



Committee: Joint
Committee Review: At a future date
Staff: Robert H. Drummer, Senior Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #PoliceFreeSchools, #SupportOurStudents
#PoliceFreeSchoolsMoCo, #SupportOurMoCoStudents

AGENDA ITEM 1
February 4, 2021
Public Hearing

SUBJECT

Bill 46-20, Police – School Resources Officers – Prohibited
Lead Sponsors: Councilmembers Jawando and Riemer
Co-Sponsor: Council President Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Public Hearing – no vote expected

DESCRIPTION/ISSUE

Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in schools.

SUMMARY OF KEY DISCUSSION POINTS

What are the strengths and weaknesses of assigning school resource officers to County public schools?

This report contains:

Bill 46-20	©1
Legislative Request Report	©4
Councilmembers Jawando and Riemer Memorandum	©5
Economic Impact statement	©7
Racial Equity and Social Justice Impact statement	©10
Fiscal Impact Statement	©17

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M E M O R A N D U M

February 1, 2021

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Bill 46-20, Police – School Resources Officers – Prohibited

PURPOSE: Public Hearing – no Council votes required

Bill 46-20, Police – School Resources Officers – Prohibited, sponsored by Lead Sponsors Councilmembers Jawando and Riemer and Co-Sponsor Council President Hucker, was introduced on November 17, 2020. A joint Public Safety/Education and Culture Committee worksession is tentatively scheduled for March 18, 2021.¹

A school resource officer is a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and problem solving who is assigned to work as a liaison to Montgomery County Public Schools. The County Police currently assign 23 police officers to work as a school resource officer in a specific public school pursuant to an existing MOU with the Montgomery County Public Schools.² Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in County public schools.

The lead sponsors, Councilmembers Jawando and Riemer, explained their reasons for introducing Bill 46-20 in a memorandum at ©5-6.

Bill 7-21, Police – School Resource Officer – Building Positive Law Enforcement Relationships Within Schools, sponsored by Lead Sponsors Councilmembers Rice and Katz, is tentatively scheduled for introduction on February 2, 2021. Bill 7-21 would authorize the Chief of Police to assign a law enforcement officer to work as a school resource officer in a County school upon the request of MCPS and require enhanced training.

¹#PoliceFreeSchools
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² The Sheriff, the Gaithersburg Police Department, and the Rockville Police Department each have 1 school resource officer assigned to a County public school.

OLO concluded that Bill 46-20 would favorably impact racial equity and social justice if the funds allocated to SROs is re-allocated to programs to promote student health and welfare. See ©10-16. OMB concluded that Bill 46-20 would save approximately \$3.5 million annually if the SRO positions were abolished, but not if the officers were re-assigned to other positions in the police department and the total number of funded positions in the department remains the same. See ©17-18. OLO concluded that Bill 46-20 would not have a significant effect on the County's economy. See ©7-9.

This packet contains:

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Bill No. 46-20
Concerning: Police – School Resources
Officers – Prohibited
Revised: 11/4/2020 Draft No. 3
Introduced: November 17, 2020
Expires: May 17, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Jawando and Riemer
Co-Sponsor: Council President Hucker

AN ACT to:

- (1) prohibit the Montgomery County Police Department from deploying school resource officers in schools; and
- (2) generally amend the law governing policing.

By adding

Montgomery County Code
Chapter 35, Police
Section 35-23

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 35-23 is added as follows:**

2 **35-23. School Resource Officers.**

3 (a) Legislative Findings. The County Council finds that:

- 4 (1) Black students are 275% more likely to be arrested in school than
5 their white peers;
- 6 (2) Black students are nearly 20 times more likely to be held by the
7 Department of Juvenile Services for pretrial detainment for
8 misdemeanor offenses than their white peers;
- 9 (3) Black students are 85% less likely to be referred for Screening and
10 Assessment Services for Children and Adolescents (SASCA)
11 Diversion Programs for substance abuse and mental health
12 screenings;
- 13 (4) Black students are 320% more likely to be incarcerated at the
14 conclusion of their trial than white students;
- 15 (5) over the past 3 school years, Latinx students were 86% more likely
16 to be arrested in school than their white peers;
- 17 (6) the use of heavy-handed security measures such as school resource
18 officers has been associated with more incidents of school crime
19 and disruption, and have been ineffective in protecting students;
- 20 (7) school mental health programs have been shown to reduce
21 suspensions, reduce behavioral problems, decrease absences,
22 reduce disciplinary problems and increase academic achievement;
- 23 (8) Montgomery County Public Schools fall well short of the student
24 to mental health and counseling staff ratios recommended by the
25 National Association of School Psychologists and the American
26 School Counselor Association; and
- 27

(9) students of color would benefit from more opportunity to speak with therapists, nurses, and school psychologists with diverse backgrounds who can speak to the challenges they are facing.

