



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: June 27, 2023

TO: The Honorable Representative Bryan Shupe, Primary Sponsor; Senator Brian Pettyjohn, Additional Sponsor; and Representatives Briggs King, Collins, Hilovsky, Michael Smith and Yearick and Senators Lawson and Wilson, Co-Sponsors

**FROM: Ann Fisher, Vice Chairperson
GACEC**

RE: House Bill No. 167 School Resource Officer Funding

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 167**, relating to funding for school resource officers (SROs) in all Delaware schools. Council understands that HB 167 is now House Substitute 1 for House Bill No. 167. HS1 for HB 167 differs from HB 167 by defining school resource officers to include constables commissioned under Chapter 56 of Title 24 of the Delaware Code. Council would like to share our substantial reservations on the disproportionately negative consequences for students with disabilities or intersectional identities related to race and disability.

During the House Education Committee meeting held on May 7, 2023, the sponsor of HB 167 indicated that the purpose of the bill was to reduce the burden on local school districts and charter schools for funding SROs. Council understands that this legislation has support, in part because it will alleviate the financial burden of funding SROs on local education agencies (LEAs) since the State will pick up most of the cost. An additional area of support is the presence of armed SROs as a deterrent to school shooting incidents. Council understands the need for financial assistance and the desire to deter school shootings; however, Council asks the sponsors of the legislation consider all aspects of SROs in all schools.

Council notes that there is anecdotal, qualitative and quantitative data about the negative impact of SROs on students and overall school climate and performance. According to a 2022 opinion

piece in the Hechinger Report, “[r]esearch has shown that policing in schools disproportionately affects children of color, LGBTQ+ youth and students with disabilities. Black and Latinx students, who are already overrepresented among students suspended and expelled, make up more than 70 percent of all students referred to law enforcement. While LGBTQ+ youth comprise only six percent of the total youth population, they represent about 15 percent of the young people in juvenile detention. In some states, students with disabilities were arrested nearly three times as frequently as their peers.”

This is consistent with the data collected in the 2017-18 Civil Rights Data Collection (CRDC) which found that Delaware was not only among the top 10 in referrals to law enforcement but was **first** in the nation for disproportionately suspending minority students and students with disabilities. Delaware’s own data reporting (the School Discipline Improvement Program Statewide Summary Report) mirrors the CRDC data in showing that students of color and students with disabilities are suspended or otherwise subject to discipline at much higher rates than their white and non-disabled peers.

One of the concerning aspects of these numbers is that one of the most common reasons for school-based arrests of students is for disorderly conduct. This infraction is so broad and subjective which has historically led to it being disproportionately imposed upon students of color. In referring these students to law enforcement or otherwise imposing school-based discipline, schools are criminalizing normal youth disruptive behavior. These subjective discipline policies, which divert students away from school-based discipline and toward law enforcement, are major contributors to the school-to-prison pipeline. Moreover, despite a decrease in crime generally, arrest rates at schools with SROs are 3.5 times the rate of arrests at schools without SROs – and in some states the rate is as high as 8 times.

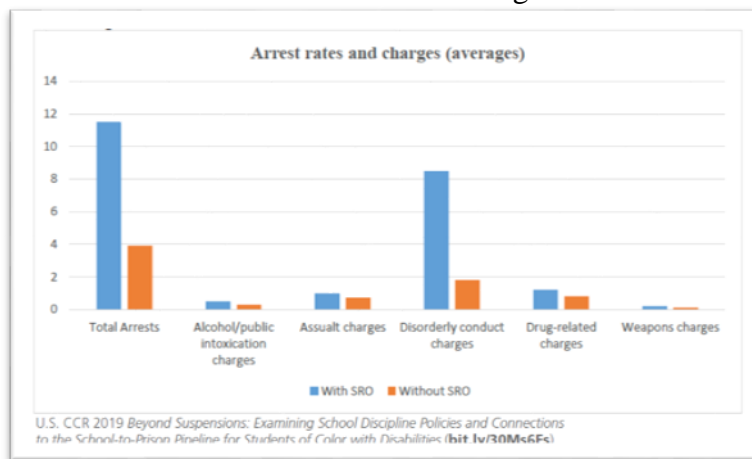


Table pulled from the Education Civil Rights Alliance and American Federation of Teachers’ report *Police in Schools: A Background Paper*.

Council has concern about the differing expectations for SROs from school to school, the murkiness of school data related to students infractions, and the fact that conduct definitions can be locality-specific. Council strongly encourages the sponsors of the legislation to work with the Delaware Department of Education and LEAs to standardize school data and definitions.

In the past Council has worked with members of the Delaware General Assembly, representatives from the Delaware Department of Education and representatives from Delaware law enforcement toward training requirements for SROs. We would like to see those training requirements increased with regard to the impact of trauma and/or disability and appropriate strategies for relationship building and de-escalation. We are aware that there are trainings available for SROs but it is not mandatory and cost may be prohibitive for some LEAs. State funding could be used to improve and standardize training opportunities for SROs, in addition to other strategies to decrease discipline infractions in schools.

Council has also heard from individuals in school settings that SROs may be weaponized to enact consequences on students in the absence of skilled classroom management. SROs should not be considered a substitute for effective classroom management. Additional training on avoiding cultural bias and improving inclusion would also be helpful for many of our educators.

Other strategies to improve may include:

1. Additional funding for social workers at each school, increasing the number of student wellness centers, and expanding facilities or otherwise increasing staffing to reduce teacher-to-student ratios;
2. removing subjective discipline from the Delaware code and regulations (including infractions such as disorderly conduct, disrupting the educational process, disrespect to staff or student);
3. requiring restorative justice and positive behavior intervention supports to be used at each LEA; and
4. developing specific guidelines for when it is appropriate to involve an SRO in a disciplinary issue on school grounds.

We understand and appreciate the efforts by the sponsors of this legislation to alleviate the burden of funding SROs on the LEAs and the desire to provide additional safety for our students. However, we respectfully suggest that additional time for discussion, review and revision be given before this legislation is moved forward. We believe it would be in the best interest of our children and our LEAs to convene a group of stakeholders to more fully define both concerns and possible solutions. We are providing you with some published information that is pertinent to these issues. See enclosed documents. The GACEC would like to be an integral part of this discussion moving forward, as we were in the discussions to improve training for SROs.

Thank you for the opportunity to share our concerns with you. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions on our comments.

Attachments