of note, however, was OLO's inability to rely on MCPD data to confirm a downward trend in juvenile arrests at MCPS schools. MCPD's data limitations are described in the next subsection.

Arrests by Offense: This section summarizes available data on arrests at high schools since July 2014. At that time, MCPD transitioned to a new database that aligns with the FBI Universal Crime Reporting hierarchy. Since MCPD began their transition to this new database in 2014, neither crime nor arrest data for that fiscal year are available. Moreover, MCPD states that historical data prior to July 2014 cannot be cleaned nor verified. As such, this section cannot describe historical arrest data by school.

The limitations in MCPD's data collection for school-based arrests are significant. Trend data on school-based arrests are critical to understanding the extent of police involvement in schools, yet this data remains unavailable. Moreover, reporting school arrest data by both race and ethnicity is paramount to determining whether disproportionality occurs in arrest rates. Yet the SRO Program only collects data on school-based arrests by race without collecting data on ethnicity and for Latinos in particular. In compliance with FBI Uniform Crime Report data requirements that do not distinguish Hispanic origin, Latino youth are characterized as White in SRO Program data. Given this limitation, SRO Program data based solely on race are excluded from this report.

For this section, OLO summarizes available arrest data in MCPS high schools from July 1, 2014 to May 8, 2015 based on data collected and compiled by MCPD Director of Information Management and Technology (Brian Acken) that includes race and ethnicity rather than from the SRO Program. Thus FY15 data are partial-year data (July 1, 2014 to May 8, 2015). Data are presented by offense category, gender, race and ethnicity, student age, and high school campus.

As noted in the table on the next page, there were 166 arrests in FY15 through May 8, 2015. Part II crimes (e.g., misdemeanors) made up 80 percent of all high school arrests during this time frame. The most common arrest was for a drug offense – representing 40% of all arrests - followed by weapons (16%), minor assaults (12%), and theft/larceny (10%).

¹⁰¹ http://www.montgomerycountymd.gov/exec/Resources/Files/countystat/12-09-18_pydi_ppt.pdf

Table 5.2. 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%

[^] FY15 Data July 1, 2014 – May 8, 2015

* Other includes offenses such as bomb or other threats, harassments/stalking, trespassing, and fire code violations.

Arrests by Gender: The table on the next page shows that more than four males were arrested for each female among high schools in FY15 through May 8, 2015. This arrest data by gender mirrors the disparities in suspension rates described in Chapter III: in FY15, boys accounted for 52% of all MCPS students, but were 73% of out-of-school removals and 81% of in-school suspensions.

Table 5.3. Arrests at MCPS High Schools by Gender, FY15[^]

Gender	#	%
Male	136	82%
Female	30	18%
Total	166	100%

[^]FY15 Data July 1, 2014 – May 8, 2015

Arrests by Race and Ethnicity: The table below shows that Black students accounted for more than half of all arrests at MCPS high schools in FY15 through May 8, 2015. This arrest data also mirrors MCPS suspension data described in Chapter III where Black students accounted for 21% of enrollment in FY15 compared to 50% of out-of-school removals and 48% of in-school suspensions. Comparatively, Latinos accounted for 30% of arrests and 28% of enrollment while White students accounted for 16% of arrests and 31% of enrollment.

Table 5.4. Arrests at MCPS High Schools by Race and Ethnicity, FY15[^]

Race and Ethnicity	#	%
Black	86	52%
Latino	50	30%
White	27	16%
Asian	3	2%
Total	166	100%

[^]FY15 Data July 1, 2014 – May 8, 2015

Arrests by Student Age: The table below describes high school arrests by student age for FY15 through May 8, 2015. Combined, 15 and 16 year olds accounted for 49% of all arrests.

Table 5.5. Arrests at MCPS High Schools by Age, FY15[^]

Age	#	%
13	0	0%
14	33	20%
15	35	21%
16	47	28%
17	30	18%
18	17	10%
19	4	2%
20	0	0%
Total	166	100%

[^]FY15 Data July 1, 2014 – May 8, 2015

Arrests by High School Campus. The table on the next page describes arrests by high school campus. The number of arrests at MCPS high schools FY15 through May 8, 2015 varied among campuses – from a high of 29 arrests at Montgomery Blair High School during this time frame to no arrests at three high schools: Blake, Magruder, and Quince Orchard High Schools. Six high schools – Montgomery Blair, Paint Branch, Einstein, Wheaton, Northwest, and Seneca Valley – accounted for nearly three in five high school arrests in MCPS during this time period.

Table 5.6. Arrests at MCPS High Schools by Campus, FY15[^]

High School	#	%
Montgomery Blair	29	17%
Paint Branch	20	12%
Einstein	14	8%
Wheaton	12	7%
Northwest	11	7%
Seneca Valley	10	6%
Whitman	8	5%
Northwood	8	5%
Kennedy	7	4%
Richard Montgomery	7	4%
Watkins Mill	6	4%
Springbrook	6	4%
Walter Johnson	6	4%
Clarksburg	4	2%
Bethesda-Chevy Chase	4	2%
Sherwood	3	2%
Churchill	3	2%
Wootton	3	2%
Rockville	2	1%
Poolesville	1	1%
Damascus	1	1%
Gaithersburg	1	1%
Blake	0	0%
Magruder	0	0%
Quince Orchard	0	0%
Total	166	100%

[^] FY15 Data July 1, 2014 – May 8, 2015

Sources: MCPD and MCPS

To control for differences in student enrollment, the next two tables describe by high school campus the number of arrests in FY15 through May 8, 2015 per 1,000 students. Across all MCPS campuses, there was an average of 3.7 arrests per 1,000 students. This ranged from a high of 10 arrests per 1,000 students at Paint Branch and Montgomery Blair High Schools to a low of 0 arrests per 1,000 students at Gaithersburg, Blake, Magruder, and Quince Orchard High Schools.

Table 5.7. Arrests per 1,000 Students by High School, FY15[^]

High School	Arrests	Student Population	Arrests per 1,000 Students
Paint Branch	20	1,989	10.1 /1000
Montgomery Blair	29	2,892	10.0 /1000
Einstein	14	1,695	8.3 /1000
Wheaton	12	1,465	8.2 /1000
Seneca Valley	10	1,278	7.8 /1000
Northwest	11	2,105	5.2 /1000
Northwood	8	1,585	5.0 /1000
Kennedy	7	1,553	4.5 /1000
Whitman	8	1,902	4.2 /1000
Watkins Mill	6	1,492	4.0 /1000
Springbrook	6	1,747	3.4 /1000
Richard Montgomery	7	2,196	3.2 /1000
Walter Johnson	6	2,261	2.7 /1000
Clarksburg	4	1,970	2.0 /1000
Bethesda-Chevy Chase	4	1,992	2.0 /1000
Sherwood	3	1,890	1.6 /1000
Churchill	3	1,996	1.5 /1000
Rockville	2	1,331	1.5 /1000
Wootton	3	2,190	1.4 /1000
Poolesville	1	1,223	0.8 /1000
Damascus	1	1,247	0.8 /1000
Gaithersburg	1	2,230	0.4 /1000
Blake	0	1,601	0 /1000
Magruder	0	1,523	0 /1000
Quince Orchard	0	1,889	0 /1000
Total	166	45,242	3.7/1000

[^]FY15 Data July 1, 2014 – May 8, 2015

Sources: MCPD and MCPS

Finally, Table 5.8 on the following page compares FY15 arrest data through May 8, 2015 to FY15 suspension data by MCPS campus as reported in Chapter Y. It shows some alignment between high arrests and high suspension schools, but not total alignment. More specifically:

- Among the seven campuses with the highest arrest rates, only two evidenced the highest suspension rates: Wheaton and Northwest High Schools. Five of the high arrest campuses – Montgomery Blair, Einstein, Paint Branch, Seneca Valley, and Kennedy - evidenced medium levels of suspension in FY15; one high arrest campus – Northwood – had low suspensions.

- Among the ten campuses with the lowest arrest rates – Blake, Gaithersburg, Magruder, Sherwood, Quince Orchard, Damascus, Poolesville, Rockville, Wootton, and Churchill - none had high suspension rates, half had medium suspension rates, and the remainder had low rates.

Table 5.8. Comparison of MCPS High School Suspension and Arrest Rates, FY15[^]

	High Arrest Schools (5+ per 1,000 students)	Medium Arrest Schools (2.0-4.5 per 1,000 students)	Low Arrest Schools (0-1.6 per 1,000 students)
High Suspension Schools (4-5 per 100 students)	Wheaton and Northwest	Watkins Mill and Springbrook	
Medium Suspension Schools (2-3 per 100 students)	Montgomery Blair, Einstein, Paint Branch, Seneca Valley, and Kennedy	Richard Montgomery and Clarksburg	Blake, Gaithersburg, Magruder, Sherwood, and Wootton
Low Suspension Schools (0-1 per 100 students)	Northwood	Whitman, Walter Johnson, and Bethesda-Chevy Chase	Churchill, Damascus, Poolesville, Quince Orchard, and Rockville

[^] MCPD FY15 Data from July 1, 2014 – May 8, 2015

Sources: MCPD and MCPS

B. Montgomery County Department of Health and Human Services

Background: Montgomery County offers coordinated juvenile justice diversion services via two agencies – the Montgomery County Department of Health and Human Services (DHHS) and the State’s Attorney’s Office (SAO). Montgomery County Police Department’s (MCPD) Family Crimes Division screens misdemeanor charges for minors to determine eligibility for diversion. Offenses typically handled by the Montgomery County Diversion Program include possession of alcohol and/or drugs, theft under \$1,000, possession of a weapon, and disorderly conduct. To participate in diversion, youth must admit involvement in charges made by the MCPD. Thus youth contesting charges cannot participate in DHHS’ and SAO’s diversion programs.

This section describes DHHS’ Juvenile Justice Services via its Screening and Assessment Services for Children and Adolescent (SASCA) Program. Successful completion of SASCA can lead to a juvenile case closing at the police level without DJS involvement. The next section describes SAO’s Teen Court Program. Youth participating in SAO’s Diversion Programs (Teen Court and Juvenile Mediation) also participate in SASCA.

DHHS Juvenile Justice Services: DHHS delivers SASCA services to youth referred to its programs including those referred by MCPD for juvenile justice diversion. MCPD referrals to SASCA from its Family Crimes Division account for about half of all SASCA referrals annually. SASCA provides case management services and screens youth for referrals to:

- Substance abuse and mental health treatment via outpatient, intensive outpatient, and in-patient/residential programs, and
- Drug education seminars via four-hour classes for first time offenders (D4 classes) or more intensive nine-hour courses that require urinalysis (D9 classes).

SASCA refers youth to vendors who deliver services rather than provide the services directly. SASCA also contracts with substance abuse treatment providers to deliver services on a slide scale. Yet, any costs associated with SASCA recommendations and referrals for services, including those as part of DHHS’ Juvenile Justice Services, are the responsibility of the minor’s family. Moreover, any recommendations for substance and/or mental health education or treatment must be completed in order to be compliant with diversion and to not have charges referred to DJS.

Referrals to DHHS Juvenile Justice Services: As noted in Table 5.9, the number of youth diverted to SASCA instead of DJS has declined by 22 percent since FY11. The number of teens referred to four-hour drug education classes has declined by half and the number of teens referred exclusively to mental health treatment or to nine-hour drug education classes has declined by a quarter. In FY15, 47% of teens diverted to SASCA received referrals for substance abuse and/or mental health treatment and 43% were referred to drug education compared to 18% of teens that did not receive any referrals based on their SASCA screening.

