



**Testimony for the House Ways and Means Committee
HB 439 – Public Schools – School Resource Officers – Prohibited Conduct
February 14, 2019**

Position: SUPPORT

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The ACLU of Maryland supports HB439 which would prohibit a school administrator, official, or a school safety coordinator from directing a school resource officer (“SRO”) or a school security employee to participate in standard school discipline matters. While we expect students to face consequences for inappropriate behavior, discipline policies and practices must be fair, designed to keep students on track to graduate, and use classroom exclusion as a last resort.

The ACLU is deeply concerned about the safety and general well-being of all public school students, including fair implementation of policies that impact them. The ACLU is invested in ensuring a comprehensive approach to school police that includes clear guidelines on police interactions in the school community because this is best practice for creating a positive school climate which is defined as a school environment that creates norms, values and expectations of trust to foster productive youth development and learning. This legislation is needed to address inconsistencies in discipline practices and provide guidance to administrators that they must refrain from involving police in traditional disciplinary issues, especially non-violent incidents.

The Role of School Resource Officers

Unfortunately, a conversation about school discipline in America cannot be divorced from a consideration of the role of police. Nationally, the presence of officers in schools has steadily increased in an attempt to curb shootings, yet having armed police in buildings have not been found to be a deterrent.

Additionally, the trend of increasing police officers has been reflected by the availability of federal grants for SRO positions,¹ rather than the actual impact or effect of officers in schools.² We know that increased police contact with students increases risk of drop-out, arrest, or further involvement with the juvenile and criminal justice systems. Our own state decided to review, shift, and conduct better tracking of student discipline and arrests because of the mountain of evidence of disjointed practices that led to unfair and disproportionate implementation of disciplinary decisions which impact students of color and students with disabilities the most. According to the Maryland State Department of Education, there were nearly 2,800 students arrested in our public schools during the

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¹ Matthew T. Theriot and John G. Orme, *School Resource Officers and Students’ Feelings of Safety at School*, Youth Violence and Juvenile Justice, 2016, <https://journals.sagepub.com/doi/abs/10.1177/1541204014564472>, noting that the 1998 amendment to the 1968 Omnibus Crime Control and Safe Streets Act created the COPS office – Community Oriented Policing Services that offered many SRO grants.

² *Id.*

2015-16 school year.³ Prince George’s County, Montgomery and Baltimore Counties reported the highest numbers of arrests with 588, 393, and 304, respectively.⁴

Further, while the highly visible officers in schools are supposed to make students feel safe, “community-based research has found that a high-profile police presence actually makes some people feel less safe.”⁵ Because there is limited evidence to support the efficacy of police in schools, we urge lawmakers to take all of the precautions necessary to identify clear roles, including limiting police contact with students as much as possible, to reduce arrests and other risks of harm associated with police in schools.

End the School-to-Prison Pipeline

ACLU is dedicated to ending the “school-to-prison pipeline,” which occurs when policies and practices push students out of school and into the juvenile and criminal justice systems by criminalizing childish behavior.⁶ This pipeline has the greatest impact on students of color and students with disabilities and is often an inadvertent consequence of a heavy law enforcement presence in schools. We have long held that if police are in schools, the proper policies and trainings must be in place. Thus far, with the inclusion of a few thoughtful provisions in the Safe to Learn Act passed by the Maryland General Assembly last year, Maryland has focused on trainings for officers but has provided less guidance to administrative staff. The legislature should make it clear that all staff in the school building need training and a clear directive to limit police intervention when dealing with minor and non-violent misconduct.

The Importance of Student Supports and Improving School Climate

Although discussions about School Resource Officers in schools tend to elevate the positive relationships that can be created between officers and students and/or the potential of officers to serve as mentors and counselors, schools do not need police for these roles. Schools need counselors or social workers that are trained professionals to serve those positions. Unfortunately, in large school districts across the United States, there are more police officers than counselors.⁷

In closing, the school environment is safer when schools work to transform and maintain a positive school climate. Studies show that this is associated with lower incidents of aggression, bullying and violence.⁸ We believe that an over-reliance on school police causes more dysfunction and a breakdown in school relationships. Front-end changes like requiring administrators to limit police involvement supports alternative whole-school approaches that can prevent conflicts and better equip students and staff to de-escalate when conflicts occur.

For the reasons mentioned above, the ACLU of Maryland urges this committee to **SUPPORT HB 439**.

³ Maryland Public Schools Arrests Data, 2015-2016, <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestData011218.pdf>. This is the most recent public school arrest data report.

⁴ *Id.*

⁵ *Id.* at 131.

⁶ ACLU National, *What is the School to Prison Pipeline*, <https://www.aclu.org/fact-sheet/what-school-prison-pipeline>.

⁷ Matt Barnum, *These School Districts Have More Security Guards Than Counselors*, Huffington Post, https://www.huffingtonpost.com/entry/school-district-security-guards_us_56faa11ae4b0143a9b4948do.

⁸ The National School Climate Council, *National School Climate Standards*, <https://www.schoolclimate.org/themes/schoolclimate/assets/pdf/policy/school-climate-standards.pdf>; See also the Center for Social Emotional Education, *School Climate Brief* Vol. 1 No. 1 (January 2010), https://cdpsdocs.state.co.us/safeschools/Resources/SCBrief_v1n1_Jan2010.pdf.