Racial Equity and Social Justice (RESJ)

BILL 46-20: POLICE- SCHOOL RESOURCES OFFICERS- PROHIBITED

SUMMARY

The Office of Legislative Oversight expects that by eliminating the School Resource Officer (SRO) program that assigns police officers to public schools, Bill 46-20 will favorably impact racial equity and social justice in the County if funding allocated for SRO's is reallocated to programs that promote students' mental health and social, emotional learning.

BACKGROUND

Bill 46-20, introduced on November 17, 2020, seeks to address racial disparities in student arrest rates by eliminating the School Resource Officer (SRO) program operated by the Montgomery County Police Department.

The SRO program places a police officer in each Montgomery County public high school at the cost of $3 million annually. The program's core function is to enhance the safety and security of the learning environment for students, staff, and the school community.[1] Towards these ends, SRO's seek to provide community policing, mediations and interventions, law enforcement, and assistance with crisis management and emergency preparedness.[2]

Bill 46-20 calls for the removal of police in schools via eliminating the SRO program to address the disparate impact that policing has on Black students as demonstrated by racial disparities in student arrest rates. Bill 46-20 seeks to discontinue the SRO program to also address the School-to-Prison Pipeline disparately impacting Black and Latinx youth which place them at greater risk for justice-system involvement as juveniles and adults.[3]

Bill 46-20's sponsors suggest reassigning current SRO's to unfilled positions within MCPD if the program is discontinued. They also propose funding three alternative programs to address student needs and enhance school climates through after-school and therapeutic recreation programs and restorative justice training for MCPS educators and staff.[4] Conversely, local proponents of the SRO program contend that police officers assigned to MCPS campuses operate like counselors and mentors that diffuse potentially risky situations and enhance school safety.

As the County Council considers the merits of continuing the SRO program, Montgomery County Public Schools is also reviewing the effectiveness of the SRO program and is expected to provide a report with their recommendations by January 2021. There is stakeholder support for both continuing the SRO program among principals and the MCPTA and eliminating it among teachers and student government.

Central to the debate on whether SRO programs should be continued or eliminated are two questions:

- Do SRO's advance safety for all students without unfairly targeting some student subgroups?
- Are SRO programs the best use of scarce resources for improving school climates and student outcomes?

A review of the research suggests that school-police partnerships, even those aligned with best practices, lead to higher arrest rates and may not offer the best investment for improving students' learning environments. For example:

- A review of research by the U.S. Commission on Civil Rights finds that schools with SRO's have higher arrest rates, especially for non-serious offenses like disorderly conduct, than schools without SRO's.[5]

- Data compiled by the U.S. Government Accountability Office demonstrates national racial disparities in school arrests and law enforcement referrals (i.e., the School-to-Prison Pipeline).[6] Further, researchers have shown that racial disparities in school discipline are driven by factors other than student conduct.[7]

- OLO's 2016 School-to-Prison Pipeline report found that although the MCPD SRO program generally aligned with best practices for school-police partnerships, the County manifested racially disparate juvenile arrest and school discipline rates suggesting the differential treatment of students by race and ethnicity.[8]

- The Congressional Research Service and others have not found conclusive evidence that the presence of school-based law enforcement has prevented school shootings or had a positive effect on students' perceptions of school safety.[9] Some researchers have found that Black students feel less safe in schools with police.[10]

- Research considering the impact of SRO's on student safety are incomplete as methodologically strong evaluative studies considering the hypothesis that SROs makes schools safer are not yet available.[11]

- Research has identified several effective approaches to improving student safety, including providing more funding for counselors, psychologists, and social workers;[12] positive behavioral interventions and supports;[13] and restorative justice,[14] social and emotional learning,[15] and empathetic discipline programs.[16]

DEMOGRAPHIC DATA

Nationally, the over-representation of Black children among students suspended, expelled, and arrested in schools is a key feature of the School-to-Prison Pipeline.[17] Similarly, Black students are over-represented among school-based arrests in Montgomery County. As noted below, while Black students accounted for 22% of MCPS enrollment, among student arrests in schools between 2015 and 2019, Black students accounted for 47% of all arrests in MCPS schools. Boys and students eligible for special education services were also over-represented among arrested students suggesting that Black boys with disabilities were the subgroup at highest risk of arrest within MCPS.

