

Classrooms Not Courtrooms

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**Governor's Children
Cabinet**

The Governor's Children's Cabinet



- Executive Order 21 (2014)
- Solely dedicated to the education, health, safety, and welfare of Virginia's children
- Utilizes the collective impact approach
- Fosters collaboration between state and local agencies to impact entrenched and complex problems and practices

Classrooms Not Courtrooms Initiative



- Priority of Governor McAuliffe; executed by the Children's Cabinet given their unique role
- A multi-agency, administration-wide push to:
 - Reduce unnecessary school suspensions and expulsions
 - Reduce engagement with the juvenile justice system
 - Reduce disparate impact on minority students and students with disabilities
 - Improve policies relating to outcomes for at-risk children
- Participating Agencies:
 - Virginia Department of Criminal Justice Services
 - Virginia Department of Education
 - Virginia Department of Juvenile Justice

Magnitude of the Problem



- According to a report from the Center for Public Integrity (2015), Virginia has high rates of law enforcement referrals for school-based misconduct.
- Nearly 16 out of every 1,000 Virginia children were referred by schools to law enforcement in 2011-2012, which is three times the national rate (6 referrals for every 1,000 students).
- Children with disabilities and children of color were more likely to be suspended and referred to law enforcement.
- Great variation between communities in referral rates and disparities

Disproportionality in School Discipline



- Center for Public Integrity report identified Virginia as the worst state in the nation for student referrals to law enforcement
 - 25.3 of every 1,000 Black students in Virginia were referred to law enforcement, compared to 13.1 of white students (national average is 9.8 per 1,000 Black students)
 - 33.4 of every 1,000 students with disabilities in Virginia were referred to law enforcement, compared to 15.8 of all students (national average is 10.9 per 1,000 students with disabilities)

