

Middlesex Coalition for Children

January 9, 2014

Welcome to our Conversation about Juvenile Justice. Our panelists will be discussing proposed legislation that would mandate more collaboration between schools and police departments in an effort to reduce student arrests.

House Bill No. 6682: AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND LAW ENFORCEMENT PERSONNEL

Guests include:

- Justin Carbonella, Director, Middletown Youth Services Director, Chair, Middletown LIST
- State Senator, Paul Doyle (D), Vice Chair of the Judiciary Committee
- Rep. Gary Holder-Winfield (D), Member of the Judiciary Committee
- Lara Herscovitch, Deputy Director, CT Juvenile Justice Alliance

We will have roughly 40 minutes of panel discussion and 20 minutes for Questions & Answers at the end. Please save your questions until that time. Additionally, if there are a lot of unanswered questions at 10:00, we may go ten to fifteen minutes over. We respect your time. If you need to leave at 10:00, please do so.

We will have an optional networking time until 10:25 am.

Thank You.

This packet includes:

1. Legislation Fact Sheet from the Center for Children's Advocacy
2. Student Arrest Fact Sheet from Connecticut Voices for Children
3. Disproportionate Minority Contact Fact Sheet from Connecticut Voices for Children
4. Juvenile Justice Advisory Committee Sample Memorandum of Agreement
5. Graduated Response Model Chart from a partner town (inserted in the appropriate place within the Sample MOA)

[You can visit our website for electronic copies of all documents.](#)

Improving the lives of children in Middletown and Middlesex County.

AN ACT CONCERNING SCHOOL-POLICE COLLABORATION

What is the problem?

- **Many schools have police stationed in them without any formal guidelines governing daily interactions.**
- Rather than promoting safety in schools, police in schools often leads to the unnecessary **criminalization of students.**
- Schools and police **need guidance on how to manage day to day operations.**
- **Because of police presence in schools, too many Connecticut children are arrested.**
 - Many arrests of students at school occur for low-level, non-violent, non-dangerous offenses, such as breach of peace or disorderly conduct.
 - Students of color are more likely to be arrested at school.
 - Once a child is arrested, his or her likelihood to re-offend increases.
- **Arresting children at school harms children and communities.**
 - Keeping children in school is crucial to improving their long-term opportunities. Students who feel connected to school are **less likely** to use illegal substances, become pregnant, attempt suicide or engage in violent behavior.

What would passing this Act accomplish?

- Promote and facilitate **collaboration and communication** between schools and the police (school resource officers or SROs) stationed within them.
- Require the creation of formal written **memorandums of agreement (MOAs)** and/or policies detailing the roles and responsibilities of police stationed in schools.
 - Similar agreements have been used nationally and in Connecticut (e.g. Bridgeport, Manchester, Stamford, Hartford, Willimantic) to **reduce inappropriate arrests.**
 - Agreements would require the use of graduated response models to ensure student and police interactions are handled in a consistent manner.
 - This collaboration would serve as the starting point in a broader discussion about safety in schools in our local communities.
- Provide communities with better data about school-based arrests of students in each school through the well-known format of the strategic school profiles. This data will help Connecticut communities create interventions to **keep kids in school and out of the juvenile justice system.**

This act is supported by:

- Connecticut Juvenile Justice Alliance
- Connecticut Voices for Children
- Connecticut Legal Services
- Judicial Branch – Court Support Services Division (CSSD)
- State Department of Education

How can I find out more information?

Contact: Center for Children's Advocacy
Attorney Marisa Mascolo Halm
(860) 570-5327, ext. 228
Mhalm@kidscounsel.org



Key Findings and Recommendations **Arresting Development: Student Arrests in Connecticut**

A CT Voices report on school discipline data from Connecticut schools show an encouraging reduction in the number of student arrests in our schools, with a 13.5% decline in school arrest reports over a four year period. Despite this positive news, room for improvement remains. In many cases, K-12 students were arrested for behaviors that probably were not criminal, and likely could have been handled within the school without police involvement. In addition, racial and ethnic disparities in arrest rates, together with wide variations in arrest rates among similar school districts, suggest a need for uniform criteria in decisions about arresting students in school.

