



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Testimony on the Fiscal Year 2023 Operating Budget
before the Montgomery County Council
April 21, 2022**

Thank you for the opportunity to submit written testimony on behalf of the Montgomery County Women's Democratic Club (WDC) before the Montgomery County Council on matters relating to the Fiscal Year 2023 proposed operating budget. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials. My name is Carol Cichowski. I am currently an active member of the Criminal Justice Reform Advocacy subcommittee of WDC. **My testimony relates to the MCPS and MCPD budgets.**

More than a year ago, the Montgomery County Women's Democratic Club joined with many others in the community, including student-led organizations, to advocate for the **removal of school resource officers (SROs) from MCPS schools** and for the provision of services that would help support students, not contribute to their entanglement with the juvenile justice system. We cited the research that found that the key to school safety is **the creation of a positive school climate** in which all students feel supported, valued, trusted, and respected.¹ We pushed for **increased hiring of mental health professionals to support students** and address their social emotional needs and the implementation of restorative practices. We emphasized that school officials should respond to student misconduct with **disciplinary measures that promote positive behavior** when students make mistakes, consistent with Maryland law and guidelines.²

We argued for police-free schools because of the compelling evidence that the presence of police in MCPS schools has had a harmful impact on children, particularly Black children. In the past when SROs were deployed in MCPS schools, students were arrested for minor offenses that were unnecessarily criminalized and there were unacceptable racial disparities. Black children were more than ten times as likely to be arrested as White children in MCPS in two of the past five years and three times as likely in the other three year.³ We pointed out that a single arrest, which was typically

¹ See "Call for Action to Prevent Gun Violence in the United States of America," the report of an interdisciplinary group of violence prevention scholars who called for a public health approach to prevent gun violence in schools with a focus on promoting a positive school climate, <https://education.virginia.edu/prevent-gun-violence>

² See the "Framework for Effective School Discipline," National Association of School Psychologists (2020), [file:///C:/Users/Dell/Downloads/Discipline-Framework-Document%20\(1\)%20\(2\).pdf](file:///C:/Users/Dell/Downloads/Discipline-Framework-Document%20(1)%20(2).pdf); Code of Maryland Regulations 13A.08.01.11, <http://www.dsd.state.md.us/comar/comarhtml/13a/13a.08.01.11.htm>; Code of Maryland, 7-306 (d)(2)(iii), <https://law.justia.com/codes/maryland/2019/education/division-ii/title-7/subtitle-3/sect-7-306/>

³ The risk of arrest rates for Black/White students were as follows: 10.7 for 2019-2020, 2.9 for 2018-2019, 11.3 for 2017-2018, 3.3 for 2016-2017, and 2.8 for 2015-2016. The calculations were made using publicly reported data made available



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accompanied by exclusionary discipline and a referral to the Department of Juvenile Services (DJS), can have life-long negative consequences for a child.⁴

We were heartened by the agreement among County officials in 2021 to end the deployment of SROs in MCPS high schools and to make long overdue changes in staffing to address the mental health needs of students. County leaders announced that 50 social workers would be hired and that the SROs would be replaced by CEOs who would not be stationed in the schools. These were important first steps. It is critically important that we stay the course toward creating a positive and supportive learning environment throughout MCPS by making the needed investments and supporting the required change in school culture.

In reviewing the budget request for fiscal year 2023, we urge the County Council to do the following:

Mental Health Services in Schools

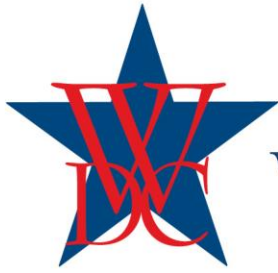
Approve a budget request that is sufficiently robust to meet the needs of the students for mental health services. The Council needs to ask pointed questions about staffing ratios and hiring strategies so that there are no schools that find themselves unable to meet the mental health needs of their students a year or two from now.

Historically, MCPS has tolerated unacceptably high student-to-staff ratios and has not made meeting the mental needs of its students a priority. Even after there was agreement last spring on the importance of meeting those needs, MCPS did not seem to act with a sense of urgency in developing or implementing plans for getting more mental health staff quickly on board in anticipation of the return to in-person learning. Disappointingly, schools re-opened last fall mostly unprepared to help students who were demonstrating high levels of stress, anxiety, anger, depression, and distrust after enduring 18 months of isolation and, in many cases, life-changing hardships. The new school year began with positions for new mental health professionals unfilled. School psychologists have reported that they have caseloads over three times the size recommended by the National Association of School

by the Maryland State Department of Education (MSDE),

<http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/StudentArrest/index.aspx>.

