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Testimony of the Education Law Center House Education Committee Public Hearing on School Safety

March 15, 2018

On behalf of the Education Law Center (ELC) and the parents, students and community members with whom we work, thank you for the opportunity to contribute to this important discussion about school safety following last month's tragedy in Parkland, Florida. Roughly five years ago, a different school shooting directed the General Assembly's attention to this same issue. Then, it was in response the killing of 20 children between six and seven years-old, and six adult staff members at Sandy Hook Elementary School in Newtown, Connecticut.

After testimony from stakeholders across the state, including law enforcement, emergency responders, parents, and students, the House Select Committee for School Safety keenly observed that "the issue of school safety necessarily encompasses a broad spectrum of issues." It extends beyond "the physical security of school buildings, emergency planning, and law enforcement engagement" to include "the complicated, related issues of mental health, bullying, and community involvement."¹

Our testimony today builds upon the House Select Committee's findings. It also draws from our more than 40 years of experience as a non-profit, legal advocacy organization dedicated to ensuring that all Pennsylvania children have access to a quality public education to advance the educational interests of students from birth through age twenty-one. For decades, ELC has been at the forefront of state and national efforts to improve school climate, engaging the whole school community – teachers, parents, students, administrators, and community members – in the creation of safe, positive environments to increase academic success and positive life outcomes for all children in Pennsylvania.

Based on our extensive experience as advocates and the lived experience of the children and families we serve, we know that schools cannot address the problem of school shootings on their own – the issue of ready access to powerful weapons has to be addressed by this body and other elected officials. But schools can focus on building a community and climate that is supportive of all students, including those who have been marginalized or experienced trauma. And the legislature can support schools in these efforts by aligning funding and policy priorities to create genuine school safety, not just the appearance of it. Genuine school safety means physical, emotional and psychological safety, and it requires: (1) investing in guidance counselors and social workers; (2) system-level prevention measures, like Positive Behavioral Interventions and Supports; (3) mandatory training for all law enforcement personnel present within schools; and (4) protecting students of color, students with disabilities and other marginalized communities from the collateral consequences of over-policing.

One need only look at what has happened in schools in Colorado after the tragedy at Columbine High School nearly 20 years ago to know that militarizing schools in response to a shooting does not actually make schools safer. Colorado schools added more police, security guards, metal detectors, and

¹ HOUSE SELECT COMM. FOR SCHOOL SAFETY FINAL REPORT 3 (Nov. 19, 2013).

surveillance cameras. In Denver, for example, the school district paid over \$1.2 million annually to the Denver Police Department in 2002-2003 and 2003-2004 for police presence in schools. The result across Colorado was more students arrested for minor misbehaviors, more students pushed out of school, and a declining sense of safety in schools. Despite the fact that the Columbine shooting took place in a suburban and majority white school, the post-Columbine security measures – and the resulting unintended consequences – were most keenly felt in urban areas, like Denver, with a high percentage of students of color and higher percentages of concentrated poverty. The post-Columbine changes devastated historically underfunded schools and communities, where dollars devoted to police, metal detectors, and surveillance cameras had been consistently unavailable for teachers, guidance counselors, school psychologists, and needed program supports for young people.² It is not surprising that Denver Public Schools has since reversed course to limit the role of police in the district. Or that Colorado later enacted legislation requiring school districts to employ prevention, intervention, restorative justice, peer mediation, counseling, and other approaches designed that have proven to support a positive school climate.³ Legislators in Colorado learned the hard way what research has consistently shown – that militarizing schools in the name of safety is not the answer.

From the tragedies in Columbine and Sandy Hook, the legislators in Colorado, and our own House Select Committee, we know the keys to creating safe and positive climates and that they require funding and policy action. We therefore urge you to:

1. Invest in guidance counselors and social workers, not armed school personnel

Mental health professionals, counselors and caring adults in school are the pathway to creating safety preventing mass violence, not teachers with deadly weapons or more school police. Research has found that the relationships between students, parents, and staff are more critical to making a school safe than increased security measures.⁴ By contrast, adding school police, has not been shown to improve student safety. Studies comparing schools that added School Resource Officers (SROs) and/or School Police Officers (SPOs) to those that did not found “no evidence suggesting that SRO or other sworn law enforcement officers contribute to school safety” nationwide⁵ and “no notable differences” in rates of reporting of school incidents in Pennsylvania.⁶ Attached for reference as Appendix A is our prior

² Advancement Project. *Education on Lockdown: The Schoolhouse to Jailhouse Track* 23-25 (March 2005), available at http://b.3cdn.net/advancement/5351180e24cb166d02_mlbrqgxlh.pdf.