Key findings include:

- **The number of students arrested has declined in recent years.** During the 2011 school year, 2,936 students (about one in 200) were arrested. This was a 13.5% decline in the number of children arrested from the peak of 3,396 students arrested in the 2008 school year.
- **Many arrests were likely avoidable.** A significant share of arrests were for reasons that the report classified as likely avoidable (11%) – behaviors that were probably not criminal and could have been handled within the classroom or school. These reasons included skipping class, insubordination, and using profanities.
- **Arrest rates were higher for students of color, students in poor districts, and special education students.** Black students were 3.7 times and Hispanic students 3.2 times more likely to be arrested than white students.
- **Arrest rates varied widely between similar school districts and among schools in the same district,** suggesting that much of this variation is driven by differences in school practices, not simply differences in the student population or socioeconomic factors.

To reduce unnecessary student arrests, Connecticut Voices recommends that state policymakers and the State Department of Education should:

- **Clearly define “student arrests,”** which are not currently defined by the state. Collect and publish data on all student arrests (currently not required for all incidents resulting in arrests).
- Require districts with police stationed in schools to **create a memorandum of agreement between the schools and police** that sets ground rules concerning arrests.
- **Provide technical assistance** to districts seeking to reduce arrests and promote sharing of successful strategies from other districts.

CT Voices School Arrest Database

Connecticut Voices has created an interactive online database that provides detailed school arrest data for all 193 Connecticut school districts. For each district, the data tool allows users to find the number of school arrests, arrests per thousand students, and peer group and state average arrest rates. Rates are broken down by gender, race/ethnicity, disability status, and grade level. The database is available on our website at www.ctvoices.org/arrest

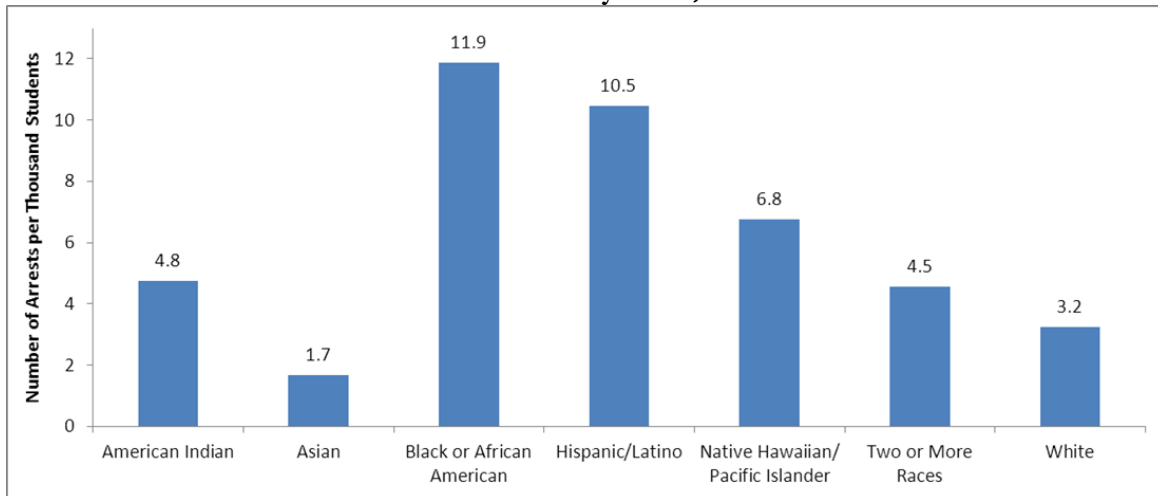
The report is available at www.ctvoices.org. CT Voices is available to share this data and findings specific to your community. For more information, contact Edie Joseph at ejoseph@ctvoices.org.



Disproportionate Minority Contact Key Findings **Arresting Development: Student Arrests in Connecticut**

A September 2013 CT Voices for Children report on school discipline data from Connecticut schools shows an encouraging reduction in the number of student arrests in our schools, with a 13.5% decline in school arrest reports over a four year period. Despite this positive news, room for improvement remains. In particular, we know that Connecticut's students of color are arrested at much higher rates than its white students.

Arrest Rates by Race, 2011



Key findings include:

- **Connecticut's students of color are arrested at much higher rates than its white students.** In 2011, Black students were arrested at 3.7 times the rate of White students – 11.9 Black students arrested per thousand Black students compared to 3.2 White students arrested per thousand white students. Hispanic students were arrested 3.2 times more often than White students (10.5 arrests of Hispanic students per thousand versus 3.2 arrests per thousand for white students).
- **Students of color are arrested disproportionately to their share of enrollment in schools.** Although White students were 62.0% of Connecticut's student population in 2011, only 35.3% of the students arrested were white. Black children were 13.2% of the state's students, but 27.6% of those arrested, while Hispanic students were 18.6% of the state's students, but 34.2% of those arrested.
- **Racial disproportionality in student arrests was not confined to urban or suburban schools, nor was it solely a product of vastly higher arrest rates in inner cities.** In every single District Reference Group (DRG), Black students were arrested at higher rates than White students – ranging from 9.4 times more often in DRG A to 2.6 times more in DRG G. Seventy out of 119 school districts (58.8%) had higher arrest rates for Black students than White students.