⁴For a discussion of the impact of police in schools, see pages 42-43 of "Reconsidering Police in Schools" by Ryan King and Marc Schindler, Chapter 4 of A Better Path Forward for Criminal Justice, A Report by the Brookings-AEI Working Group on Criminal Justice Reform (April 2021), <https://www.brookings.edu/wp-content/uploads/2021/04/Better-Path-Forward-Brookings-AEI-report.pdf>; Denise C. Gottfredson, Scott Crosse, Zhiqun Tang, et al, "Effects of school resource officers on school crime and responses to school crime," CRIMINOLOGY & Public Policy (2020); 1-36, https://neighborsvt.org/wp-content/uploads/2020/09/Gottfredson-et-al_2020.pdf; and the studies cited in footnote 7 below.



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Psychologists.⁵ It appears that MCPS was not sufficiently creative or aggressive in its hiring strategies. We applaud the initiative taken by Councilmember Navarro and the recent approval by the Council to establish a wellness center in every high school. These centers will play an important role in meeting the social and emotional needs of MCPS students.

Restorative Practices and Transforming the School Culture

Approve a budget request that ensures that all schools have the in-house capacity to de-escalate conflict, offer students in crisis a safe space, and implement restorative justice approaches in response to behavioral issues for which a non-punitive response would be appropriate under Maryland law and guidance.⁶

The fact that MCPS and MCPD regard the recent changes made to the Memorandum of Understanding between MCPS and MCPD as fine tuning suggests that there may be a lack of appreciation of the anxiety, fear, and discomfort some students experience when they encounter police. It also suggests a lack of understanding of the importance of giving priority to breaking the cycle of undue reliance of school leaders on law enforcement so as to protect students from harm, especially Black students.

Giving a Community Engagement Officer (CEO) a space in the school building is putting the police back in schools from the perspective of students. Regardless of the purpose of police engagement with the elementary and middle schools, "engagement" that results in police presence increases the risk of unnecessary police involvement in disciplinary matters. Finally, giving principals cell phone access to CEOs does nothing to reduce undue reliance on police intervention in incidents. Research tells us that the proximity of police to students affects the chances of a student being arrested for misconduct that should be handled as a school disciplinary matter.⁷

⁵ See testimony presented to the Montgomery County Board of Education on April 7, 2022 by several MCPS school psychologists.

⁶2021-2022 Student Code of Conduct in Montgomery County Public Schools, https://www.montgomeryschoolsmd.org/uploadedFiles/students/rights/22_STUDENT_Code%20of%20Conduct_Web.pdf; MSDE Fact Sheet on School Discipline (2021), <file:///C:/Users/Dell/Downloads/Student%20Discipline.pdf>; MSDE, Maryland Guidelines for a State Code of Discipline (July 22, 2014):17, http://archives.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/MDGuidelinesorStateCodeDiscipline_08072014.pdf

⁷ Aaron Kupchik, Research on the Impact of School Policing. ACLU Pennsylvania (August 2020), <https://fisafoundation.org/wp-content/uploads/2020/08/Research-on-School-Policing-by-Aaron-Kupchik-July-2020.pdf>; Emily M. Homer and Benjamin W. Fisher, "Police in schools and student arrest rates across the United States: Examining differences by race, ethnicity, and gender," Journal of School Violence (2019), [Police-in-schools-and-student-arrest-rates-across-the-United-States-Examining-differences-by-race-ethnicity-and-gender.pdf \(researchgate.net\)](https://www.researchgate.net/publication/348888888_Police-in-schools-and-student-arrest-rates-across-the-United-States-Examining-differences-by-race-ethnicity-and-gender); ACLU, Cops and No Counselors. How the Lack of School Mental Health Professionals is Harming Students (2020): 23,



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It is not clear what MCPS did to prepare school principals to make the transition to police-free schools once the County agreed to remove the SROs or what additional in-house supports or trainings were provided to school officials to help them deal with incidents in-house. What is clear is that in the face of perhaps unprecedented challenges, school officials continued to turn to law enforcement during the first half of the school year to deal with behavioral issues.

Principals appeared to be calling for police involvement in matters that should be handled by school officials as school code of conduct violations, putting students at risk of harm. School requests for police involvement were not limited to instances in which there was a serious risk of injury or in which there was behavior that needed to be treated as a crime. Notably, there were over 1600 calls for service, including requests to deal with disruptive behavior.