(b) Prohibition against school resource officer deployment. In this Section, school resource officer means a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and problem solving who is assigned to work as a liaison to Montgomery County Public Schools. The Chief of Police must not assign a police officer to work as a school resource officer in any school operated by the Montgomery County Public Schools.

(c) Adherence to state law. The County Police Department must continue to provide adequate local law enforcement coverage for public schools as required by State and County law.

[35-23] 35-24 – 35-26. Reserved.

LEGISLATIVE REQUEST REPORT

Bill 46-20

Police – School Resources Officers – Prohibited

DESCRIPTION:	Bill 46-20 would prohibit the Montgomery County Police Department from deploying school resource officers in schools.
PROBLEM:	Statistics indicate that Black and Latinx students have been arrested in County public schools in greater proportion to their population.
GOALS AND OBJECTIVES:	Racial equity and social justice.
COORDINATION:	Police Department, Montgomery County Public Schools
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	OLO
EVALUATION:	To be determined.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	None.



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE

MEMORANDUM

TO: Montgomery County Council
FROM: Will Jawando and Hans Riemer, Councilmembers
DATE: November 12, 2020
SUBJECT: Removing SRO's from MCPS and Special Appropriations

Today Montgomery County has a police officer in every high school and several middle schools. At the same time, our counselor-to-student ratios lag far behind other school systems both in the region and nationally. Over time, our county government has chosen to prioritize funding of police in schools who can quickly make arrests, instead of professionals and services that can assist our students with non-law enforcement-based interventions and mental health or wellbeing.

Over the past four years, almost half of all student arrests were of Black children, a cohort that is one-fifth of the student body.¹ These disparities raise serious concerns about the school-to-prison pipeline. In fact there are broad disparities in how students are treated once they enter the criminal justice system. Black students are nearly 20 times more likely to be held by the Department of Juvenile Services for pretrial detainment for misdemeanor offenses than their white peers.² Black students are 85% less likely to be referred for Screening and Assessment Services for Children and Adolescents (SASCA) Diversion Programs for substance abuse and mental health.³ Black students are 320% more likely to be incarcerated at the conclusion of their trial than white students.⁴

While we know our SRO's are good people doing the job they have been assigned, there are better research-based approaches to resolving disciplinary problems and more effective ways to use precious county resources. School counselors, nurses, therapists, and security guards are better equipped to help students deal with the challenges that today may result in arrests. We should address behavioral problems early through guidance, mental health support, and restorative justice techniques rather than criminalizing adolescent mistakes.

School discipline begins with the teacher, ensuring that all teachers are properly trained in mediating conflicts. Students are another key factor: ensuring that students take steps to atone for the harm they have caused has been correlated with lower suspension and expulsion rates and with students feeling

¹ Statistic derived from previous 4 years of Maryland Department of Education Public School Arrest Data reports. These reports indicate that from SY 2015-2016 through SY 2018-2019, 475 of the 1042 students arrested on MCPS property were Black.

² Statistic is derived from Table 5.24 of the 2016-6 OLO School to Prison Pipeline Report, page 72

³ Statistic is derived from Table on page ii of 2016-6 OLO School to Prison Pipeline Report.

⁴ Statistic is derived from Table 5.27 of the 2016-6 OLO School to Prison Pipeline Report, page 73

safer in the school community. Principals and other administrators are also a key component, as they frequently request arrests or police intervention as a means of resolving disciplinary problems. Training all employees in MCPS in restorative justice and other practices to ensure equitable discipline from the classroom up through the administration is essential to reducing disparities and ensuring better outcomes for all students. That is one of the key goals of our appropriations.