³ Senate Committee Passes Bipartisan Bill by Senators Newell and Hudak to Ensure Student Safety and Success Today, March 1, 2012, available at <http://coloradosenate.org/home/features/senate-committee-passes-bipartisan-bill-by-senators-newell-and-hudak-to-ensure-student-safety-and-success-today>. (“The resulting Fair Discipline in Schools Act asks schools to develop school discipline policies that: utilize prevention, intervention, restorative justice, peer mediation, counseling, and other constructive disciplinary approaches; determine which violations of the code require a referral to law enforcement and which are better handled within the school; and protect students from harm while dealing with misbehavior in a way that provides opportunities for them to learn from their mistakes.”)

⁴ See, e.g., Matthew Steinberg, Elaine Allensworth and David W. Johnson, *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization* (May 2001), available at <http://ccsr.uchicago.edu/sites/default/files/publications/SAFETY%20IN%20CPS.pdf>.

⁵ Chongmin Na and Denise C. Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” *Justice Quarterly*, (2011) pp. 1–32, available at <https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/Police%20Officers%20in%20Schools->

⁶ Center for Schools and Communities, “School Resource Officer Evaluation, Phase One” September 2005, pp. 68–69.

statement against Senate 383, which discusses the specific harms of permitting school personnel to carry concealed firearms in school.

2. Enact legislation encouraging districts to follow evidence-based best practices for promoting school climate

The International Association of Chiefs of Police, the world’s oldest and largest association of law enforcement executives, devotes a significant portion of its “Guide for Preventing and Responding to School Violence” to discussing the importance of non-police related prevention programs. And with good reason: such programs have been shown to lower rates of violence and antisocial behavior, increase the likelihood youth in need of mental health services will be identified and receive treatment, improve the learning environment, and prepare communities for responding to school shootings and other human-made and natural disasters.⁷ Examples of effective prevention initiatives include:

- Positive Behavioral Interventions and Supports
- Social and Emotional Learning
- Student conflict resolution programs
- Mentoring, cognitive behavioral therapy in schools
- Trauma-informed practices

We urge you to invest in and promote these evidence-based prevention initiatives.

3. Mandate age-appropriate, trauma-centered training for law enforcement personnel

Law enforcement officers, even when placed in schools, are almost exclusively trained and tasked with enforcing the criminal code. They do not complete extensive coursework in youth development or receive substantive training on age-appropriate behaviors for students. Their approach to students is often neither trauma-centered nor responsive to the negative experience of student populations within schools. They are ill-equipped to respond to the routine matters of school discipline with which they are often tasked or the schoolchildren they regularly encounter, roughly 60 percent of whom have likely suffered or witnessed some form of trauma within the previous year.⁸ Law enforcement officers can never take the place of educators, school counselors, nurses, psychologists, and social workers who can identify the warning signs and provide supports to prevent violence from occurring. Yet if they work in schools – which we believe they should not – they should, at minimum, receive the tools to truly keep students safe. That includes training on child and adolescent development psychology, peer interaction within a school setting, de-escalation techniques, disabilities and their impact on student cognition and conduct, disability rights under federal and state law, trauma, cultural competency, implicit bias, conflict resolution, restorative practices, and the impact and collateral consequences to a child of arrest, court, detention, and incarceration.

4. Require school-level reporting and accountability regarding discipline and arrest rates in schools that increase law enforcement presence

⁷ International Association of Chiefs of Police, “Guide for Preventing and Responding to School Violence,” p. 1, available at <http://www.theiacp.org/portals/0/pdfs/schoolviolence2.pdf>.

⁸ Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, U.S. Dep’t of Justice, National Survey of Children’s Exposure to Violence 5 (September 2015), available at https://www.ojjdp.gov/pubs/248547.pdf?ed2f26df2d9c416fbddddd2330a778c6=nnxrpdozn-nzubdzrr&utm_source=youth.gov&utm_medium=federal-links&utm_campaign=reports-and-resources.