The report is available at www.ctvoices.org. CT Voices is available to share this data and findings specific to your community. For more information, contact Edie Joseph at ejoseph@ctvoices.org.



Juvenile Justice Advisory Committee
School/Police *Just.Start* Program

Memorandum of Agreement

By and Between

_____ Public Schools

and

_____ Police Department

I. Introduction

Schools and law enforcement share responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. This document expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student and the nature and severity of the incident.
- C. Students should be held accountable for their actions through a graduated response to misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior.
- D. Disruptive students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of the police, or referral to court.
- E. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the student, the school system, law enforcement and the community at large.

II. Purpose of Agreement

The purpose of this agreement is to encourage a more consistent response to school incidents and to reduce the number of referrals of students to court by establishing guidelines for the handling of non-emergency disruptive behavior at school and school-related events by school and police personnel.

III. Terms of the Agreement

A. Summary of Key Points

The parties agree to:

1. Convene a School/Police Collaboration Team;
2. Share this agreement with a copy to all school and police personnel;
3. Provide necessary and regular staff training on implementation of the agreement;
4. Put into practice a graduated response to student misbehavior;
5. Monitor implementation of the agreement;
6. Collect data and assess the effectiveness of the agreement; and
7. Modify the agreement as appropriate.

B. Key Factors in Making Disciplinary Decisions

The parties agree that when determining consequences for students' disruptive behavior the following factors shall be considered, if information on the factors is available.

1. Age, health, and disability or special education status of the student.
2. Prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Student's willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.

The parties agree that when determining consequences for student's disruptive behavior the following factors shall not be considered:

1. Race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family.
2. Economic status of the student and family.

C. Graduated Response Model

Classroom Intervention - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and

violations of classroom rules. School Resource Officers (SROs) should not be involved at this level. More than three incidents of the same behavior, if not in the same day, could lead to School Administrator Intervention. Classroom intervention options might include redirection, reteaching, school climate initiatives, moving seats; and the teacher should initiate parental contact.

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include time in the office, after school detention, loss of privilege, reparation, and/or parent conference.

Assessment and Service Provision - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services is appropriate. This intervention is managed by the school administrator or a student assistance team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any Classroom or School Administration interventions and might include referral to a juvenile review board (JRB) or community service or program, suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. Police can be involved in their role on SATs and JRBs.

Law Enforcement Intervention - Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police, including the SRO. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after Classroom, School Administration and Assessment and Service interventions have been tried. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; referral to a JRB and/or community agencies; and referral to court.