Table 5.9. Youth Diverted by Police to DHHS Juvenile Justice Services, FY11 - FY15

	FY11	FY12	FY13	FY14	FY15	% Change
Youth Screened by SASCA	761	709	649	636	591	-22%
Referred to Treatment	265	283	255	227	280	6%
-Substance Abuse w/ or w/o Mental Health	123	157	154	127	177	44%
-Mental Health Only	142	126	101	100	103	-27%
Referred to Drug Education	442	432	397	413	256	-42%
- Four-Hour Classes (D4)	294	282	255	287	144	-51%
- Nine-Hour Classes (D9)	148	150	142	126	112	-24%
Not Referred to Treatment/Education	132	82	57	57	108	-18%

Source: DHHS

Offenses among Youth Diverted to DHHS Juvenile Justice Services: The table below shows that alcohol citations accounted for the preponderance of offenses among youth diverted from DJS to SASCA between FY11 and FY14. In FY15, however, drug offenses became the dominant offense leading to MCPD diversions to DHHS Juvenile Justice Services, accounting for 54 percent of cases diverted to DHHS. This shift likely results from the change in diversion regulations which allowed repeat drug offenders to repeat diversion like repeat alcohol offenders. Finally, the table below also shows that law enforcement no longer diverts destruction of property or minor assault cases to DHHS.

Table 5.10. Distribution of Offenses Diverted to DHHS Juvenile Justice Services, FY11 - FY15

Offense History	FY11	FY12	FY13	FY14	FY15	% Change
Alcohol Violations	41%	51%	55%	54%	26%	-37%
Drug Offenses (Possession)	20%	19%	22%	20%	54%	170%
Thefts (Larceny)	23%	20%	17%	13%	24%	4%
Destruction of Property	2%	1%	0%	0%	0%	-100%
Minor Assaults	1%	0%	0%	0%	0%	-100%

Source: DHHS

Demographics among Youth Diverted to DHHS Juvenile Justice Services: As noted in Table 5.11, White teens accounted for a majority of youth diverted by MCPD to DHHS Juvenile Justice Services between FY11 and FY14. In FY15, White teens accounted for 45% of DHHS diversions but only 19% of MCPD arrests in high schools. Thus White teens were twice as likely to be diverted to DHHS Juvenile Justice Services than their share of overall arrests. Conversely, Black teens accounted for 55% of high school arrests, but 23% of diverted youth. Thus Black teens were less than half as likely to be diverted than their share of high school arrests.

Table 5.11 also shows that in FY15, twice as many young men were diverted to DHHS Juvenile Justice Services than young women. This compares to young men being four times as likely as young women to be arrested in MCPS high schools between FY14 and FY15.

Table 5.11. Distribution of Youth Diverted to DHHS Juvenile Justice Services by Race and Ethnicity, FY11 - FY15

Demographics*	FY11	FY12	FY13	FY14	FY15	% Change
White	53%	55%	53%	56%	45%	-19%
Black	26%	26%	25%	23%	31%	16%
Latino	26%	26%	31%	27%	40%	36%
Asian	5%	4%	4%	5%	5%	-11%
Male	57%	55%	56%	58%	66%	14%
Female	43%	45%	45%	42%	34%	-27%

* Values by race and ethnicity exceed 100% because Latinos can be of any race.

Source: DHHS

C. State’s Attorney’s Office

In addition to diversion services via DHHS, the Montgomery County State’s Attorney’s Office provides juvenile justice diversion services via its Teen Court program. Generally, first-time offenders charged with non-violent minor crimes are eligible to participate in Teen Court. Unlike other jurisdictions such as Charles County and Baltimore City, however, Montgomery County teens charged with assault are generally not offered the opportunity to participate in Teen Court.¹⁰²

Similar to other jurisdictions, participation in Teen Court is analogous to a plea bargain because it requires an admittance of guilt with the charging offense. Moreover, successful completion of Teen Court requires attending a hearing and complying with sanctions (e.g. SASCA, community service) to avoid DJS involvement and to close the case at the police department level. Further, any costs associated with complying with Teen Court sanctions are the responsibility of the minor’s family.

The data in this section come from two sources. The State’s Attorney’s Office (SAO) provided Teen Court data from FY12 – FY14 and FY09 - FY11 data came from a 2013 Teen Court evaluation by the University of Maryland School of Social Work.¹⁰³

¹⁰² See Bright, Charlotte, et al., *Multijurisdictional Teen Court Evaluation: A Comparative Evaluation of Three Teen Court Models*, University of Maryland School of Social Work. (June 2013). According to the SAO’s Juvenile Mediation Diversion Program, however, it handles some simple assault charges with the consent of DJS. Victims are approached first and must give their consent to mediate.

¹⁰³ Ibid. Hereinafter “*Teen Court Evaluation*”

Source of Referrals: The vast majority of referrals to Teen Court come from the MCPD Youth Services Division. Both data sets provided show that approximately 95% of referrals to Teen Court came from MCPD during the relevant time period. Between FY12 – FY13, only one referral came from a source other than MCPD – a referral from the State’s Attorney’s Office in 2013. In FY14, however, 15% of referrals came from the Park Police, the Sheriff, the City of Rockville, and the City of Takoma Park.

Data on Referrals, Hearings, and Compliance: The data in the table below show that about 350 youth were referred to Teen Court annually between FY12 and FY14 and about 92% participated in a Teen Court hearing. During this time frame, the number of youth referred to and participating in Teen Court hearings declined by about 15%, but the percentage of youth completing their sanctions increased by 13%. In FY14, 82% of participating youth completed their Teen Court sanctions and thus avoided having their cases referred to DJS for intake.

Table 5.12. Montgomery County Teen Court Statistics, FY12 - FY14

Data on ...	FY12	FY13	FY14	% Change
Referrals to Teen Court	387	366	331	-14%
Hearings Held	361	340	303	-16%
Non-Compliant Youth	100	68	56	-44%
<i>% No-shows (Referred, No Hearing)</i>	7%	7%	8%	26%
<i>% Compliant (Compliant/Hearings Held)</i>	72%	80%	82%	13%

Demographics of Teen Court Participants: As noted in Table 5.13 on the next page, the modal group for Teen Court participants between FY12 and FY14 were White youth. This parallels the demographics of participants in Montgomery County’s juvenile justice diversion program via DHHS, but runs counter to the demographics of students suspended and arrested from MCPS where Black students are the modal group. This finding suggests that the County’s diversion programs may not adequately serve youth at disproportionate risk for suspension and arrest – Black teens.

The table below also shows that males were twice as likely to participate in Teen Court as females between FY12 and FY14. Again, the gender breakdown of Teen Court referrals and participants aligns with the gender data for DHHS’ Juvenile Justice Services but demonstrates a lesser degree of male over-representation than MCPS suspension and arrest data. The table below also shows that the decline in Teen Court referrals and hearings between FY12 and FY14 resulted primarily from a reduction in the number of females participating in Teen Court.

Table 5.13. Distribution of Teen Court Participants by Race, Ethnicity, and Gender, FY12 - FY14*

Demographics	FY12	FY13	FY14	% Change
White	40%	35%	43%	7%
Black	31%	33%	33%	6%
Latino	23%	24%	21%	-9%
Asian	6%	8%	3%	-50%
Male	62%	66%	68%	10%
Female	38%	34%	32%	-16%

*FY13 data include youth who participated in Teen Court hearings. FY14 data include all youth referred to Teen Court.

Reasons for Referrals: The *Teen Court Evaluation* broke down the data on Teen Court referrals by the reason for referral. The data show that drug offenses (43% of referrals) and theft (34% of referrals) account for almost 80% of all referrals. The remaining reasons - alcohol or tobacco violations (9%), weapons (7%) and other (7%) - each account for less than 10% of referrals.

Table 5.14. Distribution of Reasons for Referrals to Teen Court, FY09 - FY11

Reasons for Referrals	% of Referrals
Drug Offenses/Possession	43%
Thefts (Larceny)	34%
Alcohol or Tobacco Violations	9%
Weapons	7%
Other*	7%

* Other includes assault, destroying property, disorderly conduct, disrupting school operations, failure to obey, false statement, resisting arrest, trespassing, and burglary. Source: *Teen Court Evaluation*

Completion and Recidivism: The next table summarizes data from FY09-FY11 on the rate of successful completion of the Teen Court program, broken down by race and ethnicity. The data show that White youth were most likely to complete the program during this time period – with a 95% success rate. Ninety percent of Asian youth were successful, 84% of Latino youth, and 73% of Black youth.

Table 5.15. Rate of Successful Completion of Teen Court by Race and Ethnicity, FY09 - FY11

Race and Ethnicity	Completed Program?	
	Yes	No
White	95%	5%
Asian	90%	10%
Latino	84%	16%
Black	73%	27%

Source: *Teen Court Evaluation*

D. Maryland Department of Juvenile Services

The Maryland Department of Juvenile Services (DJS) manages, supervises, and treats youth involved in Maryland’s juvenile justice system. In field offices around the State, DJS staff provide intake services, youth supervision, and recommendations to courts on the detention or placement of youth. DJS also operates seven detention facilities across the state including the Alfred D. Noyes Center in Rockville.

This section describes juvenile justice data from DJS in two parts. The first part describes FY11 and FY15 data on the number of intake cases by DJS by offense category and on intake decisions, dispositions, and recidivism. Overall, the data show that misdemeanors account for the majority of juvenile charges and that charges and dispositions diminished significantly during this time frame. Overall, a very small percentage of youth referred to DJS receive commitments or probation, but a sizable share of youth who are released from DJS placements and probations are rearrested, reconvicted, and/or re-incarcerated.

The second part describes FY11 and FY15 data on DJS intakes by race, ethnicity, and gender as well as FY14 data on youth detentions, new commitments, and new probations by race and ethnicity. In sum, this data shows that although juvenile crime and punishment has declined since FY11, the over-representation of Black and Latino youth in the juvenile justice system remained unchanged or has increased among adjudicated youth.

1. Intakes, Dispositions, and Recidivism

DJS Intakes: DJS intake data on unique individuals summarized in Table 5.16 below shows that most juvenile crimes are misdemeanors. Further, the data show that all categories of juvenile crime declined between FY11 and FY15 including crimes of violence¹⁰⁴ and felonies.¹⁰⁵ Across all offense categories, intakes decreased by more than 500 youth (18 percent) between FY11 and FY15, with the 55 percent decline in intakes for status offenses driving this decline.

Table 5.16. DJS Intake Cases by Offense Category, FY11 and FY15¹⁰⁶

Offense Category	FY11	FY15	% Change
Misdemeanor	1,580	1,479	-6%
Status Offense	701	318	-55%
Crime of Violence	341	309	-10%
Felony	194	166	-15%
Total Complaints	2,817	2,303	-18%

Source: DJS FY11 and FY15 Data Resource Guide

¹⁰⁴ “Crimes of violence” include abduction, arson, kidnapping, manslaughter, murder, rape, robbery, carjacking, use of a handgun in the commission of a felony or other crime of violence, assault in the first degree, and assault with intent to murder, rape, or rob. <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr§ion=14-101&ext=html&session=2015RS&tab=subject5>

¹⁰⁵ Felonies are more serious crimes than misdemeanors. Crimes of violence typically are felonies and are considered Part I crimes by the FBI. Status offenses involve conduct that would not be a crime if committed by an adult. Misdemeanors and status offenses are typically considered to be Part II crimes by the FBI.

¹⁰⁶ DJS publishes the total number of intakes in its Data Resource Guides and describes the percentage of cases by offense or offense category. OLO extrapolated the number of offenses based on the percentage data available for this tables and other tables in this section.

