

## TESTIMONY OF KRISTEN HARPER, DIRECTOR FOR POLICY DEVELOPMENT

### CHILD TRENDS

Community on the Judiciary, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations

"Preventable Violence in America: An Examination of Law Enforcement Information Sharing and Misguided Public Policy"

March 20, 2018

#### **I. Introduction**

Chairman Sensenbrenner, Ranking Member Jackson Lee, and members of the Subcommittee—thank you for holding this hearing to probe how we, as a nation, can prevent violence and keep our young people safe in school. I am here on behalf of Child Trends, a research institute known for rigorous and objective research, which, over the last four decades, has served as a resource to officeholders of both parties. I am grateful for this opportunity to help ensure that research about how to safeguard school environments prevents misguided public policy.

The Parkland shooting is uniquely painful because it seemed preventable. This is the time for probing questions—What was done? What wasn't done? And what might have been done?—that could have prevented this shooting. As we seek answers, I offer three recommendations:

- First, anchor your work with knowledge of trends in school safety over the last two decades.
- Second, prioritize approaches that will help schools prevent school shootings, not merely defend against them.
- Finally, examine how recent school discipline initiatives have complemented the goal of improved school safety.

#### **II. Anchor school safety work with knowledge of trends in school safety over the past two decades.**

From 2000 to 2015, school-associated youth homicides neither increased nor decreased discernably: from 26 deaths in 2000, to 40 in 2005, to 28 in 2015.<sup>1</sup> Meanwhile, youth-reported risk

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<sup>1</sup> Centers for Disease Control and Prevention (CDC), 1992–2015 School-Associated Violent Death Surveillance System (SAVD-SS) (partially funded by the U.S. Department of Education, Office of Safe and Healthy Students), previously unpublished tabulation (June 2017); CDC, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System Fatal (WISQARS™ Fatal), 1992–2014, retrieved June 2017 from

behaviors have shown a marked improvement: weapons carrying in a 30-day period has decreased significantly, from nearly 12 percent of youth in 1993, down to 6 percent in 2003 and 4 percent in 2015. The prevalence of physical fights on school property has also improved, from 16 percent in 1993, to 13 percent in 2003, down to 8 percent in 2015.

Although recent tragedies have refocused our attention on keeping students safe, we must acknowledge that something is already working to help schools become safer, less violent spaces. We must be careful to not derail existing efforts. In the past 10 years, the federal government has made key investments in improving school climate and reducing school violence through initiatives such as Safe Schools/Healthy Students; the Safe and Supportive Schools grant program; and the Now is the Time grant programs, which include Project Prevent, School Climate Transformation Grants, Project AWARE, and the Comprehensive School Safety Initiative.<sup>2</sup> These efforts, which help schools think beyond simply physical security, have played a critical role in the improvements in school violence our nation has experienced.

### **III. Prioritize violence prevention over school security measures.**

The vast majority of school shootings are perpetrated by young people who are current students of the school.<sup>3</sup> Each school, therefore, plays a critical and central role in preventing violence from occurring that goes beyond school security. To truly prevent school violence, we need to start by answering basic questions: Why do young people engage in violent behavior? What are the risk and protective factors that we might be able to address that might stop a young person from hurting others? There is not a simple answer to these questions, but research gives us a place to start.

In 2015, Child Trends released a comprehensive literature review, "Preventing Violence: Understanding and Addressing Determinants of Youth Violence in the United States."<sup>4</sup> The review covers determinants from all contexts of an individual's life (intrapersonal, familial, and community). At the school level, the report identifies the following factors as key predictors of violence:

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<http://www.cdc.gov/injury/wisqars/index.html>; and Federal Bureau of Investigation and Bureau of Justice Statistics, Supplementary Homicide Reports (SHR), preliminary data (September 2017).

<sup>2</sup> Child Trends receives support, directly and indirectly, through some of these programs through its role as a partner on the National Center for Safe Supportive Learning Environments and as a grantee from NIJ's Comprehensive School Safety Initiative.

<sup>3</sup> Blair, J.P. & Schweit, K.W. (2014). A Study of Active Shooter Incidents, 2000–2013. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington DC.

<sup>4</sup> Moore, K., Stratford, B., Caal, S., Hanson, C., Hickman, S., et al. (2015). Preventing violence: A review of research, evaluation, gaps, and opportunities. (Research Report). Bethesda, MD: Child Trends.

- Negative school climate
- Lack of school connectedness
- Involvement in bullying perpetration and victimization
- Association with anti-social peers
- Low school performance

What is common among each of these factors is the need to build a positive school environment and positive social and emotional skills to promote healthy relationships. Rather than invest school security measures, we can invest in adults and young people themselves. We can support programs and interventions that build school communities where there is mutual trust. Why does this matter? Children with a strong connection to school staff do not bring weapons to school.<sup>5</sup> When students feel a sense of attachment to their school,<sup>6</sup> or to the adults within their school,<sup>7</sup> they are more willing to report the presence of weapons. Child Trends' review identified many rigorously evaluated programs that focus on building key skills, improving school climate, and promoting healthy relationships; these programs show marked reductions in violent outcomes.

