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501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee on Judiciary and Public Safety
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Public Oversight Roundtable:
Exploring Non-Law Enforcement Alternatives to Meeting Community Needs

Danielle Robinette
Policy Attorney
Children's Law Center

Introduction

Good morning Councilmember Allen and members of the Committee on Judiciary and Public Safety. My name is Danielle Robinette, and I am a Policy Attorney at Children's Law Center[1]. I submit this written testimony on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Virtually all of the children and youth we represent are Black and Brown, and many of them routinely interact with the Metropolitan Police Department (MPD) in school, at home, and in their communities.

We believe that now is the time to reimagine what a safe and positive school environment looks like. Specifically, we need to move away from the utilization of police in schools and towards a school environment that supports students. We offer our recommendations on how to make this transition. Additionally, we believe that the involvement of youth voices, educators, parents, administrators, and school staff is fundamental to ensuring an effective transition to police-free schools. We recommend that the Committee, as well as DC's traditional Public Schools (DCPS) and DC Public charter schools, continue to engage these key constituent groups and use their expertise to address concerns and suggestions that arise.

In order to achieve the goal of police-free schools, we recommend that the District divest from all policing methods in schools and simultaneously invest in the supports and programming needed to create a safe school climate. Our below recommendations detail a two-part strategy which first divests local dollars from the MPD School Safety Division and the DCPS school security contract, then invests those dollars in programs that create and reinforce safety in our

schools. Our divestment position is drawn from the often-harmful interactions our young clients have had with police in schools. Our investment recommendations are for programs and partnerships which are already in existence and currently operate to varying degrees within our schools and communities. Our recommendations offer concrete alternatives to police in schools and support a new vision of school safety that does not contribute to the criminalization of Black and Brown students, but instead enhances their educational experience in DC's public schools.

Divest from MPD's School Safety Division and DCPS's School Security Contract

Schools should be a safe space where students can learn and grow in a trauma-informed environment that supports their educational and socio-emotional learning goals. Unfortunately, these goals are undercut when students experience negative, even traumatizing interactions with MPD officers, School Resource Officers (SROs), and contract security guards during the school day. These are just a few examples of the types of problematic interactions with police at school that our young Black and Brown clients have shared with us:

- An 11-year-old client who refused to get on the school bus and the response was for the DCPS school to call the police.
- A five-year-old client visited by a uniformed MPD officer, not a social worker, and taken away alone to be interviewed about abuse allegations.
- A fifth-grade student who left the school building but remained on campus. The elementary school called MPD who responded by escalating the situation to the point of putting the child into restraints.

Police are too often called when students are having behavioral difficulties. Children often have behavioral outbursts because of trauma they are experiencing outside of school and struggles that they face in school. Children who have become emotionally dysregulated should be helped – not

arrested. The response from adults should be to ask, "why is this child acting out and how can we address the underlying concern?" – rather than to call the police.

Black and Brown children are disproportionately affected by this practice. Students with disabilities are also dramatically affected. National trends show that students with disabilities are nearly three times more likely to be to be arrested than their general education peers.[2] When disability and race intersect the impact is compounded. SRO interactions with students with disabilities can be especially problematic. Because SROs are not school employees, they do not have access to a student's Individualized Education Plans (IEP) and/or Behavior Intervention Plans (BIP). This leads to police officers responding to a mental health crisis with little or no information about the child's special needs, triggers, or preferred de-escalation strategies.

Our clients with disabilities have shared stories that illustrate the devastating consequences of what happens when police are called during an episode of emotional or behavioral dysregulation. Our clients with disabilities who have interacted with police at school have shared the following experiences with us:

- A nine-year-old client who was experiencing a mental health emergency was handcuffed and accompanied by uniformed officers to the Emergency Department
- A 12-year-old client was threatened by staff at their group home that the police would be called when he was having a mental health crisis.
- An 11-year-old student was handcuffed at a DCPS school for running through the halls and then was transported by an SRO in handcuffs to Children's National Hospital for a psychiatric evaluation when a parent could not be reached.

In addition to these sorts of specific incidents with police in schools, many children in DC have negative reactions to police based on their experiences in the community. Many have witnessed

friends and family arrested or hassled by police. For some students, the mere presence of police officers at school can be enough to trigger fear and past trauma. For example, a Children's Law Center lawyer witnessed a child client withdraw and recoil into their sweatshirt after walking into a room at school with police present even though the police officers were not interacting directly with the client. For many students the regular presence of police in schools does not create a safe and secure learning environment. In fact, due to their negative and traumatic experiences in their communities, the presence of police in schools creates an environment of fear and hostility for many students.

The cumulative effect of these school and community interactions, repeatedly highlighted by videos of police violence circulated on social media, is a sort of race-based traumatic stress[3] that has no place in a public school. By redirecting local dollar allocations away MPD's School Safety Division and DCPS's security contract and shifting those funds to critical programs like school-based mental health, we have an opportunity to create an environment where students are supported and not criminalized.