Even more importantly, there were at least 39 paper arrests for minor offenses, mostly of Black students,⁸ that did not require removal of the student and that ultimately did not result in the filing of a petition by the State's Attorney in the case or an adjudication of delinquency. The fact that the cases were resolved informally, however, does not mean that the students and their families were not harmed. Research tells us that any contact with the juvenile justice system is associated with the risk of future involvement and negative school outcomes.⁹ One of the goals of removing the SROs was to

<https://www.aclu.org/report/cops-and-no-counselors>:

Benjamin W. Fisher and Emily A. Hennessy, "School Resource Officers and Exclusionary Discipline in U.S. High Schools: A Systematic Review and Meta-analysis," *Adolescent Research Review* 1, 217-233 (2016): 218-220, 229, <https://doi.org/10.1007/s40894-015-0006-8>; Amanda Merkwae, "Schooling the Police: Race, Disability, and the Conduct of School Resource Officers," 21 *Michigan Journal of Race and Law* 147 (2015), <https://repository.law.umich.edu/mjrl/vol21/iss1/6>.; Jason P. Nance, "Students, Police, and the School-to-Prison Pipeline," (November 2, 2015). 93 *Washington University Law Review* 919 (2016), University of Florida Levin College of Law Research Paper No. 15-20: 976-977, <https://ssrn.com/abstract=2577333>;

⁸ The numbers reported by MCPD translate to a risk arrest rate for Black students that is more than three times that for White students. The arrest data can be found in a slide presentation presented to the Montgomery County Board of Education on February 24, 2022.

[https://www.boarddocs.com/mabe/mcpsmd/Board.nsf/files/CCEJZN4F8466/\\$file/Sch%20Safety%20Climate%20Mental%20Health%20Restore%20Justice%20Updates%2020224%20PPT.pdf](https://www.boarddocs.com/mabe/mcpsmd/Board.nsf/files/CCEJZN4F8466/$file/Sch%20Safety%20Climate%20Mental%20Health%20Restore%20Justice%20Updates%2020224%20PPT.pdf)

⁹For research on the impact of exclusionary discipline and arrests on student outcomes, see 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: 96-97;

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf>; Council of State Governments Justice Center, *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (2014), p. 275,



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decrease the risk of students being arrested and referred to DJS for behavior that could be treated as a disciplinary matter. One must ask how many of these 39 cases involved misconduct that should have been treated as a school code of conduct violation and not criminalized.

The County needs to approve a budget that ensures that all high schools and middle schools have a restorative justice coordinator on board, and enough trained teachers and professional staff to make restorative practices a viable non-punitive response to student misconduct. Instead of making changes that appear to be directed at making it easier for principals and police to communicate and collaborate, priority should be given to changes in staffing, job duties, administrative procedures and protocols, and training that would both incentivize and enable school leaders to take responsibility for managing student behavioral challenges and to embrace a non-punitive approach to discipline and restorative practices that foster positive behavior. It is simply not enough for MCPS to now state, as it has, that CEOs are not to be involved in disciplinary issues. The budget should be promoting the transformation in school culture that will provide a healthy and safe learning environment for all students in all schools.

After-school Community-based Programs

Approve a budget that invests in positive community-based supports for young people to be productively occupied in non-school hours.

Montgomery County is fortunate to have community organizations that can play an important role in crime prevention by working with young people and providing them opportunities for sports, recreation, and other meaningful activities. Notably, it appears that MCPD's new Community Resources Bureau is seeking funding for these kinds of programs.¹⁰ While we applaud MCPD's recognition that the County needs to offer more youth development programs, such programs should be administered by agencies in the County have the responsibility for, and expertise to offer, such programs and a track record of working with community-based organizations to serve young people. The Department of Health and Human Services, for example, already has partnerships in place with organizations like the Street Outreach Network and Identity.

In addition, there is a risk that the well-intentioned efforts by MCPD to improve police-youth interactions could be seen by some youth in the community as an unwelcome additional police

https://www.modelsforchange.net/publications/831/School_Discipline_Consensus_Report_Strategies_from_the_Field_to_Keep_Students_Engaged_in_School_and_Out_of_the_Juvenile_Justice_System.pdf; Nance, 923-924.

¹⁰ See Assistant Chief Facciolo's presentation to the Police Advisory Commission on March 14, 2022, <https://youtu.be/M5tuItAfz8?t=1792>



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surveillance and an indication that the young people are viewed as untrustworthy, suspicious, and potential criminals.¹¹

Conclusion

Montgomery County has an opportunity to show other school districts how to provide a safe and positive environment in every school that meets the health, emotional, and academic needs of its students without a police presence in the schools. With the removal of the SROs and the attention to meeting the mental health needs of its students and implementing restorative justice, the County has taken some important first steps. We urge the Council to build on these actions by ensuring not only that MCPS has the necessary resources to provide for a safe and healthy environment conducive to learning in all schools, but by also ensuring that MCPS has clear plans to strategically direct its resources toward achieving the required transformation in school culture and climate.

Respectfully,

Carol Cichowski
Member
Criminal Justice Reform Advocacy Subcommittee

¹¹ See Development Services Group, Inc., "Interactions between Youth and Law Enforcement." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention (January 2018), p. 10-14, <https://www.ojjdp.gov/mpg/litreviews/Interactions-Youth-Law-Enforcement.pdf>