The package of appropriations and legislation we are introducing today will invest in mental health professionals and restorative justice while prohibiting the Montgomery County Police Department (MCPD) from placing SROs in school buildings. The discontinuation of the SRO program would achieve approximately \$3 million in annual cost savings in future fiscal years. We are not suggesting firing these officers, rather they should be moved to other unfilled positions within MCPD.

Beginning next year, the \$3 million in savings would be allocated to 3 separate programs that will better address the needs of students: 1) Providing funding for an after school student service hub model to reduce risk factors for students through the Montgomery County Collaboration Council (\$406,000), 2) Providing recreational therapeutic group activities for students through HHS (\$312,455), and 3) Providing funding for restorative justice training for MCPS educators and staff (\$750,000). Our goal is to provide at least some funding before the end of the fiscal year. Next year when we begin to work through the budget, we need to take a closer look at the counseling and therapy needs for students and look at addressing mental health professional ratios. It is necessary to begin to address these mental health challenges as soon as possible. Thank you for your careful consideration of these proposals.

Economic Impact Statement

Office of Legislative Oversight

BILL 46-20 Police – School Resources Officers – Prohibited

SUMMARY

The Office of Legislative Oversight (OLO) believes that enacting Bill 46-20 would have no direct economic impacts on private organizations or residents in the County.

BACKGROUND

If enacted, Bill 46-20 would prohibit the Montgomery County Police Department (MCPD) from assigning “a police officer to work as a school resource officer in any school operated by the Montgomery County Public Schools,” thus ending the School Resource Officers (SRO) program.¹ MCPD would be required to “continue to provide adequate local law enforcement coverage for public schools as required by State and County law.”²

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Education is a significant driver of employment and income. Indeed, U.S. Bureau of Labor Statistics (BLS) data consistently show that higher levels of educational attainment are associated with lower levels of unemployment and higher median earnings.³ Moreover, higher levels of education are “an insulator against labor market disruptions.”⁴ To illustrate, since the outbreak of the COVID-19 pandemic, workers with high school degrees or less have experienced higher rates of job loss than workers with higher levels of education.⁵ Given the relationship between education and economic outcomes, the economic impacts of Bill 46-20 would depend on the effect of the County’s SRO program on educational attainment for County public school students.⁶ In theory, the SRO program could affect graduation rates by exposing students, particularly students of color and underserved youth, to the criminal justice system and/or enhancing school safety.⁷ However, OLO is unable to determine the direction or magnitude of the SRO program’s effect on graduation rates.

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

¹ Montgomery County Council, Bill 46-20, Police – School Resources Officers – Prohibited, Introduced on November 17, 2020, Montgomery County, Maryland, 3.

² Ibid.

³ Elka Torpey, “Education Pays,” U.S. Bureau of Labor Statistics, February 2019, https://www.bls.gov/careeroutlook/2019/data-on-display/education_pays.htm.

⁴ Mary C. Daly, Shelby R. Buckman, and Lily M. Seitelman, “The Unequal Impact of COVID-19: Why Education Matters,” Federal Reserve Bank of San Francisco, June 29, 2020, <https://www.frbsf.org/economic-research/publications/economic-letter/2020/june/unequal-impact-covid-19-why-education-matters/>.

⁵ Ibid.

⁶ Shabnam Javdani, “Policing Education: An Empirical Review of the Challenges and Impact of the Work of School Police Officers,” *American Journal of Community Psychology* (2019) 63: 253–269.

⁷ Andrew Bacher-Hicks, Stephen B. Billings, and David J. Deming, “The School to Prison Pipeline: Long-Run Impacts of School Suspension on Adult Crime,” National Bureau of Economic Research, September 2019, <https://www.nber.org/papers/w26257>.

Economic Impact Statement

Office of Legislative Oversight

VARIABLES

The primary variables that could affect the economic impacts of enacting Bill 46-20 are the following:

- exclusionary school discipline;
- student exposure to the criminal justice system;
- school safety; and
- graduation rates.

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO believes that Bill 46-20 would have little to no direct impacts on private organizations in the County in terms of the Council's priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.⁸

Residents

OLO believes that enacting Bill 46-20 would not have broad economic impacts on County residents in terms of the Council's priority indicators. However, the bill could potentially have targeted impacts for MCPS students most affected by the SRO program. These impacts depend on how the SRO program affects educational attainment for these students.