DJS data describing intake charges for the top 10 offenses also shows that juvenile delinquency declined between FY11 and FY15. As demonstrated in the table on the next page, intake charges diminished for most offenses with a 33 to 45 percent reduction in charges for five offense categories: drug, alcohol, and traffic violations; and malicious destruction and unspecified misdemeanors. Alternatively, charges remained the same or increased for four offense categories: theft, second degree assault, burglary, and disturbing the peace. Overall, the number of intake charges during this time frame declined by 16% from nearly 4,400 charges in FY11 to less than 3,700 charges in FY15.

Table 5.17. DJS Intake Charges for Top 10 Offenses, FY11 and FY15

Offense	FY11	FY15	% Change
Theft (Larceny)	756	782	3%
Drug Offense (Possession)	599	330	-45%
Assault (Second Degree)	419	433	3%
Motor Vehicle/Traffic	267	162	-39%
Conspiracy to Commit Offense	249	224	-10%
Burglary	249	239	-4%
Malicious Destruction	214	143	-33%
Unspecified Misdemeanor	214	125	-42%
Alcohol Violation	197	114	-42%
Disturbing the Peace	175	191	9%
All Other	1,031	929	-10%
Total Charges	4,369	3,672	-16%

Source: DJS FY11 and FY15 Data Resource Guide

Intake Decisions: Following intake, a youth’s DJS case proceeds in one of three ways.

- Resolved at Intake where DJS resolves the case at intake.
- Informal Supervision where DJS enters into an agreement with a minor and their family to enter into counseling and/or DJS monitoring without court involvement.
- Formal Petition where DJS can recommend that the case be resolved by the juvenile court.

DJS data on intake decisions below shows that between FY11 and FY15 there was a 35% decline in cases recommended for informal supervision and a 17% decline in cases recommended formal petition compared to no change in the number of cases resolved at intake. Yet, intakes recommended for formal petition accounted for 46% of all DJS intake decisions in both years. As such, most cases referred to DJS are resolved at intake or through informal supervision.

Table 5.18. DJS Intake Decisions, FY11 and FY15

Intake Decisions	FY11	FY15	% Change
Resolved at Intake	713	722	1%
Informal Supervisions	795	514	-35%
Formal Petitions	1,291	1,067	-17%
Total Complaints	2,817	2,303	-18%

Source: DJS FY11 and FY15 Data Resource Guide

Dispositions: DJS formal petitions recommended for disposition by the juvenile court can be resolved in a number of ways. These formal petitions can be dismissed by the court, continued, denied by the State’s Attorney’s Office, and transferred to other jurisdictions. If evidence of delinquency is substantiated, then court dispositions of formal petitions can include commitments to DJS supervision or probation.

As noted in the table below, the modal response to a formal petition in both FY11 and FY15 was dismissal or closure. Between FY11 and FY15, the number of dismissed/closed cases remained the same, while the number of probations decreased by half, the number of commitments to DJS decreased by nearly a third.

Table 5.19. Dispositions of Formal Petitions, FY11 and FY15

Case Resolutions	FY11	FY15	% Change
Dismissed/Closed	403	397	-1%
Probation	330	160	-52%
Commitment to DJS	118	81	-31%
Pending Disposition	178	50	-72%
Other*	262	379	45%
Formal Petitions	1,291	1,067	-17%

*Other includes continued/stet, jurisdiction waived to adult court, petition denied by SAO, transfer between jurisdictions, and writ pending.

Source: DJS FY11 and FY15 Data Resource Guide

Overall, about one in ten to thirteen cases sent to juvenile court results in commitments to DJS facilities (118 of 1,291 formal petitions in FY11 and 81 of 1,067 formal petitions in FY15). Since less than half of all complaints to DJS are formally petitioned to the court, at best only one in 20 referrals to DJS results in post disposition youth detention.

Further, historical data compiled by DJS’ Office of Research and Evaluation¹⁰⁷ finds that the number of juvenile probation order, juvenile commitments, and juvenile commitments to out-of-home placements among Montgomery County youth have declined by more than half over the past ten years. More specifically, from FY05 to FY14:

- Juvenile probation orders declined by 75% from 537 to 132;
- Juvenile commitments decreased 62% from 201 to 77; and

¹⁰⁷ Add the reference

- Juvenile commitments to out-of-home placements declined by 64% from 154 to 56.

Recidivism: Recidivism refers to youth who have subsequent involvement with the criminal justice system following their release from an out-of-home placement or probation. The table on the next page summarizes FY11-FY13 data for Montgomery County regarding the number of released youth who are rearrested, reconvicted, or reincarcerated within a year of being released from DJS custody or probation. Overall, the data show that recidivism rates have declined for local youth released from DJS placements and probation. Whereas half of released youth from DJS placements or probations were rearrested within a year in FY11, between 41% and 44% were rearrested in FY13.

In sum, the number of youth released from DJS placements declined by 18% between FY11 and FY13 compared to the number of youth rearrested, reconvicted, or reincarcerated decreasing by a third. And the number of youth released from probation who were rearrested, reconvicted, or reincarcerated diminished between 43% and 45% compared to the number of youth released from probation declining by a third.

Table 5.20. Recidivism Data for Montgomery County Youth, FY11 - FY13

Data on ...	FY11	FY12	FY13	% Change
Youth Released from Placements	165	144	135	-18%
-Rearrested within 1 year	89	75	59	-34%
-Reconvicted within 1 year	45	42	30	-33%
-Reincarcerated within 1 year	33	35	22	-33%
Youth Released from Probation	251	216	171	-32%
-Rearrested within 1 year	128	91	70	-45%
-Reconvicted within 1 year	68	54	39	-43%
-Reincarcerated within 1 year	38	30	21	-45%

Source: DJS

2. Race, Ethnicity, and Gender Data

DJS Intakes, Decisions and Pre-Disposition Detentions: DJS intake data by race, ethnicity, and gender show that while intakes declined for each subgroup by race, ethnicity, and gender between FY11 and FY15. The overall number of intakes declined by 18 percent with White youth experiencing the greater decline by race and ethnicity at 43 percent. In turn, disproportionality in minority contact in the juvenile justice system increased. More specifically, the share of Black youth among DJS complaints increased from 49 percent of cases in FY11 to 54 percent in FY15 and the share of Latino/Other youth among DJS complaints increased from 27 percent in FY11 to 29 percent of youth in FY15. Conversely, the share of White youth among DJS complaints decreased from 24 to 17 percent between FY11 and FY15.

Table 5.21. DJS Intake Cases by Race, Ethnicity, and Gender, FY11 and FY15

Data on ...	FY11	FY15	% Change
Total Complaints	2,817	2,303	-18%
Black	1,380	1,234	-11%
White	688	389	-43%
Latino/Other	749	677	-10%
Male	2163	1,750	-19%
Female	654	553	-15%

Source: DJS FY11 and FY15 Data Resource Guide

DJS intake data by offense category also shows the over-representation of Black youth among cases referred to DJS. As noted in the table below, Black youth accounted for 52% of all intakes in FY14, but 63% of misdemeanor intakes and 65% of crime of violence intakes. Table 5.22 also shows that misdemeanors accounted for 52% of all DJS intakes while status offenses accounted for 30% of intakes, crimes of violence were 12% of intakes, and felonies were 7% of intakes.

Table 5.22. DJS Intakes by Offense Category and Race and Ethnicity, FY14

	Population	Total	Misdemeanor	Status Offense	Crime of Violence	Felony
Total	89,646	1,696	878	504	197	117
Black	19%	52%	63%	29%	65%	51%
Latino	21%	22%	20%	24%	24%	28%
White	41%	19%	15%	30%	9%	18%
Other	19%	7%	3%	16%	2%	3%

Source: DJS

DJS data on intake decisions also show that Black teens are slightly more likely to have their cases resolved or formally petitioned than compared to their shares of DJS intakes. Black youth accounted for 52% of DJS intakes in FY14, but 59% of cases that were resolved at intake and 55% of cases that were formally petitioned. Conversely, White teens were more likely to have their cases informally supervised; they accounted for only 19% of DJS intakes in FY14, but accounted for 33% of cases informally supervised by DJS.

Table 5.23. DJS Intake Decisions by Race and Ethnicity, FY14

	Population	Total	Informal	Resolved	Formal
Total	89,646	1,696	453	472	771
Black	19%	52%	41%	59%	55%
Latino	21%	22%	23%	22%	23%
White	41%	19%	33%	17%	11%
Other	19%	7%	3%	3%	11%

Source: DJS

DJS data tracking the number of youth who are detained in DJS custody before court also shows that Black youth are detained prior to disposition at a disproportionately higher rate than either Latino or White youth. As noted in the table below, 72% of youth detained before disposition in FY14 were Black. Charges for misdemeanor offenses made up the bulk pre-disposition charges and Black youth accounted for 83% of all these detentions. This compares to Black youth accounting for 52% of all DJS intake cases.

Table 5.24. Pre-Disposition Detentions by Race and Ethnicity, FY14

	Population	Total	Misdemeanor	Status Offense	Crime of Violence	Felony
Total	89,646	153	76	14	43	20
Black	19%	72%	83%	50%	58%	75%
Latino	21%	24%	14%	50%	33%	20%
White	41%	3%	1%	0%	7%	5%
Other	19%	1%	0%	0%	2%	0%

Source: DJS

Data on pre-disposition detentions by both gender and race and ethnicity show that high levels of juvenile justice over-representation among both Black males and females. As noted in the table below, Black youth accounted for 69% of males detained before disposition in FY14 and Black females accounted for 90% of females detained before disposition in FY14.

Table 5.25. Pre-Disposition Detentions by Gender, Race, and Ethnicity, FY14

	Population	Total	Male	Female
Total	89,646	153	133	20
Black	19%	72%	69%	90%
Latino	21%	27%	26%	10%
White	41%	3%	4%	0%
Other	19%	1%	2%	0%

Source: DJS

Probations and Commitments: Data on Montgomery County youth committed to DJS care by a court in FY14 also shows increasingly levels of disproportionate representative in the juvenile justice system. Among youth committed to court-ordered probation and supervision for adjudicated offenses, 58% were Black in FY14 compared to accounting for 52% of DJS complaints. Among youth committed to DJS supervision via out-of-home placements, 69% were Black in FY14.

Table 5.26. New DJS Probation for Adjudicated Offenses by Race and Ethnicity, FY14

	Population	Total	Misdemeanor	Status Offense	Crime of Violence	Felony
Total	89,646	99	56	0	13	30
Black	19%	58%	61%	0%	62%	50%
Latino	21%	29%	21%	0%	38%	40%
White	41%	13%	18%	0%	0%	10%
Other	19%	0%	0%	0%	0%	0%

Source: DJS

Table 5.27. New Commitments for Adjudicated Offenses by Race and Ethnicity, FY14

	Population	Total	Misdemeanor	Status Offense	Crime of Violence	Felony
Total	89,646	48	27	4	8	9
Black	19%	69%	70%	75%	63%	67%
Latino	21%	23%	19%	25%	25%	33%
White	41%	6%	7%	0%	13%	0%
Other	19%	2%	4%	0%	0%	0%

Source: DJS

Data on admissions to the Noyes Center in Rockville also shows disproportionate representation in the juvenile justice system among Black youth. The Noyes Center is one of seven secure detention facilities operated by DJS and primarily serves youth from Montgomery and surrounding counties including Allegany, Frederick, Prince George’s and Washington Counties. In FY14, about half the youth admitted to Noyes were from Montgomery County.

Table 5.28 below describes the number of admissions to the Noyes Center in FY14 by race and ethnicity. Of the 472 admits for pre- and post-disposition detention, 73% of youth admitted were Black.