Table 1: MCPS Enrollment and School Arrest by Race, Ethnicity, Gender and Special Education

	Student Enrollment (2018-19)	Avg. School Arrest (2015-19 – 4 years)	Difference
Race and Ethnicity			
Asian	14%	3%	-11%
Black	22%	47%	+25%
Latinx	33%	31%	-2%
White	28%	16%	-12%
Two+/Other	7%	5%	-2%
Other Characteristics			
Male	52%	79%	+27%
Special Education	12%	22%	+10%
Total Number	**162,600**	**1,042**	

Sources: OLO analysis of Maryland Public Schools Arrest and Montgomery County Public Schools Data

Further, Table 2 shows that while arrests have declined over time for each student group, the decline has been higher for White and Latinx students and for students ineligible for special education services. Thus, the disparities in arrests experienced by Black students have not diminished; nor have they diminished for students with disabilities.

Table 2: School Arrests by Race, Ethnicity, Gender and Special Education

	2015-16	2016-17	2017-18	2018-19	%Change
Total Arrests	**304**	**349**	**226**	**163**	**-46%**
Race and Ethnicity					
Asian	12	12	*	*	-
Black	121	144	137	73	-40%
Latinx	98	111	55	55	-44%
White	61	*	16	32	-48%
Two+/Other	12	19	12	n/a	-
Gender and Special Education Status					
Male	243	266	180	133	-45%
Female	61	63	46	30	-51%
Not Special Education	251	261	181	122	-48%
Special Education	53	88	45	41	-23%

Note: * Less than 10 arrests. Source: Maryland Public Schools Arrest Data

An analysis of demographic data also shows that Black police officers are over-represented among school resource officers assigned to MCPS high schools. While accounting for 18% of the County's population and 8% of MCPD officers overall, Black sworn officers currently account for 58% of SRO's (15 of 26 sworn officers).[18]

Finally, Table 3 shows some drivers of the decline in school arrests since 2015 by presenting data on school arrests by type and the share of arrests resulting in suspensions or expulsions. An analysis of the data demonstrates that:

- Declines in paper arrests (referrals to the Department of Juvenile Services) drove the four-year decline in school arrests more than the decline in physical arrests (-53% v. -29%). Whereas paper arrests accounted for 72% of arrests on MCPS campuses in 2015-16, they accounted for 63% of school arrests in 2018-19.

- Declines in school arrests by law enforcement officers (LEO's) not assigned to schools drove the four-year decline in school arrests more than the decline in SRO arrests (-70% v. -26%). Whereas LEO arrests accounted for 46% of arrests on MCPS campuses in 2015-16, they accounted for 26% of school arrests in 2018-19.

- The vast majority of students arrested on campus are also suspended/expelled from school, suggesting the criminalization of school disciplinary infractions with arrests. The share of arrested students facing suspensions has also increased over time. Whereas 78% of students arrested on campuses were also suspended/expelled in 2015-16, 87% of students arrested on campuses were suspended/expelled in 2018-19.

RESJ Impact Statement

Table 3: School Arrests by Type and Officer

	2015-16	2016-17	2017-18	2018-19	%Change
Total Arrests	**304**	**349**	**226**	**163**	**-46%**
Paper Arrests (referrals to DJS)	219	268	176	103	-53%
Physical Arrests	85	81	50	60	-29%
SRO Arrests	163	188	151	120	-26%
LEO Arrests	141	161	75	43	-70%
% Arrests w/Suspensions	78%	80%	84%	87%	+12%

Source: Maryland Public Schools Arrest Data

ANTICIPATED RESJ IMPACTS

An analysis of MCPS school arrest data and trends suggests that eliminating the SRO program could reduce school arrests in general. During the 2018-19 school year, SRO's student arrests accounted for 74% of all arrests on MCPS campuses (120 of 163 arrests). The absence of SRO's on campuses would likely reduce the number of arrests among MCPS schools, even if the number of school-based arrests by LEOs increased. Research from other jurisdictions suggests that schools without SRO's experience fewer student arrests than those with SRO's.[19]

Since Black and Latinx students comprise the majority of students arrested on MCPS campuses, they are likely to benefit the most from a reduction in student arrests resulting from the elimination of SRO's. Black students, in particular, are the most likely to benefit from Bill 46-20 since they currently account for nearly half of student arrests on MCPS campuses while accounting for less than a quarter of student enrollment.