Invest Local Dollars to Create Safe Schools

In order for the transition toward police-free schools to be successful, the divestment from MPD's School Safety Division and DCPS's school security contract must be paired with investments in programming and supports that will improve school climates and create safe schools without a need for police or contracted security guards. The below recommendations are based upon our experiences with and observations of programs that have been implemented to varying degrees in some schools across the District. Our recommendations include expansions of programs to support student behavioral health, alternative discipline practices, and professional development for teachers and other school staff. Additionally, we recommend that community-

based programs that have established and trusted relationships with young people could be brought into the school setting.

Increase investments in our School Based Mental Health (SBMH) Program

The District's SBMH program provides children, youth, and their families with access to high-quality services that promote mental wellness and generate a positive school culture. Local community based mental health providers partner with schools based on the school's individualized needs. As the SBMH project is implemented at each campus, students are able to access three distinct service tiers: mental health promotion and prevention for all students (Tier 1), focused interventions for students at-risk of developing a mental health problem (Tier 2), and intensive treatment for individual students who already have a mental health problem (Tier 3). The multi-tiered approach is intended to facilitate the effective and efficient use of the District's resources in the service of providing appropriate and reliable school-based behavioral health services to children and youth. This, in turn, makes it easier for students to access key mental health supports and also ensures that teachers and staff benefit from having clinicians available.

The SBMH program is currently in its expansion phase and will need additional local-dollar support in order for expansion to reach all schools in the District. There are several roles at each school to support the integration and expansion of the SBMH program, including the School Behavioral Health Coordinator, Community-Based Organization (CBO) clinician, Department of Behavioral Health (DBH) clinical specialist, and DBH Clinical Supervisor. With these resources in place, schools have been able to complete the School Strengthening Tool and Work Plan, which are used by each school's administrative or behavioral health team to identify the specific behavioral health needs of each school and create a comprehensive and integrated plan for meeting those needs. At the community level, the DC Community of Practice (CoP) was established to

facilitate strategic collaboration between school personnel, community leaders, and CBO clinicians. These various infrastructure components, along with robust interagency communication and coordination, are critical to the continued efficacy and functionality of the District's SBMH program.

It is important to note that even though schools have been operating virtually due to the COVID-19 public health emergency, the SBMH program continues to provide support to school leaders on creating a positive school climate. School based mental health clinicians have been offering virtual counseling services to students throughout the pandemic and working closely with school staff to identify students in need of such services, as well as ways to promote the social and emotional health of students in a virtual setting. Clinicians have also been working to support staff wellness, engaging families through phone calls, activities, newsletters, and troubleshooting, and providing virtual support for students using morning check-ins, stress relief sessions, and mindfulness.[4]

With the infrastructure that is currently in place at both the school- and community-level, over 130 schools have been able to provide critical behavioral health services to students. Additional investments to the SBMH program in FY21-22 would allow DBH to expand the program to include the 50+ DCPS and public charter schools that are still waiting on vital behavioral health resources. We recommend increasing investments in the SBMH Program in order to expand its reach to all public schools in DC.

Provide teachers and staff with trauma-informed training, professional development, and supports

Nationally, roughly one in five children have experienced adverse childhood experiences and traumatic experiences.[5] These traumatic experiences can range from food insecurity, neglect and abuse, and even chronic toxic stress. Trauma may manifest itself in students as absenteeism,

performing below grade level in reading and math, and behavior problems.[6] Students experiencing these forms of complex trauma can benefit from teachers and school staff who have been trained not only to recognize the signs of trauma in children and youth, but who are also able to access trauma informed training, professional development, and supports to assist these students.[7] We recommend that local dollars be allocated in the upcoming budget in order to provide these trainings and professional development opportunities for teachers and staff in our school community.

Expand restorative justice programming in schools and communities

The District has invested in the concept of restorative justice programming for children and youth and has supported its use within the community. Currently, SchoolTalk DC has provided restorative justice supports to over 60 DCPS and charter schools in our community.[8] These supports range from individual training sessions for students and staff, to facilitation of important restorative conversations, restorative justice conferencing, classroom circles, and dialogue circles.[9] We recommend that the District continue to invest in restorative justice programming for children and youth in schools and communities.

Invest in school-based violence interrupter programming and training and expand community-based violence interrupters

We recommend that the District continue to invest in and expand violence interrupter programs. Currently, the District is supporting violence interrupter programs through the Office of the Attorney General and the Office of Neighborhood Safety and Engagement. The model takes a public health approach to addressing community violence by interrupting violence, identifying and treating those at highest risk for committing violent crime, and changing community ideas around the normalization of violence.[10] In order to continue to build on a culture of school safety, we recommend that the District bring this model into the school community and provide the

opportunity for students to interact with violence interrupters and engage in training provided to violence interrupters.