Table 5.28. New Admissions to the Noyes Center by Race and Ethnicity, FY14

	Population	Admissions
Total	89,646	472
Black	19%	73%
Latino/Other	40%	13%
White	41%	14%

Source: DJS

Data compiled by DJS describes trends in the disproportionate minority contact of youth through nine key contact points in the juvenile justice system: arrests, referrals, diversion, detention, petitioned, delinquent, probation, confinement, and transferred to adult court. Table 5.29 describes the Relative Risk Index for youth of color – Black, Asian, Native American, and Unknown youth – compared to White youth for each DJS decision point. A RRI of 1.0 indicates no disparity at that decision point; a higher value means youth of color over-representation and a lower value means under-representation.

Of note, Latino youth are categorized as White at the two decision points where arrest data are considered: arrest and referral because the FBI Uniform Crime Report does not distinguish Hispanic origin. As such, data on these two measures are biased because Latinos and White youth who have different experiences in the juvenile justice are co-mingled together.

Another limitation of this Relative Risk Metric is the co-mingling of all youth of color for comparison since the subgroups comprising this cohort also have divergent experiences in the criminal justice system (Black and Native American youth over-represented and Asian youth under-represented). Ideally, DJS should calculate separate relative risk ratios for each youth of color subgroup compared to White youth and should exclude Latino students from the White youth subgroup in their analysis.

Despite the less than perfect data available to describe disproportionality by subgroup, as noted in Table 5.29, youth of color were at greater risk of arrest, DJS intake, detention, and delinquency than White students in both FY11 and FY15. For example, youth of color were nearly three times as likely as White youth to be placed in secure detention pre-disposition or pending placement. Youth of color were also 21% less likely to be diverted (to have their cases resolves at intake or via informal supervision) than White youth in FY15, but this was an improvement over FY11 when youth of color were 30% less likely to be diverted. In FY15, youth of color were also 82% less likely than White youth in the juvenile justice system to have their cases waived to adult court.

Further, between FY11 and FY15, disproportionate minority contact:

- Increased for arrests by 14 percent, increased by 21 percent for delinquency findings, increased by 6 percent for secure detention, and increased by 57 percent for probation placement.
- But decreased for referrals to DJS by 13 percent and request for petitions by 31 percent.

These data points suggest that disproportionality is diminishing on some measures, but this may be an artifice of how DJS groups youth subgroups for this analysis and the divergent experiences of subgroups included in the youth of color cohort (e.g. Asians v. Black youth).

Table 5.29. Relative Rate Index for Youth of Color Compared to White Youth, FY11 and FY15

Key Contacts	FY11	FY15	% Change
Arrest*	1.87	2.13	14%
Referred to DJS*	1.25	1.09	-13%
Diverted	0.67	0.79	18%
Secure Detention	2.66	2.82	6%
Petitioned	1.90	1.32	-31%
Delinquency Finding	1.06	1.28	21%
Probation Placement	0.74	1.16	57%
Secure Confinement	**	**	
Waived to Adult Court	**	0.18	

Notes: A RRI of 1.0 indicates no disproportional contact

* For arrests and referrals, White comparison group includes Latinos

** Insufficient number of cases

Source: DJS

E. Circuit Court

The Circuit Court in Montgomery County hears all cases involving juveniles. Available data in this section describes the number of juvenile cases reviewed by the Montgomery County Circuit Court between FY10 and FY14. Data on the demographics of youth whose cases are considered by the Circuit Court are not available.

As noted in the table below, the number of juvenile delinquency cases reviewed by the Montgomery Circuit Court declined by 45% between FY10 and FY14. More specifically, the Circuit Court addressed 4,245 juvenile delinquency cases in FY10 compared to 2,354 cases in FY14. This data point aligns with juvenile arrest, diversion and DJS intake data indicating that juvenile crime has diminished in Montgomery County over the past five years. Of note, Circuit Court delinquency case data does not match DJS data on formal petitions because court cases often carry over from one year to the next and the data below reflect the Circuit Court’s cumulative caseload rather than cases initiated in each fiscal year.

Table 5.30. Juvenile Cases in Montgomery County Circuit Court, FY10 - FY14

	FY10	FY11	FY12	FY13	FY14	% Change
Total Cases	4,734	4,631	3,674	3,747	2,759	-42%
Delinquency	4,245	4,184	3,262	3,241	2,354	-45%
CINA	320	248	293	290	254	-21%
Other	169	199	119	216	151	-11%

Source: Maryland Judiciary Annual Statistical Abstract, FY10-FY14

Chapter VI: Police, Juvenile Services, and Other Law Enforcement Agencies

Students' interactions with law enforcement and the criminal justice system are a critical part of the School-to-Prison Pipeline. As noted in Chapter II, student contact with the juvenile justice system, even in the absence of a conviction, increases students' risk for later involvement in the adult criminal justice system. Moreover, students with a history of out-of-school suspensions are also at greater risk for juvenile justice and adult criminal justice involvement.

This chapter describes the policies and programs of seven agencies and one non-profit that deliver law enforcement, juvenile justice and criminal justice services:

- A. Montgomery County Police Department** that delivers law enforcement and mediation services to youth in the community and in schools
- B. Montgomery County Department of Health and Human Services** that provides prevention, intervention and juvenile justice diversion services for youth
- C. Maryland Department of Juvenile Services** that manages the juvenile justice system in Montgomery County and across the state
- D. Montgomery County Department of Corrections and Rehabilitation** that provides detention and re-entry services for youth charged as adults
- E. State's Attorney's Office** that prosecutes youth charged with juvenile delinquency and also manages Teen Court, the County's preeminent juvenile justice diversion program
- F. Maryland Office of the Public Defender** that defends indigent youth charged with juvenile delinquency and advocates for children supervised by DJS
- G. The Juvenile Division of the Montgomery County Circuit Court** that oversees juvenile delinquency hearings and determines DJS placements for adjudicated youth, and
- H. The Collaboration Council for Children, Youth, and Families** that provides services and programs for juvenile-justice involved youth and other high-risk children.

For each entity this chapter describes the core functions and services offered relative to the School-to-Prison Pipeline and feedback shared by agency staff on what works well and opportunities for improvement. Section I of this chapter also compares local policies to best practices for stemming the Prison Pipeline identified by the School Discipline Consensus Group. It was beyond the scope of this report, however, to determine whether local programs and policies were implemented with fidelity. In sum, this chapter describes the alignment between local practices and best practices without evaluating whether local practices successfully achieve their desired goals for youth or the community.

OLO's review and analysis of cross-agency information analyzed in this chapter finds that many of the policies and practices of juvenile justice and law enforcement agencies in the County align with recommended practices for stemming the School-to-Prison Pipeline. These include:

- The Police Department's selection and training process for School Resource Officers and its Memorandum of Understanding with MCPS and other agencies that articulates key roles for school and law enforcement staff in schools.
- The Department of Juvenile Services' use of risk assessments to determine the resolution of juvenile charges, the use of alternatives to detention, and the delivery of services to children in need of supervision (CINS) outside of the judicial process.

- Collaboration among County agencies and partners to support programs that divert many first-time juvenile offenders out of the juvenile justice system and reduce the disproportionate representation of youth of color in the juvenile justice system.
- An effective working relationship between DJS, the juvenile courts, and the school system that enables the quick re-enrollment of DJS-involved youth back into community schools.

OLO's review of cross-agency information, however, identified some significant gaps between local practices and best practices that may contribute to the Prison Pipeline in the County. These include:

- A lack of regular engagement with parents and other community stakeholders to review how well the School Resource Officer Program functions.
- A lack of clarity on what constitutes a school disciplinary offense that can be addressed by principals versus a criminal offense that should be addressed by law enforcement.
- A lack of data on how school-based offenses are addressed by the juvenile justice system.
- Barriers for low-income youth to access mental health and substance abuse treatment services.
- Barriers for low-income youth, English language learners, and youth of color to participate and successfully complete diversion programs for first-time juvenile offenders.

Of note, a common concern among agency stakeholders interviewed by OLO was the need for greater coordination and data sharing among agencies and organizations to better serve youth at-risk and in the Prison Pipeline. This common belief is consistent with best practices identified in the School Discipline Consensus Report, which recommends effective information sharing between school-based staff and external partners to meet the needs of students. A comprehensive examination of how County agencies and stakeholders share information on at-risk and juvenile justice-involved youth, however, was beyond the scope of this OLO report.

While OLO examined data sharing issues between MCPS and MCPD relative to the School Resource Officer Program, other data sharing agreements among cross-agency partnerships, such as the Kennedy and Watkins Mill Cluster Projects, were not reviewed. To understand whether local agencies and partners effectively share information and coordinate services in ways that improve youth outcomes and mitigate the Pipeline, OLO recommends that future examinations of the Prison Pipeline in Montgomery County consider three questions relative to agency information sharing:¹⁰⁸

- Does information sharing within and among schools and external partners comply with mandates while (a) reducing the stigmatization or labeling of students, (b) advancing the best interests of students and school safety; and (c) ensuring use is only for appropriate purposes?
- Have agencies and external partners developed written principles of information sharing that all parties agree to uphold and identified any obstacles to exchanges?
- Have agencies provided all parties engaged in student-level information sharing with clear direction of the applicable requirements in federal and state privacy laws and local regulations and guidance on how to ensure compliance?

¹⁰⁸ These questions are adapted from the School Discipline Consensus Report's policy statements and recommendations for information sharing.

A. Montgomery County Police Department

The Montgomery County Police Department manages the School Resource Officer (SRO) program that places a police officer in each of MCPS’ 25 comprehensive high schools. This section describes key features of the SRO program and how the partnership between the police and public schools in Montgomery County aligns with best practices for stemming the School-to-Prison Pipeline. This section also describes the overlap between school disciplinary offenses and criminal offenses, as well as the level of charges that police officers can file against juveniles (e.g., citations and physical arrests).

1. School Resource Officer Program Features

Montgomery County Police Department’s Patrol Services Division oversees the School Resource Program, including data collection, management of day-to-day issues, staffing and training for SROs, and coordination with MCPS’ Department of School Safety and Security (SROs are considered subject matter experts in law enforcement while school security are the “eyes and ears of the school”). The chart below summarizes the core functions and key programs delivered by the SRO Program.

Chart 6.1: Key Features and Feedback from the MCPD SRO Program

Agency	Core Functions	Key Programs/Services for Schools	Feedback on Local Efforts to Mitigate the Prison Pipeline
School Resource Office Program, MCPD	Enhance the safety and security of the learning environment for students, staff, and the school community in MCPS high schools	<ul style="list-style-type: none"> - Community policing - Mediations and interventions - Law enforcement - Assist with emergency preparedness and crisis management - Liaison between police and schools 	<p><u>Strengths:</u> Principals like having SROs; effective relationships among agencies to address root causes (e.g., the Kennedy Cluster) of criminal activity.</p> <p><u>Challenges:</u> Disengaged parents; insufficient resources to address poverty</p>

In interviews with OLO staff, MCPD leadership described strong communication between principals and their SROs, who often share a common philosophy. In describing the key functions of the SRO program, MCPD leadership also described a recent change in operations and outcomes associated with the SRO program – scaling up from 19 to 25 officers in FY15:

- *SRO Training* - Two years ago, MCPD created “SRO School” to train candidates and staff. SRO School training occurs each August for a full week. All new and veteran staff participate and the training focuses on deescalating practices, critical incidents, and adolescent development in the school environment. SROs also have an additional training every other month.
- *Decline in School Arrests* - In 2014-15, there were 17 arrests made on high school campuses per month, on average, compared to 20 arrests per month the prior school year.¹⁰⁹ MCPD leadership suggests that the decline in high school arrest rates may reflect the increase in SRO staffing. Prior to the SRO program, arrests at schools were made by patrol officers who often did not have a relationship with the student being arrested or contextual information about the school and its students.

¹⁰⁹ As noted in Chapter V, however, MCPD could not provide OLO with 2014-15 data on by school on arrests.