Why not do both prevention and security measures? To say we should invest in both school security and school climate is a good answer, but requires a willingness to increase total investment in school health and safety. Too often, schools are provided only limited resources to address school safety and are therefore more motivated to reach for the easy and visible security measures than engage in a thoughtful prevention process.

#### **IV. Preserve efforts to improve school discipline as a complement to school safety initiatives.**

Over the last 10 years, efforts to improve school discipline practice have been spurred by research and data. Four findings, in particular, have convinced state, local, and federal officials that changes in school discipline policy and practice were necessary:

- First, that school reliance on the use of disciplinary approaches that remove children from school is widespread. According to the Civil Rights Data Collection, nearly 3 million students—or roughly six percent of K–12 students enrolled in public schools—are

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<sup>5</sup> Watkins, A. (2008). Effects of Community, School, and Student Factors on School-Based Weapon Carrying. *Youth Violence and Juvenile Justice*, 6, 386–409.

<sup>6</sup> Connell, N.M., Barbieri, N., Reingle Gonzalez, J.M. (2014). Understanding School Effects on Students' Willingness to Report Peer Weapon Carrying. *Youth Violence and Juvenile Justice*, 13(3), 258–269.

<sup>7</sup> Brank, E.M., Woolard, J.L., Brown, V.E., Fondacaro, M., Luescher, J.L., et al. (2007). "Will They Tell? Weapons Reporting by Middle-School Youth." Faculty Publications, Department of Psychology. 578. <http://digitalcommons.unl.edu/psychfacpub/578>.

suspended out of school each year. However, this figure does not fully show the extent of student exposure to discipline over their time in school. According to a 2011 study by the Council for State Governments' Justice Center (CSGJC), which followed over 1 million Texas schoolchildren from 7th through 12th grades, schools suspended or expelled 60 percent of students at least once.

- Second, that children of color and children with disabilities experience disproportionately high rates of disciplinary removal and school-associated interactions with law enforcement. Children of color with disabilities, in particular, are at high risk of disciplinary action. According to the federal Civil Rights Data Collection, the risk of an out-of-school suspension is twice as high for children with disabilities (12 percent) as for children without (5 percent). However, for black children with disabilities, the likelihood of an out-of-school suspension doubles again (25 percent).<sup>8</sup>
- Third, that research does not support the assumption that disciplinary removals improve either school safety or student behavior. Rather, a 2015 study of Chicago schools showed that the highest-suspending schools in the city were also the schools where teachers reported the highest rates of crime.<sup>9</sup>
- And last, that research has consistently shown that disciplinary removals are associated with detrimental student outcomes. The same 2011 CSGJC study found that students experiencing suspension were more likely to drop out, be retained in grade, and be involved with the juvenile justice system. We also know that the use of suspension can influence life outcomes 12 years after the discipline takes place. A recent study that compared students who were the same across demographic, health, and family characteristics found that students suspended were more likely to be arrested and be incarcerated, and less likely to graduate from college than students who hadn't been suspended.<sup>10</sup>

This body of research inspired an inclusive group of stakeholders spanning multiple disciplines and levels of government to begin problem solving to determine how best to address both school overreliance on disciplinary removal and discipline disparities by race and disability. These efforts

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<sup>8</sup> U.S. Department of Education. (2016). 2013–2014 Civil Rights Data Collection: A First Look. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.

<sup>9</sup> Sartain, L., Allensworth, E.M., & Porter, S. (2015). Suspending Chicago's Students: Difference in Discipline Practice across Schools. The University of Chicago Consortium on Chicago School Research. Retrieved from <https://consortium.uchicago.edu/sites/default/files/publications/Suspending%20Chicagos%20Students.pdf>.

<sup>10</sup> Rosenbaum, J. (2018). Education and Criminal Justice Outcomes 12 Years After a Suspension, *Youth and Society*, 0(00). Retrieved at <http://journals.sagepub.com/doi/abs/10.1177/0044118X17752208?journalCode=yasa>.

proceeded on parallel but separate tracks. One initiative was led by the New York State Permanent Judicial Commission on Justice for Children, which, as part of its efforts to promote partnerships between education and juvenile justice leaders, hosted a National Leadership Summit on School-Justice Partnerships. The explicit goal of this summit—which was ultimately attended by education and justice leaders from 45 states, the District of Columbia, Puerto Rico, and the Virgin Islands—was to encourage new collaboration that would help communities reduce the use of suspensions, expulsions, and arrests. A second initiative was the School Discipline Consensus Project, led by the Council of State Government’s Justice Center (CSGJC). Under this initiative, CSGJC worked to develop a broad set of bipartisan consensus recommendations, informed by over 700 individuals representing education officials, juvenile justice officials, law enforcement officials, and health officials. The goal of this effort was to provide educators with a road map that would help build better conditions for learning, and better interagency partnerships, with the goal of reducing exclusionary discipline, reducing discipline disparities, and helping young people succeed in school. I share this to emphasize that federal efforts to support schools in improving school discipline were one part of a broad-based and inclusive response to research showing that school discipline practices and policies were hurting our children.