Although the perpetrators of the mass shootings that have ravaged our schools have all been white, the victims of over-policing policies aimed at addressing mass school violence have been – and will continue to be – marginalized, minority communities. Those who suffer most from policing practices that produce high rates of student suspensions, expulsions, arrests, and involvement in the juvenile or adult criminal justice system are children of color, children with disabilities, and LGBTQ youth.⁹ To ensure that communities are not further marginalized in the name of school safety, schools that employ any form of school security - School Police Officers, School Resource Officers, or School Security Officers – should be required to report annually and extensively on their use of discipline, particularly for non-violent, non-weapons related offenses. This should include data reporting expulsions, out-of-school suspensions, referrals to alternative education for disruptive youth, and referrals to law enforcement and arrests, disaggregated by race, gender, disability, and other key demographic categories, to enable PDE to identify schools and local educational agencies that are statistical outliers with regard to the use of law enforcement-involved discipline.

These policies, not armed school personnel or police, will create safe schools and positive learning environments.

We appreciate your attention to this important matter and urge you to enact solutions that honor the lives lost to tragedy and inaction across our nation.

Respectfully submitted,

Reynelle Brown Staley
Policy Attorney

⁹ There is extensive evidence of disproportionate discipline of students of color and students with disabilities in Pennsylvania as well as across the country. Data show, for example, that Pennsylvania is one of 11 states (and D.C.) where the difference in suspension rates between Black and White students (i.e., suspension gap) is higher than the national average, for both male and female students. In addition, Pennsylvania has one of the highest Latino out-of-school suspension rates in the country – ranking 6th out of the 47 state projections conducted by the Civil Rights Project at UCLA. American Civil Liberties Union, *Beyond Zero Tolerance: Discipline and Policing in Pennsylvania’s Public Schools* (February 2015), available at https://www.aclupa.org/files/5714/2436/0535/2-162015_FINAL_64204_ACLU_ONLINE.pdf.

APPENDIX A

To: All Members, Pennsylvania Senate
From: Deborah Gordon Klehr, Executive Director
Yvelisse B. Pelotte, Staff Attorney
Re: SB 383
Date: June 28, 2017

The Education Law Center is a non-profit legal advocacy and educational organization dedicated to ensuring that all of Pennsylvania's children have access to a quality public education.

Our work on school climate focuses on engaging the whole school community — teachers, parents, students, administrators, and community members — in the creation of safe, positive environments. With forty-one years of experience working on school climate issues, we write to **oppose SB 383**, the bill permitting school personnel to carry concealed firearms in schools. While we share your desire to protect students and ensure schools are safe places, arming teachers and other school personnel is not the appropriate way to do so.

There is no evidence that arming school personnel increases school safety, and nationally, arming school personnel is not a recommended practice. National School Safety and Security Services, a national school safety-consulting firm, advises against arming teachers and school staff. According to NSSSS president Kenneth Trump, "School districts considering arming teachers and school staff with guns would take on significant responsibility and potential liabilities that I firmly believe are beyond the expertise, knowledge-base, experience, and professional capabilities of most school boards and administrators...Suggesting that by providing teachers, principals, custodians, or other school staff with 8, 16, 40, or even 60 hours of firearms training on firing, handling, and holstering a gun somehow makes a non-law enforcement officer suddenly qualified to provide public safety services is an insult to our highly trained police professionals and a high-risk to the safety of students, teachers, and other school staff."ⁱ

The Pennsylvania legislature and various branches of our government have had occasion to commission studies into school climate and safety matters and have consistently *not* recommended an increase in the number of guns in schools. For instance, in 2014, the Pennsylvania House Select Committee on School Safety issued recommendations for improving school safety and explicitly stated that it did not recommend arming general school personnel.ⁱⁱ Similarly, in 2016, the Joint State Government Commission Advisory Committee issued a report on best practices in school discipline. The report discusses best practices to improve school climate and does not suggest, among its 126 pages, that allowing school personnel to carry concealed firearms would accomplish that goal.ⁱⁱⁱ

In fact, there is reason to believe arming school personnel is more dangerous than the harm it seeks to avoid. Children are far more likely to be injured by self-inflicted gunshot wounds or in an accidental shooting resulting from another person's handling of an improperly stored or unsecured firearm than they are to be injured in an intentional act of gun violence while at school. On August 25, 2016, an elementary school teacher in Chambersberg, PA removed the pistol she was carrying to use the restroom and, upon exiting the single stall bathroom, forgot it on top of the toilet. At least four children ages 6 through 8 used the bathroom during the 3 hours in which the teacher's gun was left unattended.^{iv} In 2014, a Utah elementary school teacher carrying a concealed firearm in class shot herself in the leg when the handgun accidentally went off.^v These incidents are not anomalies and aptly illustrate the dangerous situations created when teachers and school personnel bring firearms into schools.