2. SRO Memorandum of Understanding

This past June, MCPD updated its Memorandum of Understanding (MOU) for the SRO Program with MCPS, the State’s Attorney’s Office, the Montgomery County Sheriff’s Office, and the Gaithersburg, Rockville, and Takoma Park Police Departments. Chart 6.2 summarizes key provisions from the current SRO MOU. Of note, changes from the previous MOU signed in 2013 include:

- Improving the alignment between the MOU and MCPS’ Code of Conduct adopted during the 2014-15 school year,
- Enhancing the timely sharing of information among agencies,
- Delineating the duties of MCPS staff and SROs in schools,
- Describing the difference between school security and criminal offenses, and
- Reviewing the current MOU annually among the signatory agencies.

Chart 6.2: Summary of School Resource Officer Memorandum of Understanding

Key Sections	SRO MOU states that ...
Mission	<ul style="list-style-type: none"> • Most incidences of misconduct are best addressed in the classroom or in school. • Parties will work together to promote safe and inclusive learning environments and will exercise discretion in responding to school events.
SRO Duties	<ul style="list-style-type: none"> • SROs will <u>not</u> be used to enforce MCPS policies, rules, or regulations. • SROs will respond to service calls, assist with emergency preparedness, and have full authority as sworn police officers.
School Security Duties	<ul style="list-style-type: none"> • Security staff will patrol and investigate incidents on school property, prepare reports for administrators, and provide surveillance data and information.
School Administrators Duties	<ul style="list-style-type: none"> • Principals are responsible for the administration of safety & security in schools. • The principal or his/her designee is the “primary source of administration of disciplinary consequences and interventions.”
SRO Selection	<ul style="list-style-type: none"> • Law enforcement agencies are responsible for recruiting SROs. • Selection panels will include a principal and the MCPS director of security.
SRO Training	<ul style="list-style-type: none"> • New SRO’s will complete 40 hours of training in specific subject matter.
Biannual Training	<ul style="list-style-type: none"> • SROs, MCPS administrators, and security staff will participate in joint training. • SROs will be familiar with the MCPS Code of Conduct.
Annual Meeting	<ul style="list-style-type: none"> • Annually, MCPD, MCPS leadership, and community stakeholders will meet to “discuss current matters of mutual interest,” including SRO implementation.
School-Based Meeting	<ul style="list-style-type: none"> • “It is highly recommended that SROs be invited to school administrative and security meetings within their assigned schools” and that they attend meetings.
Monthly Data Reviews	<ul style="list-style-type: none"> • MCPS’ Office of School Safety and Security will meet with MCPD “to review data on SRO arrests and other interventions during the prior month.”
Reporting Events on School Property	<ul style="list-style-type: none"> • Critical incidents shall be reported to the police as soon as possible. • Police will take the lead in investigating deaths, rapes, destructive devices, hate crimes, gangs, firearms, and manufacture or distribution of CDS. • The Police may also take the lead in investigating physical attacks, robbery or attempted robbery, possession of CDS and deadly weapons in schools.

Chart 6.2: Summary of School Resource Officer Memorandum of Understanding, Continued

Key Sections	SRO MOU states that ...
Releasing Student Information	<ul style="list-style-type: none"> • “Information obtained by school staff shall be shared with a law enforcement officer or SAO as long as the information is not derived from school records.” • Information from school records can be shared if there is consent or in response to a subpoena or imminent danger.
Investigation of Critical Events	<ul style="list-style-type: none"> • For critical incidents where the Police take the lead, MCPS will limit its administrative investigation until after the Police have completed theirs. • If requested, the Police will share their investigative information with MCPS. • The principal/designee shall be present during interviews conducted by Police on campus and can interview students themselves after law enforcement. • School administrators will attempt to contact students’ parents to notify them that their child is being questioned by the Police on campus.
Arrests and Other Law Enforcement Activities	<ul style="list-style-type: none"> • When feasible, SROs will collaborate with the school principal or his/her designee before determining a law enforcement action to “assess the totality of the circumstances” and “address the matter in a manner that is in the best interest of the student and the welfare of the school community.”
SAO Notices	<ul style="list-style-type: none"> • MCPS will contact the SAO to report students arrested for critical offenses.
MCPS Notices	<ul style="list-style-type: none"> • Police will contact MCPS to notify them “of any serious incident involving MCPS schools, faculty, students, and staff” that will impact MCPS operations.
Collaboration and Review of Program	<ul style="list-style-type: none"> • The signatory agencies – MCPD, MCPS, and SAO – agree to share data via regular reports and to meet annually “in order to determine if any inadequacies exist” and “to revise the MOU as may be appropriate.”
Desired Outcomes	<ul style="list-style-type: none"> • “Enhanced safe and secure learning environments.” • “Effective emergency preparedness plan and response in the event of an emergency.” • “Increased efficiency of communication” among agencies in an emergency.” • “Enhanced relationships and communications among the involved law enforcement agencies, MCPS, administrators, staff, students, parents, and community stakeholders.”

3. Alignment with Best Practices

To understand best practices in school-police partnerships for eliminating the School-to-Prison Pipeline, OLO reviewed and summarized the policy recommendations offered by the Council of State Government’s Justice Center’s School Discipline Consensus Report.¹¹⁰ OLO also compared these best practices to local practices in Montgomery County. As demonstrated in the next chart, MCPD’s policies and practices to support school partnerships generally align with best practices, particularly the policy goals of schools not calling SROs to respond to minor misbehavior among students, selecting and training SROs that are well suited to their roles in schools, and developing and utilizing written agreements.

The only gap between best practices and local school-police partnership practices noted is whether the Police engage in a collaborative process with the school community and other stakeholders, including parents and community members, to determine the best school-police partnership for the County and to annually review the SRO program. Nevertheless, the current MOU suggests that parents and community stakeholders will be included in future annual reviews of the SRO program to “discuss current matters of mutual interest,” including SRO implementation. Thus, the current SRO MOU sets the stage for fostering greater parental and community based involvement in the regular review of SRO operations.

¹¹⁰ https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

Chart 6.3: Alignment between Best Practices and Police Practices – School-Police Partnerships

Policy Goals	Best Practices	Local Practices	Alignment with Best Practices
School districts engage in a collaborative process with law enforcement, the school community, and other stakeholders to consider the most appropriate school-policy partnership.	Review school-police partnership models being used in other districts and examine options to engage with law enforcement.	Educational Facilities Officer program began in 2002 with a federal grant.	Unsure.
	Involve a diverse group of stakeholders and review multiple data sources to evaluate the need for officers on a school campus.	The SRO MOU calls for an annual meeting inclusive of police, educators, and community stakeholders.	Partial. Unclear whether parents or stakeholders are engaged in annual review.
Schools do not call on officers to respond to students’ minor misbehavior and officers use their discretion to minimize arrests for these offenses when possible.	Ensure that policies clearly define officers’ roles and when to engage in non-emergencies.	SRO MOU makes clear that SROs do not address school discipline.	Yes.
	Train educators and police about when to directly involve officers in student misconduct.	Police train SROs; bi-annual training of SROs & MCPS administrators.	Yes.
	Collect and analyze school arrest and referral data to determine if school and police are adhering to policies.	Police collect and monitor school arrest and intervention data monthly.	Yes.
With schools, police develop recruitment and selection processes to ensure that SROs are suited for their position and receive training, support, and supervision.	Recruit and select officers committed to public safety and reducing youths’ risks for justice involvement.	Law enforcement agencies recruit SROs with a desire to work in schools.	Yes.
	Ensure that police provide appropriate training for officers on school policies and working with youth in schools.	SROs required to complete 40 hours of training within first three months of being hired.	Yes.
	Tailor school officers’ supervision and evaluation to their defined roles.	MCPD provides targeted supervision for its SROs	Yes
Written agreements formalize the school-police partnership that are periodically reviewed and refined based on data and feedback from a diverse group of stakeholders.	Understand the legal issues that school-based officers encounter.	Police train SRO’s on legal issues and MOU.	Yes.
	Ensure that information-sharing principles advance school safety goals without increasing stigmatization or violating privacy mandates.	The MOU specifies information sharing goals and expectation that SROs will promote the best interests of students and the school.	Yes.
	Outline in writing officers’ roles and authority as defined for determining the parameters of the school-police partnership.	The SRO MOU outlines officers’ authority in schools.	Yes.

4. Overlap in School Disciplinary and Criminal Offenses

Although the MOU specifies that SROs are not assigned to schools to address routine discipline issues, it is important to note the overlap between infractions to the Code of Conduct and the criminal code for juveniles that can push students into the Prison Pipeline. Chart 6.4 compares the overlap between school discipline and juvenile justice offenses in Montgomery County.

Chart 6.4 shows that each school disciplinary offense listed below correlates with a juvenile delinquency charge that can be enforced by the Police. This overlap between school offenses and criminal offenses demonstrates the potential for escalating school infractions into criminal offenses that push children into the Prison Pipeline. For example, disturbing the peace/disrupting the learning environment, fighting, trespassing, and alcohol and tobacco violations are each school disciplinary offenses that could lead to juvenile charges as well. SROs as police officers retain their full discretion to determine whether they will refer violations of school policy to school administrators or will press criminal charges. This discretion creates an opportunity for escalating school disciplinary offenses into criminal ones.

Chart 6.4: Overlap between MCPS Code of Conduct and Juvenile Charges

Categories	School Disciplinary Offenses (State Code)	Juvenile Offenses
Ordinance & Status Offenses	<ul style="list-style-type: none"> Disrupting the learning environment (704) Alcohol influence, possession, or distribution in school (201) Tobacco/e-cigarette use or possession (204) 	<ul style="list-style-type: none"> Disturbing the peace/school activities Alcohol beverage violation Tobacco violation
Property Offenses	<ul style="list-style-type: none"> Arson/fire (503) Theft (803) Bomb threat or false alarm (502) Trespassing (804) Destruction of property (806) 	<ul style="list-style-type: none"> Arson, 1st degree or 2nd degree or malicious burning Theft, felony or misdemeanor Bomb threat or false alarm Trespassing Malicious destruction
Person-to-Person Offenses	<ul style="list-style-type: none"> Fighting/attack (401, 402, 405) Serious bodily injury (408) Sexual attack (601) Harassment (703) Sexual harassment (602) 	<ul style="list-style-type: none"> Assault/battery, 1st degree or 2nd degree Rape/sex offense, 1st or 2nd degree or 3rd degree Harassment
Drug Offenses	<ul style="list-style-type: none"> Distribution, possession or under the influence of drugs (203) Distribution, possession, or under the influence of inhalants (202) 	<ul style="list-style-type: none"> Importing, distribution, or possession of drugs Distribution or use of inhalants
Weapons Offenses	<ul style="list-style-type: none"> Possessing a firearm at school (301) Knives and other weapons on campus (303) Possessing an incendiary device that can cause harm to people or property (503) 	<ul style="list-style-type: none"> Handgun violation Deadly weapon on public school property Destructive devices

Given the overlap between school disciplinary and criminal offenses, the School Discipline Consensus Report recommends the development of guidelines to distinguish offenses referable to law enforcement from those that can be handled appropriately through the school disciplinary processes and other systems of care. Moreover, the Consensus Report also advocates that students who are referred to the juvenile justice system for minor school-based offenses be diverted whenever possible to community-based programs and services that focus on student accountability and strategies to change problem behaviors.