Some have asked whether the 2014 Dear Colleague Letter on the Nondiscriminatory Administration of Discipline—one of the most significant federal contributions to the effort to address discipline disparities—is to blame for the Parkland shooting and other violent incidents. There is no logical connection between the two.

To address discipline disparities, the federal school discipline guidance encouraged schools to distinguish between violent and nonviolent behaviors and to use disciplinary approaches that are fair, proportionate, and equitable. According to the 2011 CSGJC study, schools administer discipline for *violent* behaviors at rates that are similar across racial and ethnic groups. However, schools discipline children of color for *minor* behaviors more frequently than white students.<sup>11</sup> These findings mimic other studies showing that black and Hispanic students are more likely to face discipline for loitering,

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<sup>11</sup> Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M. P., & Booth, E. A. (2011). Breaking schools’ rules: A statewide study of how school discipline relates to students’ success and juvenile justice involvement. Retrieved from New York: [https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking\\_Schools\\_Rules\\_Report\\_Final.pdf](https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf).

disrespect, and making too much noise, relative to their peers;<sup>12</sup> and studies showing no racial or ethnic disparities in discipline for violence or weapons possession.<sup>13,14</sup>

And behind the numerical disparities are children whose safety and welfare have been placed at risk, particularly in instances involving law enforcement:

- In 2014, a sheriff's deputy placed handcuffs on an 8-year-old Latino boy and a 9-year-old black girl behind their backs and around their biceps—causing agonizing pain—for attempting to leave an isolation room.<sup>15</sup>
- In 2015, a police officer flipped a black high school student over backwards while seated in her chair, breaking her arm, after she refused to leave the classroom.<sup>16</sup>
- In 2015, officers at a Pittsburgh high school had violent interactions with two youth: One student was placed in chokehold, tased, and handcuffed; one received a punch to the face, knocking out his front tooth. Neither incident was preceded by violent behaviors on the part of the student.

These stories make clear that the guidance remains a critical tool to communicate to schools their responsibilities under federal civil rights laws. The students in these incidents were not carrying weapons, did not express interest in carrying weapons, and presented little credible threat to peers and school staff. These are just the incidents that were captured on video; I am unaware of any data collection that tracks these types of violence between youth and law enforcement.

While we can infer from research that there is no tension between an effort to reduce discipline disparities and efforts to promote school safety, it is worth noting that the language of the federal guidance speaks directly to the critical role that law enforcement serves in safeguarding school environments from threats too dangerous for school personnel to handle. The guidance includes recommendations that schools “establish procedures and train school personnel...how to contact law enforcement when warranted,” and “collect data and monitor the actions that school resources and

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<sup>12</sup> Bradshaw, C.P., Mitchell, M.M., O'Brennan, M.L., & Leaf, P. J. (2010). Multi-level exploration of factors contributing to the overrepresentation of black students in office disciplinary referrals. *Journal of Educational Psychology*, 102(2), 508–520. doi:10.1037/a0018450.

<sup>13</sup> Noltemeyer, A. & Mcloughlin, C. S. (2010). Patterns of exclusionary discipline by school typology, ethnicity, and their interaction. *Perspectives on Urban Education*, 7(1), 27–40.

<sup>14</sup> Wallace, J.M., Goodkind, S., Wallace, C.M., & Bachman, J.G. (2008). Racial, ethnic, and gender differences in school discipline among U.S. high school students: 1991–2005. *The Negro Educational Review*, 59, 47–62.

<sup>15</sup> U.S. Department of Justice. (2015). Statement of Interest of the United States, S.R. and L.G. v. Kenton County, et al. Retrieved from <https://www.justice.gov/opa/file/780346/download>.

<sup>16</sup> Pearce, M. & Thomas, D. (2015). Deputy who threw South Carolina student in class is under federal investigation. Los Angeles Times. <http://www.latimes.com/nation/la-na-girl-thrown-police-south-carolina-20151027-story.html>.

other security or law enforcement personnel take against students to ensure nondiscrimination.” To put it simply, neither the purpose nor the letter of the federal school discipline guidance restrict the authority of school personnel to remove a child who is threatening student safety.

I’ll close with this statement: There is no conflict between our obligation to prevent discrimination based on race and our obligation to keep children safe in school. We can and must do both.

Thank you for this opportunity.