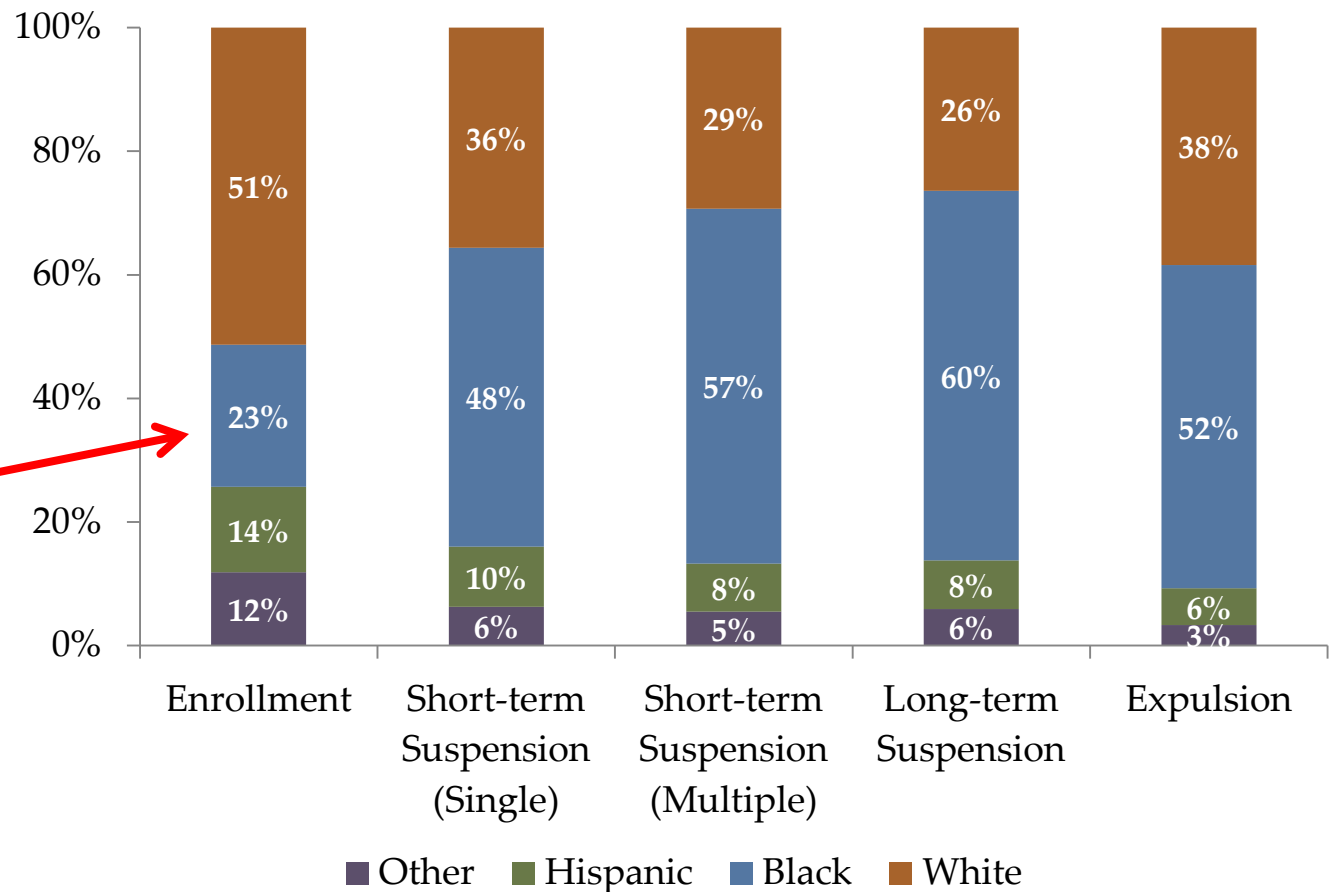
Disproportionality in School Discipline



Virginia Students Receiving Suspensions and Expulsions by Race and Ethnicity, 2014-15

While Black students comprise 23% of public school students, they account for:

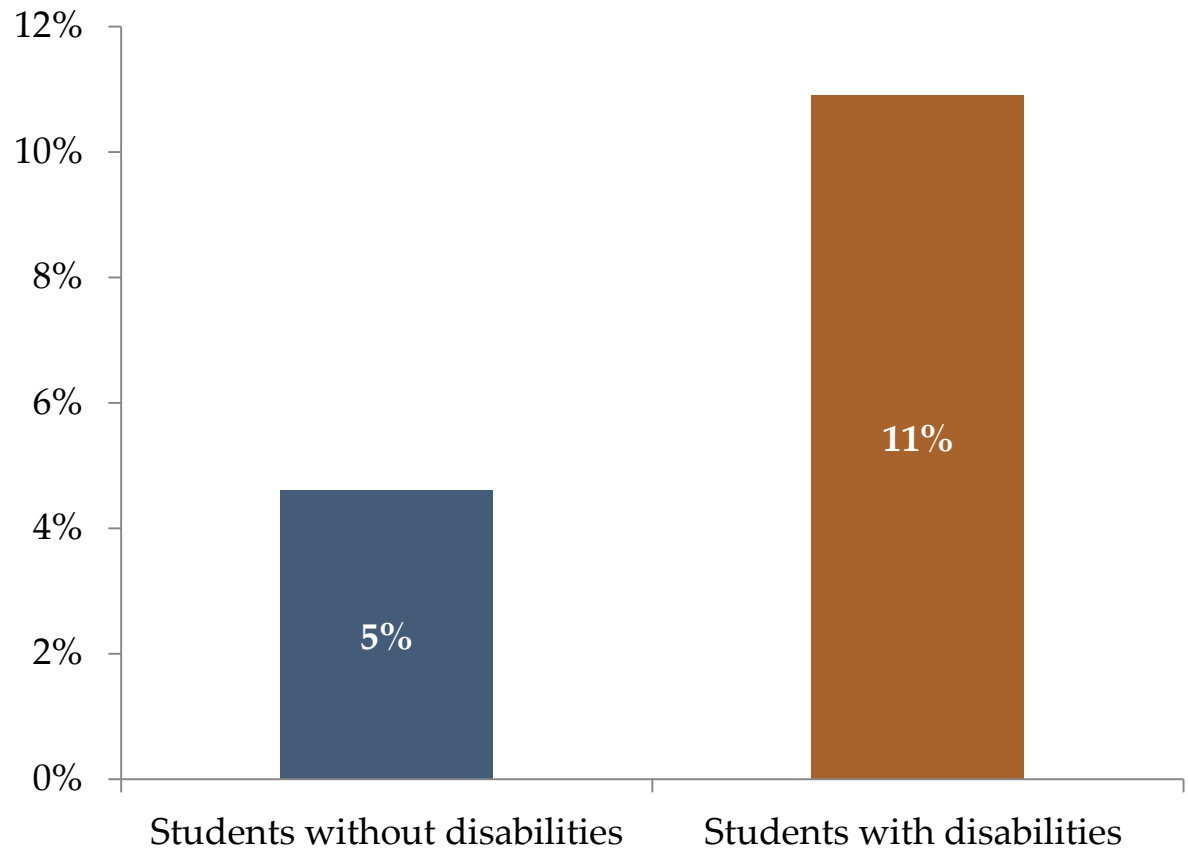
- 48% of students receiving one short-term suspension,
- 57% of students receiving multiple short-term suspensions,
- 60% of students receiving long-term suspensions, and
- 52% of students expelled.