MCPD officers have discretion both to decide whether to press charges for offenses that can go through either the school disciplinary process or the criminal justice process and to determine the level of charges for a juvenile crime. Potential responses include:

- Interventions/mediations where law enforcement talks to impacted parties to mediate disputes;
- Referral to DHHS' Juvenile Justice Services for misdemeanor offenses among first-time offenders (e.g., Screening and Assessment Services for Adolescents and Children (SASCA));
- Citations that require parents and juveniles to attend a judicial screening (preliminary inquiry) where youth and parents are advised of their right to counsel;
- Paper arrests referring juveniles to DJS to determine appropriate charges, which are reviewed by MCPD' Family Crimes Division to determine if the juvenile will be recommended for diversion (e.g., SASCA, Teen Court) or enter the DJS system; and
- Physical arrests, which are immediately referred to DJS (with possible referral to SAO and juvenile court).

MCPD representatives report that they do not require that SROs automatically arrest young offenders in most cases; instead, encouraging paper arrests. Of note, MCPD keeps track of all juvenile arrest records, not only those that enter DJS. As such, MCPD tracks arrests for juveniles whose cases were diverted as well as those who were resolved by DJS at intake.

B. Department of Health and Human Services

The Montgomery County Department of Health and Human Services (DHHS) often serves as the first step in the juvenile justice process for minors charged with a misdemeanor offense who are first-time offenders. As noted above, the Police can refer these minors to DHHS for a behavioral health and drug screening as an alternative to referring them to the Maryland Department of Juvenile Services (DJS). DHHS' Clinical Assessment and Transition Services team also assesses incoming inmates to Corrections, including youth charged as adults, for risk of self-harm and behavioral health issues.

This subsection describes DHHS' juvenile justice diversion program and other functions of DHHS aimed at stemming the School-to-Prison Pipeline in Montgomery County.

DHHS Juvenile Justice Services. When a minor is charged with a misdemeanor offense, the case typically is sent to the Family Crimes Division of the MCDP to determine eligibility for the Montgomery County Diversion Program – a multi-agency program encompassing MCPD, DHHS, and the State's Attorney's Office.

To be eligible for diversion, it must be typically the youth’s first contact with Police for a misdemeanor offense that is covered under the Diversion Program.¹¹¹ The youth must also admit involvement in the offense. Successful completion of the program can lead to the case closing at the MCPD level without the case being referred to DJS.

DHHS’ Screening and Assessment Services for Children and Adolescents (SASCA) is DHHS’ touchpoint with the Diversion Program. SASCA contacts every youth who agrees to participate in diversion, requiring an appointment with a SASCA licensed clinical social workers to conduct a detailed assessment and drug screening for the youth. Any recommendations for substance abuse and/or mental health treatment must be completed in order to successfully complete diversion and any costs associated with recommendations are the responsibility of the juvenile offender’s family. SASCA also provides clinical case management services for youth referred by the police for diversion.

A criticism of DHHS’ Juvenile Justice Services Program shared by one key stakeholder is that all youth diverted by the Police are subject to SASCA screening regardless of their suspected offense. While a referral to SASCA makes sense for youth charged with substance abuse or alcohol violations, this stakeholder viewed this requirement burdensome for youth who do not have a substance abuse problem or who do not have the family resources to follow up with SASCA and the requirements of diversion. For these youth, a referral to DJS may be preferable to the County’s Diversion Program because their case may be resolved at DJS intake. Yet, having a case referred to DJS increases a minor’s risk of being charged and detained by DJS in the future.

Other DHHS Functions. DHHS also delivers preventative and early intervention services aimed at stemming the School-to-Prison Pipeline. The prevention programs are designed to meet the comprehensive needs of at-risk children and families that promote engagement and positive outcomes while intervention programs are designed to meet the needs of higher-risk youth. The chart below summarizes the key features of DHHS’ programs relative to the Prison Pipeline and feedback from DHHS staff on what works and opportunities for improvement.

Chart 6.5: Summary of Key Features and Feedback from DHHS Staff

Agency	Core Functions	Key Programs/Services	Feedback on Local Efforts to Mitigate the Prison Pipeline
Behavioral Health and Children, Youth, and Family Services, DHHS	Directs, manages, administers, funds, and delivers supports to youth and their families to address their somatic and behavioral health needs	<p><i>Prevention:</i></p> <ul style="list-style-type: none"> - School Health Centers - Linkages to Learning - Wellness Centers - Cluster Projects - Positive Youth Development Initiative <p><i>Early Intervention:</i></p> <ul style="list-style-type: none"> - Street Outreach Network - 24-Hour Crisis Center - SASCA - Juvenile Justice Services 	<p><u>Strengths:</u> Partnerships with MCPS; the Youth Opportunity Centers and Street Outreach Network; the Crisis Center; and collaboration with MCPS after a specific events</p> <p><u>Challenges:</u> Need more mental health professionals who visit schools at least weekly and to expand the social emotional learning model to more schools.</p>

¹¹¹ Offenses typically handled by the Juvenile Diversion Program: 1) Possession of Alcohol, 2) Furnishing Alcohol to Minors (hosting of a party included), 3) Possession of a Controlled Dangerous Substance (Marijuana and/or paraphernalia), 4) Theft under \$1,000, 5) Destruction of Property, 6) Possession of a Weapon, 7) False Statement to a Peace Officer, 8) Possession of a False Identification, 9) Disorderly Conduct, 10) Trespass, and 11) Disturbing School Activities

Of note, DHHS principally works with MCPS to deliver its prevention programming in local schools. It operates School Health Centers in each school and Linkages to Learning, Wellness Center, and Cluster Project sites at select schools. DHHS also works in partnership with the Department of Recreation to support the County's Positive Youth Development Initiative aimed at preventing gang involvement and criminal activity among youth. DHHS' offers early intervention programs for higher-risk youth, such as the Street Outreach Network, directly to youth rather than in partnership with other agencies. DHHS, however, often relies on referrals from other agencies to identify youth in need of services, such as MCPS referrals of students to SASCA and the Crisis Center.

Commission on Juvenile Justice. DHHS also provides staff support to the County's Commission on Juvenile Justice (CJJ). The thirty-six member CJJ is tasked with several functions that include reviewing and addressing how Montgomery County assesses needs and delivers treatment to its juvenile justice population. The Commission studies, reports, monitors, and advocates for improving the delivery of services to youth involved in the juvenile justice system. A key component of their mission is to inform and advise the Juvenile Court, County Council, County Executive, and State legislators, and to promote understanding and knowledge in the community regarding juvenile needs and the effectiveness of programs. The CJJ meets ten times per year.

C. Maryland Department of Juvenile Services

Maryland's Department of Juvenile Services (DJS) manages the juvenile justice system in Maryland, including Montgomery County. Montgomery County is located in DJS' Metropolitan Region, along with Prince George's County, with DJS offices in Rockville, Silver Spring, Largo, and Upper Marlboro. Serving as a one-stop-shop for children in the juvenile justice system, DJS' Rockville offices are located in the same building as MCPD's Family Crimes Division and DHHS' SASCA program.

This section describes DJS' key features, steps in the juvenile justice system, and the alignment between DJS practices and best practices for juvenile justice systems that stem the School-to-Prison Pipeline. This section also shares the perspective of stakeholders, including youth who have been involved with DJS, regarding what works and outstanding opportunities for ending the local School-to-Prison Pipeline.

1. DJS Program Features

DJS processes the intake of youth into the juvenile justice system, determines which cases are referred to the State's Attorney's Office, conducts needs assessments to determine youth treatments, conducts risk assessments to determine the need for detention, provides supervision or commitments for youth convicted of juvenile offenses, and provides after care services for youth released from DJS facilities.

The chart on the next page summarizes DJS' core functions and key services. It also summarizes feedback received by DJS staff on the strength of local approaches for stemming the School-to-Prison Pipeline and opportunities for improvement.

Chart 6.6: Key Features and Feedback from DJS Staff

Office and Agency	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Maryland Department of Juvenile Services	Manage, supervise, and treat youth involved in Maryland’s juvenile justice system.	<ul style="list-style-type: none"> - Intake of referred youth - Needs assessments - Diversion services - Detention - Probation - Commitment - After-care services - Coordination with youth, families, and child-serving agencies (e.g., courts and schools) 	<p><u>Strengths:</u> Effective working relationships with other agencies; co-location of services with MCPD and DHHS; transition of youth into MCPS; Evening Reporting Center as an alternative to detention.</p> <p><u>Challenges:</u> Probation without time limits, loss of the Choices program, case manager turnover, insufficient number of bilingual/ Spanish-speaking staff.</p>

While DJS links juvenile clients to services, its main functions include youth supervision and case management. DJS case managers do not provide intense supervision; however, DJS is in the process of making intensive services and supervision available to Montgomery County youth by reinstating the Maryland Choices Program that provides wraparound services to children with intensive needs.¹¹²

As noted in the Data Chapter, although the number of DJS intakes have diminished in recent years and in turn reduced staff caseloads, DJS experiences a high level of case manager turnover in Montgomery County, with workers leaving for lower cost jurisdictions or for more lucrative positions. As a result, improving case managers’ expertise and understanding of services available to youth and families in the County remains a challenge.

2. DJS Process

The section below summarize the steps in DJS’ process that can shape the experience of youth in the system.¹¹³

Intake

- DJS receives referrals/intake complaints from police, schools, and parents.¹¹⁴
- Detention: DJS makes an emergency detention decision to determine if a youth requires detention until the next court day. A judge sitting as a juvenile judge in the Montgomery County Circuit Court then determines if detention is required until the youth has an adjudicatory or dispositional hearing. In Montgomery County, youth can be placed at the Noyes Children’s Center, assigned to home electronic monitoring, or be placed at the Evening Reporting Center between the hours of 4pm – 9pm for supervision.

¹¹² Funding for this program has been recently restored for Prince George’s County.

¹¹³ Youth charged as adults or charged with traffic violations bypass DJS’ intake process and go directly to the SAO.

¹¹⁴ Before referring cases to DJS, MCPD screens police reports for first-time offenders and misdemeanor juvenile charges to determine if a child is eligible for a diversion program via Teen Court or SASCA. Cases recommended for Teen Court are referred to the SAO, which administers the program.

- Investigation: DJS investigates cases by meeting with a youth facing charges and the youth's family. DJS requests information from MCPD and requests a victim impact statement if a victim is involved. DJS seeks approval from the police and any victim(s) if it recommends informal probation or a warning.
- During an investigative appointment, DJS conducts several assessments to guide the supports and level of supervision as they await adjudication, disposition, or placement. DJS can also determine if a case warrants referral to a CINS pilot program, a diversion program for youth in need of supervision.
- DJS must assess intake complaints within 25 days and can make one of three decisions. DJS can:
 - Resolve/close the case with a warning if it determines that furthering a case would be disadvantageous to the interests of the youth and to public safety.
 - Order informal probation/pre-court adjustment where the family signs a 90-day agreement with conditions, but without court involvement; or
 - Refer the case to the SAO to determine if a petition to institute delinquency proceedings should be filed;
- The SAO may also file a petition to the court to institute delinquency proceedings.

Adjudication

- The SAO files a petition alleging delinquency in most cases that DJS refers to the SAO. After reviewing a complaint, the SAO, with input from any victim(s), can also dismiss a case.
- The juvenile court determines whether the youth is involved in the alleged offense at an adjudicatory hearing. If the court finds that the youth is not involved, then the case is dismissed and future DJS involvement ends. If the court finds that the youth was involved in the alleged offense, it holds a dispositional hearing to determine whether to commit a youth to DJS' care in an out-of-home placement or if a youth requires DJS supervision under a probation order.
- A variety of programs exist for youth referred for out-of-home placement (e.g., state-run or private, secure or non-secure) depending on a youth's risk-level and treatment needs. Youth often wait in detention "pending placement" as they wait for placements to become available.
- DJS case managers supervise youth returning from a committed placement and also assist youth with school re-entry and employment. In Montgomery County, an MCPS liaison to DJS serves on the interagency transition team that places youth back in the community and reenrolls them in MCPS. MCPS, however, does not have access to information about why a student was involved with DJS.