The elimination of the SRO program may also reduce disproportionality in student arrests by race and ethnicity. Over the past four years, declines in school arrests by LEO's and for paper arrests have driven the overall decline in the number of school arrests. But the declines have not diminished disproportionality in arrests by race. This finding suggests that declines in the other drivers of student arrests described in Table 3 – arrests by SRO's and physical arrests – are essential to reducing disproportionality in arrest rates by race.

Eliminating the SRO program will, by definition, reduce arrests by SRO's. Eliminating the SRO program may also diminish the number of physical arrests, thereby favorably impacting racial equity in student arrests. As such, OLO finds that Bill 46-20 is likely to enhance racial equity and social justice in Montgomery County.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and analysis relies on several sources of information, including the Maryland Public Schools Arrest Data[20] and MCPS at a Glance.[21] Additionally, OLO relied on the following sources for background information:

- School Resource Officers in Schools, A Report to the Board of Education of Howard County, September 2020;[22]
- Maryland Equity Project, When Law Enforcement Meets School Discipline: School-Related Arrests in Maryland 2015-16;[23] and
- Education Civil Rights Alliance and American Federation of Teachers, Police in Schools: A Background Paper.[24]

OLO recognizes that eliminating the SRO program may generate impacts beyond reducing student arrest rates. Bill 46-20 may impact police personnel, school administrators and staff, students, and school communities at large. Beyond the elimination of the SRO program requiring the reassignment of more Black officers (15 sworn officers) than other officers, OLO cannot predict whether these additional potential impacts will disparately impact persons of color and/or low-income residents.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.[25] As noted, the SRO program's mission is to enhance the safety and security of the learning environment for students and staff. Researchers have identified several best practices that advance RESJ within public schools. These include:

- More funding for counselors, psychologists, and social workers;[26]
- Expanding positive behavioral interventions and supports;[27]
- Expanding restorative justice,[28] social and emotional learning,[29] and empathetic discipline programs.[30]

OLO's School-to-Prison Pipeline report also offered a number of observations for aligning County practices to best practices for reducing the School-to-Prison Pipeline. These observations could be considered as recommended amendments for Bill 46-20 given its focus on reducing disparities in school discipline and arrests. A summary of these observations follows.

Opportunities to Align Local Law Enforcement and Juvenile Justice Agencies Practices with Best Practices

- Engage with community stakeholders to annual 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 supporting program improvements
- Regularly review SRO 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

Opportunities to Align Montgomery County Public Schools Practices with Best Practices

- Develop a district-wide school climate plan that identifies needs and resources and monitors results
- Use early warning indicators 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 SRO Program with MCPD

Finally, OLO Report 2016-6 offered recommendations for action from Community Stakeholders that can also be considered as recommended amendments for Bill 46-20. A summary of opportunities community members identified for improving local approaches to reversing the School-to-Prison pipeline follows:

- Deliver more services to address root causes
- Require schools to respond to challenging behaviors therapeutically
- Increase parent 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 job and income-generating opportunities for high-risk youth

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

---

[1] Elaine Bonner-Tompkins, Leslie Rubin, and Kristen Latham, The School-to-Prison Pipeline in Montgomery County, March 1, 2016, Office of Legislative Oversight, Montgomery County, Maryland
https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf

[2] Ibid.

[3] Ibid.