Explore funding the expansion of credible messengers in communities and schools

We recommend that the District explore the expansion of credible messengers into communities and schools broadly. The Credible Messenger Initiative is a program for youth committed to the Department of Youth Rehabilitation Services (DYRS) that blends individual mentorship programming with restorative justice processes.[11] This program helps to connect young people with members of the community who share similar experiences like being court involved, are skilled in mentorship and community building, and demonstrate integrity and transformation. Expansion of this program would ensure that all students, beyond those who are involved with DYRS would be able to access the benefits of the program which include:

- Promotion of family and community engagement
- Connecting young people to caring adults in their communities
- Enhancing city-wide violence intervention services
- Improving services to youth in the community
- Connecting youth to resources and relationships

In addition, expansion of this program would create job opportunities for DC residents who already serve as community leaders and could serve as credible messengers in schools.

Ensure adequate investments in socio-emotional learning curriculum and implementation

We recommend that the District remain committed to adequately funding socio-emotional learning curriculum for students across all grade levels. Socio-emotional learning is the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, set and achieve positive goals, maintain positive

relationships, and make responsible decisions.[12] DCPS is already implementing and integrating socio-emotional learning curriculum with supports from the Collaborative for Academic, Social and Emotional Learning. We recommend that the District continue to fund socio-emotional learning in FY21.

Ensure fidelity in Positive Behavioral Intervention and Supports (PBIS) programs at schools

PBIS programs are evidence-based strategies that help to improve individual student classroom behavior and create safe schools by focusing on preventing problem behaviors rather than punishing students.[13] Studies have shown that schools that implement school-wide PBIS programs show a decrease in the number of suspensions, improved perceptions of safety, and improvements in academic performance.[14] In order to implement PBIS programs with fidelity, schools will need additional financial resources to be sure that these programs are being properly implemented and evaluated. We recommend that local dollars be set aside for implementing PBIS programs in both DCPS and charter schools.

Adequately fund behavioral intervention support staff, administrative staff, and behavioral support technicians at each school

Many of the functions of security guards could be replicated by existing and newly hired school staff if the District were to adequately fund behavioral intervention support staff, administrative staff, and behavioral support technicians at each school. We envision administrative staff being available to assist with checking in parents, reviewing paperwork, and assisting the registrar with attendance issues. Behavioral intervention support staff and behavioral support technicians can be key partners in ensuring school safety by using their training to assist classroom teachers and administrators with any behavioral issues before they escalate.

Conclusion

We thank the Committee for making space to reimagine community safety and non-law enforcement alternatives to meeting community needs. We also want to urge the Committee to continue to engage youth voices, educators, parents, administrators, and school staff as we work towards police-free schools. We appreciate the opportunity to provide testimony and are happy to answer any questions you may have.

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[1] Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

[2] *See* ACLU, *Cops and No Counselors*, *How the Lack of School Mental Health Staff is Harming Students, Available at:* https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors.

[3] *See* Kristin N. Henning, *The Reasonable Black Child: Race, Adolescence, and the Fourth Amendment*, 57 American Univ. L. Rev. 1513, 1561, n. 313 (2018).

[4] The DC Community of Practice. *Social Emotional Learning and School Climate During Distance Learning*. (May 2020).

[5] Sparks, S.D., *Some FAQs for Educators on Children's Trauma*. Education Week. (2019, Aug. 9). *Available at*: https://www.edweek.org/ew/articles/2019/08/21/some-faqs-for-educators-on-childrens-trauma.html

[6] https://pubmed.ncbi.nlm.nih.gov/29629790/.

[7] There are many robust reports and training materials available to support teachers and staff. For a non-exhaustive list, please visit: https://traumasensitiveschools.org/reports-and-resources/.

[8] Waiting for Leila to send some additional up to date information and where they're working specifically.

[9] *See*: http://www.restorativedc.org/restorativepractices/.

[10] Office of the Attorney General for the District of Columbia. *Investing in OAG's Violence Interrupter Program*. (2019, Feb. 7). *Available at*: https://oag.dc.gov/blog/investing-oags-violence-interruption-program.

[11] https://dyrs.dc.gov/page/credible-messenger-initiative.

[12] The definition of socio-emotional learning can be found at https://casel.org/what-is-sel-4/.

[13] Lee, A, J. *PBIS: What You Need to Know*. Understood.org. (n.d.). *Available at*: https://www.understood.org/en/learning-thinking-differences/treatments-approaches/educational-strategies/pbis-how-schools-support-positive-behavior.

[14] *See* Bradshaw, C., Mitchell, M.M., and Leaf, P.J., *Examining the Effects of Schoolwide Positive Behavioral interventions and Supports on Student Outcomes: Results From a Randomized Controlled Effectiveness Trial in Elementary Schools*. Journal of Positive Behavior Interventions. (April 2009). *Available at*: https://journals.sagepub.com/doi/10.1177/1098300709334798; Horner, R. and Sugai, G. *Defining and Describing Schoolwide Positive Behavioral Support*. Handbook of Positive Behavioral Support. (2009). Available at: https://link.springer.com/chapter/10.1007/978-0-387-09632-2_13; and Nelson, J. R., Martella, R. M., & Marchand-Martella, N. *Maximizing student learning: The effects of a comprehensive school-based program for preventing problem behaviors*. *Journal of Emotional and Behavioral Disorders, 10*(3), 136–148. (2002). Available at: https://doi.org/10.1177/10634266020100030201.