Informal Probation

- DJS case managers provide varying levels of supervision and services based on a youth's risk level for youth under informal probation who reside at home. Services and treatment for youth under DJS probation (and their families) may include Functional Family Therapy, Multi-systemic Therapy, and Multidimensional Treatment Foster Care - Adolescent.

Feedback on Process from the Montgomery County, Maryland Office of the Public Defender.

Representatives from the Office of the Public Defender described challenges for offenders and their families with DJS' processes due to language barriers and time constraints, recommending that DJS employ more Spanish speaking staff to support the intake process. These representatives explained that DJS letters requesting a meeting with a youth and family are written exclusively in English and sometimes only arrive days before a hearing, potentially causing parents confusion.

The Public Defender's Office also explained that DJS automatically forwards charges to the SAO if a parent does not attend a scheduled meeting, posing a challenge for working parents who lack the means to take off time from work.

3. DJS Educational Services

The Maryland State Department of Education provides educational services to youth in all juvenile facilities, including the Noyes facility in Montgomery County. MSDE took over this function from DJS, wanting to improve the academic rigor of the services in these facilities.

A review of how MSDE delivers educational services in DJS facilities was beyond the scope of this project. The School Discipline Consensus Report, however, recommends that youth in confinement should have access to high-quality educational programming that is aligned with state standards and tailored to students' academic and special needs while promoting graduation and preparation for post-secondary opportunities. The report also recommends that schools in juvenile facilities should be:

- Properly staffed, accredited, and integrated into the state's education system.
- Held accountable for the quality of programming and the progress of youth served, recognizing that these youth typically are more transient and have greater academic and behavioral needs.

D. Department of Correction and Rehabilitation

Most juveniles in Montgomery County who are detained are housed at the DJS-operated Noyes Center. Youth accused of the most serious crimes and charged as adults, however, can be placed at the Montgomery County Correctional Facility (MCCF). Five juveniles between the ages of 14 and 17 were detained there when OLO staff visited the MCCF in May of 2015 and 108 were aged 21 or under. In voluntary compliance with the federal Prison Rape Elimination Act, these youth slept in a separate unit but joined the Youth Offender Unit for young men ages 21 and under during the day.

The Youth Offender Unit is one of two Choices for Change programs at MCCF. Choices for Change works to help offenders recognize and understand the personal and environmental factors that contributed to their behavior and incarceration (e.g., anger, emotional regulation) to help motivate personal change in their lives. Two housing pods at MCCF provide Choices for Change: one for female offenders and the second for male offenders aged 21 or younger.

MCCF also partners several agencies to provide services to incarcerated youth with the goal of reducing their odds of returning to the criminal justice system following release. Partners include DHHS, Montgomery Works, the Office of the Public Defender, the Literacy Council, Libraries, MCPS, Montgomery College, Identity, and the Montgomery County Conflict Resolution Center.

MCCF is able to offer services/programming to both pre-trial detainee and sentenced offenders. MCCF provides an orientation to new inmates to make them aware of all of the services available at MCCF, including GED classes, high school services, ESOL instruction, and some occupational training courses. MCCF has a capacity for 1,028 residents and over the past year, the population of residents has ranged between 497 and 501 residents.

E. State’s Attorney’s Office

The State’s Attorney’s Office of Montgomery County plays two critical roles in the juvenile justice system in the County – as prosecutor and as a provider of diversion opportunities. Like DJS, the SAO acts as a gatekeeper by deciding which youth enter diversion programs versus the juvenile justice system. These two core functions are described in detail below.

Juvenile Court Division. The SAO’s Juvenile Court Division files charges against youth, prepares cases, manages proceedings, and works with other agencies on juvenile justice issues. Prosecutors in the SAO circulate through the Juvenile Court Division as well as other SAO divisions, which can impact the institutional knowledge of the prosecutors in the division.

In Maryland, anyone under the age of 18 is considered a juvenile. While the Circuit Court’s Juvenile Court have a rehabilitative focus compared to adult courts, the SAO can ask the Court to transfer children between the ages of 14 and 17 to adult court for the most serious felonies.

Prevention and Diversion Programs. The SAO also administers prevention and diversion programs aimed at stemming the pipeline of youth into the criminal justice system that are described in the chart below. The most notable of these is the Teen Court Program for first time juvenile offenders.

Chart 6.7: Key Features and Feedback from SAO Staff on Diversion and Prevention Programs

SAO Divisions	Core Functions	Key Program Features	Feedback on Local Efforts
Teen Court	Diversion program for 1 st time offenders of misdemeanors (shoplifting, alcohol possession)	<ul style="list-style-type: none"> - Charged youth must admit involvement - Jury of teen peers - Avoid DJS record if complete disposition within 60 days (SASCA, community service) 	<p><u>Strengths:</u> Multi-agency programs operating in the County such as the Truancy Review Board and the Cluster Projects</p> <p><u>Challenges:</u> Need for more funding to expand Cluster-like projects that address the root causes of juvenile delinquency (e.g., truancy)</p>
Truancy Court	Mentoring program for middle school students with poor school attendance	<ul style="list-style-type: none"> - Ten week program in ten middle schools - Mentors work with students and their families to improve school attendance 	
Truancy Review Board	SAO serves on Truancy Review Board with MCPS, DHHS, DJS, and other agencies	<ul style="list-style-type: none"> - Develops and implements attendance plan for habitually truant students - Prosecutes parents who do not comply with the attendance plan 	
Cluster Projects	SAO participates in Cluster Projects with MCPS, DHHS, and other agencies	<ul style="list-style-type: none"> - Operates in Kennedy and Watkins Mills Clusters - Agency representatives “huddle up” to coordinate services for high risk students 	

First organized in 1996, Montgomery County’s Teen Court program was the first such program in Maryland.¹¹⁵ Youth admitted to the programs typically are first time offenders between the ages of 12 and 17. Of note, youth must admit involvement in the alleged offense in order to participate in this diversion program.

¹¹⁵ See http://www.globalyouthjustice.org/uploads/New_Teen_Court_Evaluation.pdf

Unlike other jurisdictions whose Teen Court caseloads often include assaults and property offenses, in Montgomery County, most Teen Court cases involve controlled substances, theft, or alcohol/tobacco violations. Teen Court hearings take place twice a month, year-round in the Montgomery County Circuit Court Judicial Center. The judge is an adult volunteer, while jurors are youth volunteers who issue sentences after deliberation. If Teen Court participants do not complete their sentence requirements within 60 days, their charges will be sent to DJS for intake.

Generally, SAO staff have a favorable impression of their diversion of youth out of the juvenile justice system via Teen Court and other juvenile delinquency prevention efforts. Other stakeholders, however, question whether an agency charged with prosecuting youth can neutrally determine which youth to divert – asking whether the SAO focuses on the best interests of the child as opposed to the strength of the prosecutor’s case.

Stakeholders also question the transparency of the process for identifying the youth referred to Teen Court, the requirement that youth admit involvement in the alleged offense before participating in Teen Court, and whether the consequences of Teen Court are biased toward affluent low-risk teens with family resources versus low- to medium-risk youth whose families have fewer resources to meet disposition requirements. Information from a 2013 evaluation of three Maryland Teen Court programs by the State Justice Institute, including Montgomery County’s program, highlights some of these issues:

- In Montgomery County, youth with prior DJS contact typically are excluded from Teen Court. Only 7% of cases between 2009 and 2011 involved youth with prior contact. In Baltimore, youth with prior DJS contact accounted for 18% of all participants.
- Where Black youth are over-represented among DJS referrals, they are under-represented among Teen Court referrals. Specifically, where Black youth made up 49% of DJS intake complaints in 2011, they made up only 24% of juveniles referred to Montgomery County Teen Court between 2009 and 2011.¹¹⁶ At the same time, where White youth made up 23% of DJS intake complaints in 2011, they comprised 45% of Teen Court referrals between 2009 and 2011.
- Community service requirements are high for Teen Court participants, generally ranging from 15 to 44 hours.¹¹⁷ Moreover, Teen Court can require restitution and completion of substance abuse or shoplifting prevention programs that have a cost and that are more burdensome for low-income youth and parents to meet compared to more affluent families.

Overall, the State Justice Institute found that the three Maryland Teen Court programs reviewed generated favorable outcomes among diverted youth. These programs appeared to lower recidivism rates and later DJS involvement. Yet, the State Justice Institute’s evaluation also found that Black youth completed the Montgomery County program at lower rates than their White peers (73% v. 95% between 2009 and 2011).

F. Office of the Public Defender

Juvenile Court Attorneys in the Montgomery County Public Defender’s Office represent youth charged in juvenile court or charged as adults. The Public Defender estimates that about 75 percent of all juvenile cases in Montgomery County are handled by their office or by attorneys paid by their office, processing approximately 1,500 petitions over the past year.

¹¹⁶ See http://www.djs.maryland.gov/drg/Full_DRG_With_Pullouts_2013.pdf

¹¹⁷ Ibid.

The attorneys also work to transfer cases against children from adult court to juvenile court in part because of the consequences associated with the adult system (i.e., searchable criminal records, possible denial of financial aid for higher education). At the same time, the attorneys expressed concerns that despite the rehabilitative focus in the juvenile justice system, the adult justice system in Montgomery County often provides greater services, such as educational opportunities and substance abuse treatment, compared to DJS.

The Public Defender has a “juvenile protection unit” that investigates and works to improve juvenile placements, developed a partnership with the Maryland Chapter of the NAACP to file a complaint with the U.S. Departments of Education and Justice requesting an investigation of the poor provision of educational services for youth in DJS facilities,¹¹⁸ and has a “collateral review unit” that works to overturn sentences of youth charged and convicted in adult court. The Public Defender also works with juveniles to have their records expunged.

Representatives from the Public Defender raised several concerns regarding Montgomery County’s juvenile justice system. They contend that the current juvenile justice diversion programs in Montgomery County are not organized to meet the needs of low-income youth. For example, they have observed that attending a DJS intake meeting can be an insurmountable challenge for many families, particularly English language learners and that the financial costs and time commitments associated with Teen Court (\$75 fee and community service) and SASCA limit the ability of low-income youth in Montgomery County to participate in these programs.

The Public Defender team also contends that both youth charged as adults and youth sentences are inconsistent, with similar crimes charged in the different systems. They and other stakeholders (such as staff from the Collaboration Council) described significant drawbacks to charging juveniles as adults, including youth receiving more severe sentences in the adult system – which lacks the rehabilitative focus of the youth system; a greater stigma associated with an adult conviction; and the creation of adult criminal records that are harder to seal than juvenile records.

Finally, in interviews with OLO staff, Public Defender staff offered three recommendations to help stem the School-to-Prison Pipeline in Montgomery County: (1) increase the number of DJS Spanish-speaking staff and translate the DJS intake letters sent to parents; (2) increase the timeliness of the DJS intake letters that are sent to parents; and (3) provide resources to allow the Public Defender to hire more social workers to help advocate on behalf of youth involved in the juvenile and adult criminal justice systems.

G. Juvenile Court

The Juvenile Division of the Montgomery County Circuit Court oversees delinquency petitions and other court decisions involving children. All juvenile delinquency hearings occur in juvenile court, State law establishes maximum timeframes for adjudication of juvenile cases, and all juvenile court files and proceedings are confidential (juveniles and/or their attorneys have access to court files). Chart 6.8 on the next page summarizes the types of hearings conducted by the Juvenile Court and shares the perspectives of juvenile judges on what works well for stemming the School-to-Prison Pipeline and opportunities for improvement.

¹¹⁸ Denisa Superville, “In Many States, Prospects are Grim for Incarcerated Youth,” *Education Week*, (Dec. 9, 2015).