Disproportionality in School Discipline



Students Receiving Short-term Suspensions by Disability Status, 2014-15



Students with disabilities are more than twice as likely to receive one or more short-term suspensions as students without disabilities.

Most Frequently Reported Offenses



- The most frequently reported offenses resulting in suspension:
 - Defiance of authority/insubordination
 - Classroom or campus disruption
 - Minor physical altercation
 - Disruptive demonstrations
 - Using obscene/inappropriate language/gestures
 - Disrespect/walking away
- Combined, these offenses account for 65% of all short-term suspensions

Magnitude of the Problem

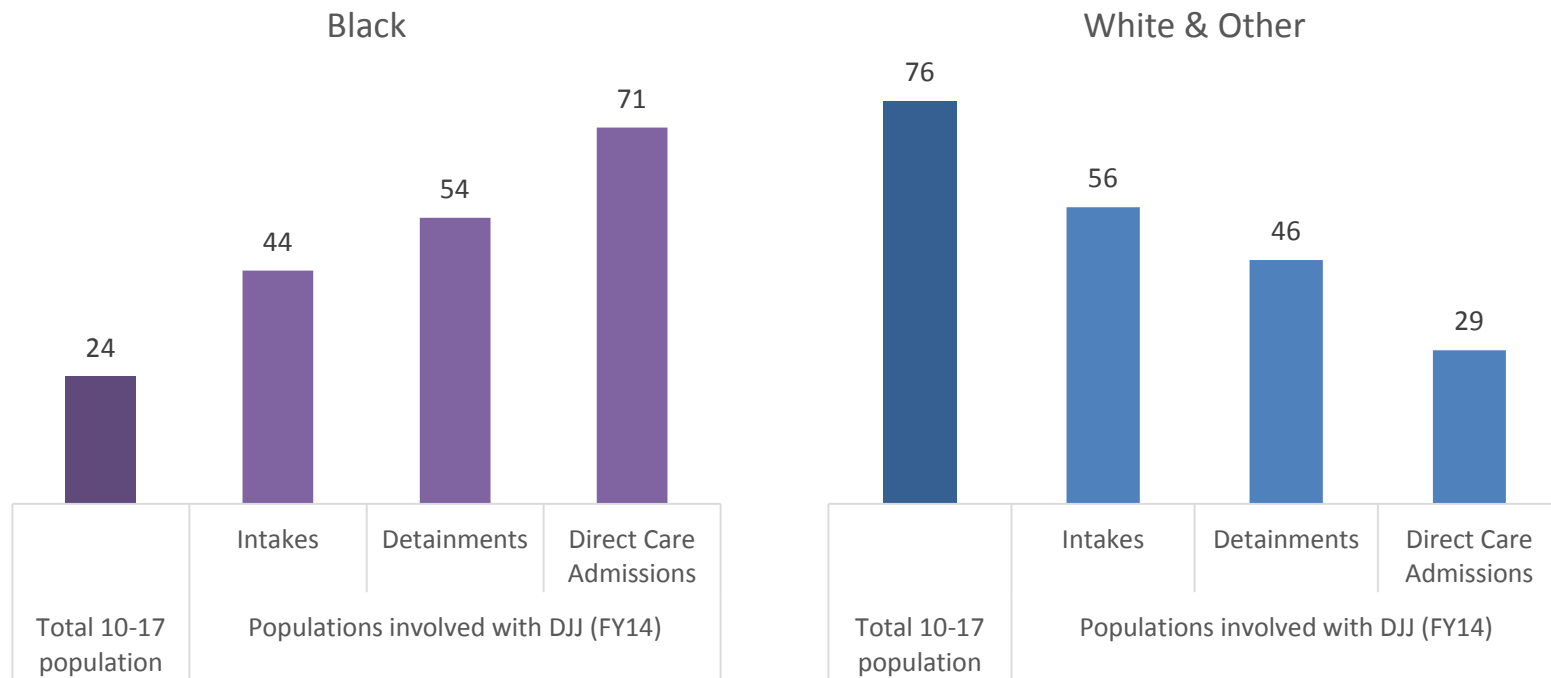


- School failure and contact with the juvenile justice system increases the likelihood of future criminal behaviors
- Youth committed to DJJ (FY 2011-2015):
 - Average of 1.3 grade levels behind
 - Average intelligence quotient (IQ) of 87 (General population IQ is 100)
 - 41% had special education needs
 - 79% had substantial school attendance problems in the community
 - 76% had substantial school behavior problems in the community
- Two thirds of incarcerated individuals in state and federal prisons do not have a high school diploma.

