

TESTIMONY ON 19-H 5370
AN ACT RELATING TO EDUCATION – THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT
May 15, 2019

The ACLU appreciates the opportunity to provide commentary on H 5370, which would indefinitely extend a program by which school districts can be reimbursed by the state for the employment of a school resource officer. We would like to express our deep concern for continuing state subsidization of school resource officers and the creation of financial incentives for schools to hire school resource officers over other critically needed personnel.

While we understand the intention of protecting the student body by increasing the presence of school resource officers on campus, these officers are often relied upon to provide routine school discipline, and the tools that police have at their disposal to combat unruly behavior are often not appropriate in the school setting. In an open records request from a few years ago, we discovered that many incident reports arising from student arrests documented examples of escalation of minor infractions (such as wearing a hat in violation of a school dress code) into arrests for open-ended crimes such as disorderly conduct. That is, a police presence often led to arrests for minor misconduct that could and should – and otherwise would – have been treated internally as a school disciplinary matter.

It is also important to note that disciplinary and enforcement protocol in schools disproportionately affects students of color, students with disabilities, and LGBTQ students. The ACLU has released multiple studies within the past few years which show a consistent discrepancy in the rates that these students are suspended and expelled in Rhode Island, and statistics show that these groups are much more likely to be arrested for school misconduct than other students. And, critically, the increased presence of SROs redefines as criminal justice problems behavior issues which may be rooted in social, psychological, or academic problems, for which involvement in the juvenile justice system is hardly the solution.

We also are concerned that a statutorily required reimbursement process for the hiring of SROs will incentivize schools to funnel resources into the hiring of SROs over other staff, such as school guidance counselors, who are sorely needed on campuses in Rhode Island.

During the recent situation at Kickemuit Middle School, in which enough teachers called out sick because of student behavioral issues that the school was closed for a day, teacher after teacher later remarked on the rapidly disappearing counseling structures available to students, and their school environment's desperate need for mental and behavioral health services. Yet the most immediate action taken was to bring law enforcement in the form of a school resource officer into the school. Despite clear vocalization for what would make our schools safer for students – mental health and counseling personnel – there has been a consistent lack of action prioritizing students' behavioral needs.

Recently, a school psychologist testifying before Senate Education remarked that the current ratio for school counselors to students in Providence is 1 to 1,000-1,500 students. The American School Counselor Association recommends a ratio of 1 to 250 students. We welcome correction, but it is our sense that most



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students and teachers agree that scarce financial resources could best be used on preventative services and more school counselors and social workers, not an additional police presence. As long as schools prioritize punishment over treatment and services, at-risk students will be pushed out of schools and into the path of delinquency. This hurts us all.

If this committee nonetheless wishes to support a greater police presence in the school instead, we believe some basic standards should be addressed by any legislation which does so. These would include, at a minimum, giving school officials a meaningful role to play in the selection and retention of SROs; requiring SROs to receive pre-service and annual training on such issues as restorative justice and adolescent development and psychology; requiring that, absent a real and immediate threat to student, teacher, or public safety, incidents will be handled by school officials as disciplinary measures, not by SROs as criminal offenses; providing for clear limits on the use of force; and offering simple procedures for students to raise concerns about an SRO's treatment of them.

Thank you for your attention to our views.