Chart 6.8: Key Features and Feedback from the Office of the Courts

Office and Agency	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Juvenile Division of the Family Services Divisions, Montgomery County Circuit Court	Conduct court proceedings and hearings determining placement, adjudication, and detention of children in juvenile justice system.	<ul style="list-style-type: none"> - Detention hearings - Preliminary inquiry - Pretrial hearings - Adjudicatory hearings - Disposition/sentencing hearings - Review/release hearings - Restitution hearings - Permanency planning hearings 	<p><u>Strengths:</u> Petitions to juvenile court usually occur only after youth offenders have exhausted diversion and alternatives to detention.</p> <p><u>Challenges:</u> Relationship between the courts and MCPS, availability of home-based services for overwhelmed families, access to remedial education for students that is not stigmatizing, DJS services for youth aged 18-20.</p>

Like State’s Attorneys, Circuit Court judges rotate through the Juvenile Division before rotating to another division in the Court. Judges make juvenile court decisions based on the facts of a case and applicable law; there are no jury trials in juvenile court. In addition to the judges, the other participants in a juvenile delinquency case include:

- The state’s attorney provides evidence to support the allegations in the petition;
- DJS staff who work with children and their families when youth are charged with acts of delinquency, under probation, or placed in a DJS facility;
- The youth’s attorney, who is often a public defender and represents the interests of the child during delinquency proceedings; and
- The youth charged with an alleged delinquent act.

Interviews with juvenile judges in the Circuit Court identified a number of concerns with respect to the School-to-Prison Pipeline in Montgomery County, including the following:

- Children involved in the child welfare system are disproportionately involved in the juvenile justice system. The judges report that they observe increased youth aggression and distrust of adults resulting from youth being moved from home to home.
- Children involved in the child welfare system typically lack structure and routine at home and often lack food. As a consequence for acting out in school, these children often are excluded from school or moved between schools, increasing their instability.
- Where students historically have fought in school with no criminal system involvement, MCPS exhibits little tolerance for disciplinary offenses, resulting in students facing criminal charges.
- By the time most students appear in court, their families have often been engaged in a cycle of dysfunction. Court-based interventions often are ineffective – the perception among the judges is that these youth and their families needed interventions far earlier than they receive them.
- Youth who appear in court often have a history of charges that have been diverted before via community service and other alternatives to detention.
- The effectiveness of DHHS’ services for child welfare- or juvenile justice-involved youth concerns the judges.

Finally, the juvenile judges also recognize that often a young person will receive more services from the Montgomery County Correctional Facility serving adults than from DJS. In fact, they have found that at times, defendants will lobby for youth to earn adult charges that can be expunged if the offender complies with terms of sentencing so that young offenders can receive MCCF services.

H. The Collaboration Council

State law requires each Maryland county to have a Local Management Board (LMB) to ensure the effective coordination and implementation of local service delivery systems for children, youth, and their families. The Montgomery County Collaboration Council for Children, Youth, and Families serves as the LMB in Montgomery County, contracting with vendors to deliver essential public services.

The Collaboration Council works in partnership with DJS, DHHS, and other local agencies to deliver a number of programs that impact the School-to-Prison Pipeline in Montgomery County. These programs impacting youth in or at-risk of entering the Prison Pipeline are summarized on the next page. This section also summarizes staff perspectives on what works and opportunities for stemming the Prison Pipeline in the County.

The Collaboration Council facilitates a Disproportionate Minority Contact (DMC) Reduction Initiative Committee, which is one of two independent and neutral groups in the County working on juvenile justice issues (along with the Commission on Juvenile Justice). To support the Committee's work and the County's efforts to reduce the disproportionate representation of youth of color throughout the juvenile justice process, the Collaboration Council employs a DMC Reduction Coordinator who also serves as their Director for Social Justice. Under the DMC Coordinator's leadership, Committee members examine race and other challenges in the local juvenile justice system and learn about best practices for stemming the Prison Pipeline. Stakeholders represented on the Committee include MCPD, MCPS, DJS, DHHS, SAO, and local service providers like the Mental Health Association and Lead for Life.

As a result of the DMC Committee's efforts, local opportunities coordinated by the Collaboration Council have increased to reduce recidivism and divert youth from DJS. These include: providing psychiatric services for youth at the Noyes Children Center, creating the Evening Reporting Center as an alternate to detention for youth charged with offenses that typically lead to detention or house arrest; and piloting the Children in Need of Supervision Project in MCPS schools to deliver services to high-risk teens without having to refer them to DJS in order to meet their service needs.

Still, additional work to reduce the disproportionate representation of Black and Latino youth in the juvenile justice system persists within Montgomery County. As noted in Chart 6.9 on the next page, opportunities for improvement identified in OLO interviews with Collaboration Council staff include:

- **Greater use of clinicians and screening tools** to refer youth to local diversion and treatment programs. A concern is that young people who could benefit from these programs are not being referred because staff screening youth for placements in available programs are not clinicians.
- **Expanded access to community-based mental health and substance abuse services** for low-income youth to avoid unnecessary referrals to DJS for youth to receive these services.
- **Meaningful access to diversion programs for low-income youth** that does not create a financial hardship for families. Disparities based on family income can preclude low-income youth from participating in or completing DJS' diversion programs due to costs associated with complying with SASCA or Teen Court requirements for substance abuse treatment, restitution, and/or community service.

Chart 6.9: Summary of Key Features and Feedback from the Collaboration Council

Initiatives	Programs and Key Features	Feedback on Local Efforts
Equal Justice for All Youth	<ul style="list-style-type: none"> • Disproportionate Minority Contact Reduction Committee focuses on changing policies and practices that adversely impact youth of color in the juvenile justice system. • Evening Reporting Center provides an alternative to detention for youth in an after school program that focuses on education, school connectivity, and treatment. DJS funds this program delivered by Lead for Life. • Children in Need of Supervision provides services to high-risk youth as an alternative to DJS involvement. The CINS coordinator is housed at DJS; and the Mental Health Association is the service provider. • Psychiatric Services at Noyes to treat the mental health needs of detained youth. DJS funds this program. 	<p>Strengths: Candid conversations and effective working relationships among agencies represented on the DMC Committee; recent increase in diversion opportunities.</p> <p>Challenges: Need for clinicians to screen youth to participate in local diversion programs; need to increase access to community-based mental health and substance abuse services for teens at-risk; and need to remove barriers to diversion program participation for low-income youth.</p>
Services for Children and Youth with Intensive Needs	<ul style="list-style-type: none"> • Pathway to Services directs parents to services for their children with emotional and/or behavioral needs. Bilingual staff identify services and link parents to a family navigator. • Local Care Team is an interagency team that consider s whether referred youth will receive wrap around or other services. The YMCA is the service provider. • Wraparound Services provides a Care Coordinator for families identified by the LCT as being in need of a Plan of Care that provides intensive services within the community. 	
Youth Development Programs	<ul style="list-style-type: none"> • Conservation Corps provides educational and workforce programs for high-risk youth. It is funded by DHHS and staffed by the Maryland Multicultural Youth Center. • Youth Service Bureaus are community-based entities that provide delinquency, suicide, drug and alcohol abuse prevention programming for youth. 	

I. Alignment with Best Practices

To understand best practices in juvenile justice and judicial systems for mitigating the School-to-Prison Pipeline, OLO reviewed and summarized the policy recommendations offered by the Council of State Government’s Justice Center’s School Discipline Consensus Report.¹¹⁹ OLO also compared these best practices to local practices in Montgomery County. These are summarized in Chart 6.10.

As noted in Chart 6.10, juvenile justice and court practices in Montgomery County generally align with best practices for mitigating the School-to-Prison Pipeline. Generally, students who are charged with first-time offenses or with minor school-based offenses are diverted to programs that do not require judicial supervision, such as Teen Court or the CINS Pilot Program. Moreover, DJS uses risk assessments to identify children eligible for alternatives to detention prior to adjudication and MCPS employs a court liaison who facilitates the transition of DJS-involved youth back into community schools.

¹¹⁹ https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

Chart 6.10: Alignment between Best Practices and Local Practices – Courts and Juvenile Justice

Policy Goals	Best Practices	Local Practices	Alignment with Best Practices
Monitor and minimize referrals of students to juvenile court for minor offenses.	Track school-based cases that come to juvenile court, determine the offenses that lead to charges, and examine how cases are handled.	DJS tracks how cases are handled and the most common offenses. Yet, neither DJS nor the juvenile court tracks school-based cases by offense type.	No, because school-based cases are not tracked by the court or DJS.
	Use data to identify schools with high rates of court referrals for minor offenses and develop plans of action to help reduce these referrals.	With new SRO tracking data, the police can identify the schools with the highest arrest rates. But no plan of action has been developed.	No. The police and courts, however, have the discretion to implement this best practice.
	Develop guidelines and policies to minimize referrals to juvenile court for minor offenses.	DJS and the police have guidelines in place to minimize referrals to SAO for minor offenses.	Yes.
Students who are arrested and/or charged with a minor school-based offense are diverted, whenever appropriate, from further involvement with the juvenile justice system.	Use information maintained by schools, when appropriate, to guide court diversion and disposition decisions so that they are responsive to youths' and victims' needs.	There are data firewalls for DJS-involved students – agencies do not share student data. Some data on school attendance, however, feeds into DJS risk assessments.	Partial. DJS uses school attendance data to determine placements. Not sure if SAO's Teen Court uses school data.
	Use risk/needs assessment tools, when appropriate, to inform decision making through the court process.	DJS uses risk assessments to determine referrals to courts and placements but Teen Court does not.	Partial. DJS uses risk assessments, but not SAO's Teen Court.
	Identify and expand treatment and service options that meet youths' needs without relying on judicial supervision.	DJS began Children in Need of Supervision (CINS) Pilot to provide supports to needy youth outside of the courts.	Yes.
Juvenile justice, district, and school leaders ensure that youth released from correctional facilities are reenrolled in community school settings with transition planning that facilitates academic success and reengagement.	Designate a transition coordinator to collaborate with schools, courts and probation to facilitate appropriate placements, swift reenrollment, the provision of necessary support services, and compliance with a youth's terms of supervision.	MCPS employs a court liaison who facilitates that transition of DJS-involved youth back into MCPS schools. The court liaison also assists students placed in local shelter programs with enrollment in MCPS and the provision of necessary services.	Yes. A variety of stakeholders remarked that MCPS swiftly re-enrolls DJS-involved youth back into their home schools and provides transition supports.
	Ensure that students resume school as soon as possible after release from a juvenile facility.	The court liaison ensures that students reenroll in MCPS as soon as they are released from DJS centers.	Yes.

Yet, the overall scope of whether minor school-based offenses lead to juvenile justice involvement remains unknown because neither DJS nor the juvenile courts currently track the school-based cases that come to juvenile court. The SRO new data collection system for arrests and charges enables the police to collect and report on arrest data by school and by offense. But there are no current reporting processes in practice that link juvenile arrest data by school to later involvement in the juvenile justice system.

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., & Coccozza, 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 align 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.

VIII. Agency Comments

OLO appreciates the feedback received from Montgomery County Public Schools and Montgomery County Government staff on interim versions of this report. OLO also appreciates the feedback received from the State's Attorney's Office, the Circuit Court and the Collaboration Council on earlier drafts of this report. This final report reflects a majority of the technical comments received.

Attached are official agency comments from MCPS Chief Academic Officer, Dr. Maria V. Navarro on this OLO report. Comments from the Montgomery County Government Chief Administrative Officer were unavailable at the time this report went to be print, but will be available on the OLO website at <http://www.montgomerycountymd.gov/olo/reports/2008.html> after this report is released by the County Council.



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

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