Disproportionality in Juvenile Justice



Black youth are overrepresented at every stage of the juvenile justice system.

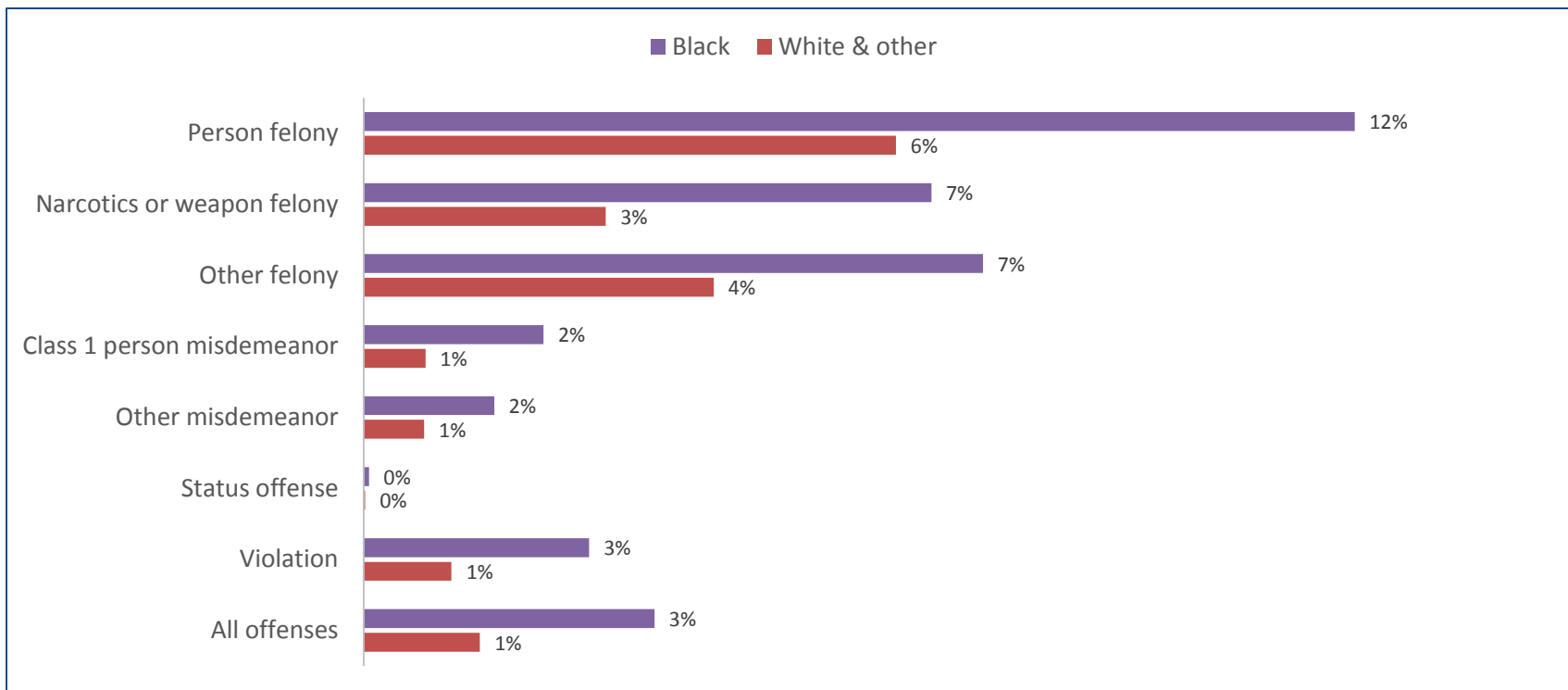


* Percent of FY 2012 through FY 2013 juvenile intake cases that received a commitment to direct care by the end of FY 2014. One youth may be committed on the basis of multiple intake complaints. Hispanic ethnicity is not consistently identified in the intake case data, so the cases categorized as "Black" or "White & other" may include Hispanic youth.

Disproportionality in Juvenile Justice



Black youth are committed to DJJ at twice the rate of youth of other races.



* Percent of FY 2012 through FY 2013 juvenile intake cases that received a commitment to direct care by the end of FY 2014. One youth may be committed on the basis of multiple intake complaints. Hispanic ethnicity is not consistently identified in the intake case data, so the cases categorized as "Black" or "White & other" may include Hispanic youth.