Graduated Response Model Chart

	<u>Level 1</u> Rules Violations/Disruptive & Offensive Behaviors	<u>Level 2</u> Chronic Disruptive & Serious Behaviors	<u>Level 3</u> Safety Concerns	<u>Level 4</u> Mandatory Referral to School Resource Officer
Types of Behaviors	<ul style="list-style-type: none"> -Disruptive Behavior -Insubordination/Defiance -Inappropriate Attire -Inappropriate Language -Physical contact/ Horseplay -Electronics Violation -Tardiness -Cutting Teacher Detention -Forgery/lying -Leaving classroom without permission -Pass violation -Inappropriate displays of affection -Other 	<ul style="list-style-type: none"> -Chronic Level 1 Offences (documented) -Chronic Disruptive Behavior (documented) -Gross Insubordination -Abusive Language directed at Staff -Chronic Tardiness -Cutting Office Detention -Cutting class -Leaving School Grounds -Harassment -*Truancy -Other 	<ul style="list-style-type: none"> -Chronic Level 2 Offences -Bullying - Serious fighting/assault -Smoking -Theft -Threats/Intimidation -Vandalism -Other 	<ul style="list-style-type: none"> -Alcohol/Drugs -Weapon Possession - Assault Resulting in Injury -Action Resulting in Lockdown or Evacuation of Classroom or Building -Inciting a Riot -Multiple Level 3 Offenses -Other
Persons Involved in Intervention	<ul style="list-style-type: none"> -Teacher -Parent(s)/Guardian(s) -Team leader 	<u>All Previous Persons Involved plus:</u> <ul style="list-style-type: none"> -Guidance Counselor -School Social Worker -Administrator -Community Agencies 	<u>All Previous Persons Involved plus:</u> <ul style="list-style-type: none"> -School Resource Officer -Student Assistant Team 	<u>ALL</u>
Progressive Intervention Options and Discipline Actions	<ul style="list-style-type: none"> -Verbal warning -Redirection -**Parent contact -**Student/Teacher conference -**Parent/Teacher conference and other parties (guidance counselor, school social worker, etc) as deemed necessary -Consult team members and/or support staff -**Use of the Pre-Referral Intervention Manual for possible interventions -**Alternate setting -**File review -Mediation -**Behavioral contracts -**Behavioral Intervention plans/FBA -**Data collection on interventions and their effectiveness -**Loss of classroom privileges/Restricted activity -**Lunch detention -**Teacher detention 	<u>All Previous Level Interventions/Discipline plus:</u> <ul style="list-style-type: none"> -Written Warning- letter sent home -Referrals to student support personnel - 1 to 1 counseling -Parent/Team conference and other parties (guidance counselor, school social worker, etc) as deemed necessary -Mentoring program -School/Community Service *Referral to School Attendance Review Board -Office Detention -Saturday Detention -Play by the Rules Referral -Loss of School Privileges/Restricted activities -Behavior Intervention or Reflection Room -Designated "Time Out" area -In School Suspension 	<u>All Previous Level Interventions/Discipline plus:</u> <ul style="list-style-type: none"> -Parent/Administration conference and other parties (guidance counselor, school social worker, etc) as deemed necessary. -Referral to SAT -Referral to Substance Intervention Program -Referral to School Safety Review Board -Referral to Restitution/Community Service Program -Law Enforcement Referral to Diversionary Program -Law Enforcement Mentoring -Law Enforcement ticket/fine -Outside School Suspension -Possible referral for consideration of expulsion -Possible Arrest 	<u>All Previous Level Interventions/Discipline plus:</u> <ul style="list-style-type: none"> -Arrest -Referral for consideration for expulsion

**Non-certified staff (see protocol and guidelines not all interventions are appropriate and must get prior administrative instruction)

D. Police Activity at Schools

The parties agree that police need to follow certain protocols when on school grounds in non-emergency circumstances as follows.

1. Police will act through school administrators whenever they plan any activity on school grounds.
2. Officers entering school grounds will be aware of the potential disruption of the educational process that police presence may cause.
3. Prior to entering a school to conduct an investigation, arrest or search, officers will consider the necessity of such action based on:
 - a. The potential danger to persons;
 - b. The likelihood of destruction of evidence or other property;
 - c. The ability to conduct the investigation, arrest or search elsewhere.
4. When taking a student into custody:
 - a. Officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises.
 - b. Whenever possible, students should be taken into custody out of sight and sound of other students.
5. For communities with School Resource Officers, the SRO will not be responsible for student discipline or enforcement of school rules, although the SRO may provide assistance to school personnel. The SRO will work collaboratively with the school administrator to determine the goals and priorities for the SRO program and the parameters for SRO involvement in school disciplinary matters.

IV. Data Collection and Monitoring

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this agreement.

Data Collection – on a quarterly basis, the following information will be collected.

School—number and types of disciplinary actions, numbers and demographics of students involved, referrals to police.

Police—number and types of school incidents for which police incident reports are written, police actions on incidents.

For comparison purposes, the parties agree to retrieve the above data for a year prior to the signing of the agreement and quarterly after the signing of the agreement.

Monitoring and Oversight – on a regular basis and at least quarterly, parties acknowledge and agree that the School/Police Collaboration Team composed of at least two members from each party will meet to provide oversight of the agreement and review relevant data and analysis. At least annually, the Team will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation.

V. Duration and Modification of Agreement

This agreement shall become effective **Month, Day, Year** and shall remain in full force and effect until such time as the agreement is modified by the consent of the parties. The agreement may be modified at any time by amendment to the agreement.

In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to this document on this day.

Superintendent of Schools

Date

Printed Name

Sworn and subscribed before me on this ____ day of _____, 20____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date

Chief of Police/Resident State Trooper

Date

Printed Name

Sworn and subscribed before me on this ____ day of _____, 20____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date