Additionally, school districts ought to be aware of the impact of arming personnel on their insurance premiums. Some insurance companies are declining coverage to schools that allow employees to carry handguns, or are raising their premiums. In Kansas, for instance, the liability insurance provider for about 90 percent of Kansas school districts said it would not cover schools that permit employees to carry concealed handguns. The Oregon School Boards Association, which manages liability coverage for most of the state's school districts, now requires districts to pay an extra \$2,500 annually for every school personnel who carries a weapon at work.^{vi}

While we share your desire to increase school safety, we believe that there are better, safer measures than arming school personnel. We oppose allowing school personnel to carry firearms. We also note that obtaining a license to carry a concealed firearm and maintain basic certification in the use of a firearm – the only qualifications required under SB 383 – are very minor safety precautions. Each county has different policies governing a conceal-carry permit, but none of them requires that a person have undergone any firearms or weapon training, and even the most intensive firearms safety classes would not adequately prepare a teacher to assess, manage, or respond appropriately in an emergency.

Lastly, to the extent SB 383 applies to situations where a student attacks the school they attend, we believe it would be more prudent for you to focus on preventing the violence before it happens. Attacks perpetuated by students are often the result of unaddressed bullying, trauma, or mental health issues, and we support evidence-based school safety prevention measures that deal directly with those root causes such as School-Wide Positive Behavior Supports, Restorative Practices, increased mental health services, peer mediation, social and emotional learning, and Trauma Sensitive Schools.^{vii}

In managing the threat of fires, schools do not equip teachers with turnout pants, coats, helmets, boots, and a water hose – instead they hold frequent fire drills and establish safety protocols for effectively managing and escaping unsafe situations. Schools should prepare for the threat of a violent attack in a similar way, with clear safety protocols and training for staff and students, and we encourage you to support those types of proven school safety methods.

Thank you for your consideration. Please let us know if you have any questions or if we may be of assistance to you. We can be reached at dklehr@elc-pa.org, (215) 346-6920, or ypelotte@elc-pa.org, (215) 346-6930.

ⁱ “Implementation issues present school boards and administrators with significant responsibility and potential liability,” National School Safety and Security Services. Available at http://www.schoolsecurity.org/trends/arming_teachers.html.

ⁱⁱ House Select Committee for School Safety Final Report, page 53, available at <http://www.repgrove.com/Display/SiteFiles/103/OtherDocuments/SelectCommitteeSchoolSafetyFinalReport.pdf.pdf>

ⁱⁱⁱ See <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2016-10-27%20Final%20REPORT%20for%20WEBSITE%20updated%2011.16.16%20%20WB.pdf>

^{iv} See <http://www.publicopiniononline.com/story/news/2016/09/12/teacher-resigns-after-child-finds-her-loaded-gun-school/90280916/>

^v See <http://www.reuters.com/article/us-usa-teacher-shooting-utah-idUSKBN0H62HL20140911>

^{vi} Steven Yavvino, “Schools seeking to arm employees hit hurdle on insurance,” *The New York Times*, July 7, 2013. Available at http://www.nytimes.com/2013/07/08/us/schools-seeking-to-arm-employees-hit-hurdle-on-insurance.html?pagewanted=all&_r=1&.

^{vii} See Collaborative for Academic, Social and Emotional Learning, Program Implementation: A Key to Success. Available at http://casel.org/wp-content/uploads/CS_Implementation.pdf. And see Massachusetts Advocates for Children, *Helping Traumatized Children Learn, A Report and Policy Agenda* (2005). Available at <http://www.massadvocates.org/order-book.php>. See also Interdisciplinary Group on Preventing School and Community Violence’s December 2012 Connecticut School Shooting Position Statement, which advocates for an approach to safer schools, guided by four key elements: Balance, Communication, Connectedness, and Support, along with strengthened attention to mental health needs in the community, structured threat assessment approaches, revised policies on youth exposure to violent media, and increased efforts to limit inappropriate access to guns. Available at http://curry.virginia.edu/uploads/resourceLibrary/Updated_Lists_1-8-13-OFFICIAL_FOR_DISSEMINATION-Connecticut_School_Shooting_Position_Statement_12-19-2012-2_pm_ET.pdf.