QUESTIONS FOR CONSIDERATION

OLO does not recommend any questions regarding the economic impacts of Bill 45-20 for the Council to consider.

WORKS CITED

Bacher-Hicks, Andrew, Stephen B. Billings, and David J. Deming. "The School to Prison Pipeline: Long-Run Impacts of School Suspension on Adult Crime." National Bureau of Economic Research. September 2019. <https://www.nber.org/papers/w26257>.

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

Daly, Mary C., Shelby R. Buckman, and Lily M. Seitelman. "The Unequal Impact of COVID-19: Why Education Matters." Federal Reserve Bank of San Francisco. June 29, 2020. <https://www.frbsf.org/economic-research/publications/economic-letter/2020/june/unequal-impact-covid-19-why-education-matters/>.

⁸ For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

Economic Impact Statement

Office of Legislative Oversight

Javdani, Shabnam. "Policing Education: An Empirical Review of the Challenges and Impact of the Work of School Police Officers." *American Journal of Community Psychology* (2019) 63: 253–269.

Montgomery County Council. Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

Montgomery County Council. Bill 46-20, Police – School Resources Officers – Prohibited. Introduced on November 17, 2020. Montgomery County, Maryland.

Torpey, Elka. "Education Pays." U.S. Bureau of Labor Statistics. February 2019. https://www.bls.gov/careeroutlook/2019/data-on-display/education_pays.htm.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not 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.

CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

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:

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- 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

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RESJ Impact Statement

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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.

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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 Data²⁰ 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

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RESJ Impact Statement

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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

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- 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.

CONTRIBUTIONS

OLO staffers Elaine Bonner-Tompkins and Theo Holt drafted this RESJ statement with feedback from Central Council staffers Susan Farag and Nicole Rodriguez and from Carolyn Lowery of Racial Justice Now.

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%20CBO%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.

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⁸ Bonner-Tompkins, Rubin, and Latham

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¹¹ Stern and Petrosino

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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.

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

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¹⁷ Bonner-Tompkins, Rubin, and Latham

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

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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

Fiscal Impact Statement
Bill 46-20, Police – School Resource Officers - Prohibited

1. Legislative Summary

Bill 46-20 would prohibit the Montgomery County Department of Police from deploying school resource officers (SROs) in schools while still continuing to provide adequate local law enforcement coverage for public schools as required by State and County law.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill 46-20 is not expected to affect revenues or expenditures provided the police officer positions currently serving as SROs are not abolished and are reassigned elsewhere within the Police Department. The Bill does not alter the full-time equivalents (FTEs) funded within the Police Department.

If the SRO positions are eventually abolished through future Council action, the County would save an estimated \$3,507,896 annually. The first round FY20 Savings Plan approved by the Council in (month/yr.) has already lapsed five of the 28 SRO positions. Eliminating the remaining 23 SROs would save an additional \$2,881,486. The estimated annual savings per abolished SRO positions is approximately \$125,280.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

There are no revenue or expenditure changes expected from this bill provided the SRO positions are not abolished.

Expenditure savings from the abolishment of the SRO positions are estimated at \$3,507,896 annually.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Bill 46-20 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

There is no additional staff time needed to implement the bill.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

There is no addition of new staff responsibilities.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement Bill 46-20.

10. A description of any variable that could affect revenue and cost estimates.

Future Council decisions on whether the SRO positions are eventually abolished or reassigned elsewhere will determine whether there will be savings produced from this legislation.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

Bill 46-20 is not expected to affect revenues or expenditures provided the police officer positions currently serving as SROs are not abolished and are reassigned elsewhere within the Police Department. The Bill does not alter the budget or full-time equivalents (FTEs) funded within the Police Department.

13. Other fiscal impacts or comments.


Not applicable.

14. The following contributed to and concurred with this analysis:

Neil Shorb, Department of Police

Trevor Lobaugh, Office of Management and Budget

Taman Morris, Office of Management and Budget



Jennifer Bryant, Acting Director
Office of Management and Budget

01/28/21

Date