School-Affiliated Complaints



- Students are referred to the courts by School Resource Officers or School Officials
- From September 2015 through March 2016, there were 5,022 intake complaints by school officials or SROs.
 - This constitutes 16.5% of all juvenile intake complaints.
 - The most common complaint types were for truancy, contempt of court for truancy, assault, narcotic offenses, and disorderly conduct.
- In FY 2015, there were a total of 4,481 intake complaints for truancy.

Diversion Works



- Children with first time truancy complaints are eligible for diversion, which helps keep them from coming back into contact with the system
- 85.7% (540 of 630) of first-time diversions for truancy complaints remained arrest-free after 12 months.
- However, on average only 17- 20% of eligible truancy complaints are diverted

Children's Cabinet Approach



- Survey of existing data to define the problem, drive responses, and determine what data improvements are needed.
- Our collective goals are to:
 - Reduce overall and disproportionality of school discipline
 - Reduce disproportionate contact of minorities and youth with disabilities throughout the juvenile justice system.
- We are doing this via a number of strategies supporting preventive programs and via legislative action for state level policy change

Using and improving data to drive interventions



- Comprehensive review of schools' reporting school-based incidents and school law enforcement data collection
 - Virginia Tech examining patterns of referrals to juvenile justice against discipline offenses, demographic characteristics, and school climate characteristics
- Identify the gaps or inconsistencies in reporting
 - Working with Regional Educational Laboratory Appalachia for data review
 - Already collecting new data as part of the initiative's data survey (whether referrals to court are coming from SRO's or other school officials)
- Expand cross agency information sharing
 - Collaborating with VDH to develop youth opportunity index
 - Examining feasibility of onboarding additional agencies into Virginia Longitudinal Data System

Strategies for Success



- To achieve our collective goals, we have advocated for and are:
 - Growing school based behavioral interventions, such as PBIS
 - Clarifying the role of School Resource Officers and updating our training curricula for them
 - Hosting joint trainings on school safety
 - Working to change state laws that further exacerbate these issues

School Based Interventions



- New federal and state money to implement Virginia Tiered Systems of Supports (VTSS)
 - Data-driven decision making framework for establishing the academic, behavioral and social-emotional supports needed for a school to be an effective learning environment for all students.
 - Tiered approach to improving educational outcomes through a continuum of academic and behavior supports for all students.
- Positive Behavioral Interventions and Supports (PBIS)
 - The behavioral component of the VTSS.

Clarifying the Role of School Resource Officers



- DCJS is rewriting the SRO Program Guide and model MOU to reflect best practices, emerging research on school policing trends, and current law.
- Provide guidance on:
 - establishment of the SRO program within a locality,
 - building effective school/law enforcement partnerships,
 - roles and responsibilities of each discipline,
 - working with adolescents, and
 - creating a safe and positive school climate.

Joint Trainings on School Safety



- 2016 Virginia School and Campus Safety Training Forum (Hampton, VA)
 - August 1 - 3, 2016
 - workshops for more than 800 participants in fields of law enforcement, school security, school administration and counseling, and others with an interest in school safety.
- Classrooms Not Courtrooms: School Discipline and the Achievement Gap Institute (Richmond, VA)
 - July 28-29, 2016
 - conference for more than 700 school board members, superintendents and principals, and school resource officers to promote discipline policies to reduce the achievement gap.

Legislative Policy Change



2016 Passed Legislation

[HB 487](#) (Delegate McClellan) SROs; those employed pursuant to SRO Grants Program.

- This bill relieves SROs employed under the SRO Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

[HB 1213](#) (Delegate Albo) Minors; education records; evidence.

- This bill allows a juvenile to introduce an individual education plan (IEP), 504 plan, behavioral intervention plan, or functional behavioral assessment into evidence as relevant to whether he acted intentionally or willfully, if:
 - The offense would be a misdemeanor if committed by an adult;
 - The offense happened at school, at a school-sponsored activity during school hours, or on a school bus;
 - Written notice is provided to the Commonwealth attorney at least 10 days before the proceeding at which records introduced; and
 - The records are authenticated to be true and accurate by the custodian.

Improving the Children's Services Act (CSA)



- In FY 2014, only 37% of the non-sum sufficient (also referred to as “protected” or “non-mandated”) funds were expended by localities under the existing criteria.
- Clarifying the criteria for early intervention services would best serve the interests of the Commonwealth by:
 - Engaging students early and avoiding long-term suspensions and expulsions and
 - Addressing issues related to status offending and delinquency early and possibly prior to entering the juvenile justice system.
- Successful early intervention with these youth will interrupt a life trajectory that often leads to school failure, initial and deeper involvement in the juvenile justice system, and other negative life course outcomes including, but not limited to lost earning potential and criminal justice system costs

Q & A



Thank you for your participation today!