[4] Montgomery County Council, Special Appropriation to the Fiscal Year 2021 Operating Budget, Montgomery County Government Federal Coronavirus Relief Fund, $8,962,097 and Amendment to Resolution 19-498 Special Appropriation to the Fiscal Year 2020 Operating Budget Montgomery County Government Federal Coronavirus Relief Fund, Introduced on December 1, 2020. Montgomery County,

MD.https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201201/20201201_2M.pdf

[5] U.S. Commission on Civil Rights, BEYOND SUSPENSIONS Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities, Briefing Report, July 2019. https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf

[6] Jacqueline M. Nowicki, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities, United States Government Accountability Office, March 2018 https://www.gao.gov/assets/700/690828.pdf

[7] Jayanti Owens and Sara S. McLanahan, Unpacking the Drivers of Racial Disparities in School Suspension and Expulsion, *Social Forces*, Volume 98, Issue 4, June 2020, Pages 1548–1577, Oxford Academic. https://academic.oup.com/sf/advance-article-abstract/doi/10.1093/sf/soz095/5521044?redirectedFrom=fulltext#136963430

[8] Bonner-Tompkins, Rubin, and Latham

[9] Congressional Research Service, School Resource Officers, July 2018 https://crsreports.congress.gov/product/pdf/R/R45251/3 and Alexis Stern and Anthony Petrosino, What Do We Know About the Effects of School-Based Law Enforcement on School Safety? 2018, Justice and Prevention Research Center, San Francisco, CA. https://www.wested.org/wp-content/uploads/2018/04/JPRC-Police-Schools-Brief.pdf

[10] Matthew T. Theriot and John G. Orme, School Resource Officers and Students' Feelings of Safety at School, April 2016, Youth Violence and Juvenile Justice. https://www.researchgate.net/publication/285980423_School_Resource_Officers_and_Students'_Feelings_of_Safety_at_School

[11] Stern and Petrosino

[12] Beyond Suspensions

[13] Center on Positive Behavior in Schools (PBIS) https://www.pbis.org/pbis/getting-started

[14] Anne Gregory and Katherine R. Evans, The Starts and Stumbles of Restorative Justice in Education: Where Do We Go from Here? January 14, 2020, National Education Policy Center, Colorado University. https://nepc.colorado.edu/publication/restorative-justice

[15] The Collaborative for Academic, Social, and Emotional Learning (CASEL) https://casel.org/impact/

[16] Jason A. Okonofua, David Paunesku, and Gregory M. Walton, Brief intervention to encourage empathic discipline cuts suspension rates in half among adolescents, May 2016, Proceedings of the National Academy of Sciences of the United States of America (PNAS). Princeton University, Princeton, NJ. https://www.pnas.org/content/113/19/5221

[17] Bonner-Tompkins, Rubin, and Latham

[18] Unpublished MCPD demographic data for all sworn officers and school resource officers provided by Susan Farag, Council Legislative Analyst, December 4, 2020

[19] Beyond Suspensions

[20] Maryland Public Schools Arrest Data, http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/StudentArrest/index.aspx

[21] Board of Education, MCPS Schools at a Glance, 2018-19 School Year, MCPS, Montgomery County, Maryland

[22] Kevin Gilbert, Thomas McNeal, and Anissa Dennis, School Resource Officers in School, Howard County Public School System, September 24, 2020, Howard County, Maryland. https://go.boarddocs.com/mabe/hcpssmd/Board.nsf/files/BTWJYN4E4EE5/$file/09%2024%202020%20School%20Resource%20Officers%20in%20Schools%20BR.pdf

[23] Gail L. Sunderman and Erin Janulis, When Law Enforcement Meets School Discipline: School-related Arrests in Maryland 2015-16, June 2018, Maryland Equity Project: Advancing Educational Opportunities, University of Maryland. https://education.umd.edu/sites/education.umd.edu/files/MEP_School-Related%20Arrests%20in%20Maryland2_6.1.18.pdf

[24] Police in Schools: A Background Paper, August 2020, American Federation of Teachers https://sharemylesson.com/teaching-resource/police-schools-background-paper-325700

[25] Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Montgomery County, MD.

[26] Beyond Suspensions

[27] Center on PBIS

[28] The Starts and Stumbles of Restorative Justice in Education: Where Do We Go from Here?

[29] CASEL

[30] PNAS