



ARRESTED

FUTURES

REVISITED



SPRINGFIELD: The Ongoing Impact
of the School-to-Prison Pipeline



November 2023

Arrested Futures Revisited: Springfield

The Ongoing Impact of the School-to-Prison Pipeline

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EXECUTIVE SUMMARY

The school-to-prison pipeline incorporates both school discipline and school-based arrests contributing to the funneling effect from the education system to the prison. More than ten years after CfJJ co-authored the [Arrested Futures](#) report, focusing on school-based arrests in Massachusetts' largest school districts – Boston, Springfield, and Worcester Public Schools, this report revisits school discipline and arrest data concerning Springfield Public Schools (SPS). Despite state-wide legislative progress in the last decade, the school-to-prison pipeline ultimately depends on policies, practices, and dynamics at the municipal and school levels. From the data and interviews presented in this report, Springfield still has significant work to do to slow and ultimately stop the school to prison pipeline.

Select Key Findings

- **Black students are overrepresented among disciplined SPS students.** Between 2017-2022, Black students made up between 18-19% of the Springfield school population but 19-24% of students disciplined.
- **Students with disabilities or low household income are overrepresented among disciplined SPS students.** Between 2017-2022, both of these subgroups were disciplined disproportionately to their share of the student population.
- **Springfield consistently over-arrests its Black students compared with their make-up of the school population.** Within the past five school years, Black students account for up to 47% of school-based arrests, despite only accounting for 18-19% of the school population.
- **Springfield's Memorandum of Understanding (MoU) with the Springfield Police Department (SPD) still lacks safeguards and requirements outlined by the state's model MoU.** The lack of these safeguards results in students who are less protected from punitive responses to mental health emergencies, SRO appointments without community involvement, and parents without the guarantee to submit anonymous complaints within the school feedback system.
- **Conversations with SPS students suggest that over-policing within schools has eroded trust between students and adults.** Students are quoted describing SROs as "unnecessary," "triggering," and sometime acting inappropriately toward female students thereby causing more harms than good by inducing feelings of anxiety.

Select Recommendations

Based on the above findings, CfJJ recommends that Springfield Public Schools (SPS) focus on restorative justice practices, rather than focusing on police presence and punitive responses to school discipline. In particular, we recommend the following:

1. Schools should focus on systems of respect, care, and equity in order to increase feelings of academic and emotional support as well as decrease racial disparities in disciplinary rates.
2. The City of Springfield should conduct a thorough and public audit of the SPS Special Education department to ensure discipline is not the primary response to behaviors caused by a student's disability, as well as to confirm that all students are receiving resources to thrive and meet their goals within the school system.
3. SPS should remove police from school settings, instead implementing restorative justice practices and bolstering safeguards and non-punitive alternatives for students with disabilities.
4. Action should be taken to address high arrest rates within Springfield schools, including yearly training for all staff on the provisions to the Memorandum of Understanding (MoU), considering alternative methods to address classroom disruptions, and increasing training on identifying students with emotional disabilities.
5. Springfield should update their Memorandum of Understanding to comply with state guidelines, and should ensure the implementation and accountability of its enforcement.
6. In order to foster an environment of physical and emotional safety for all students, schools should end surveillance practices that give police unrestricted access to school data and implement de-escalation and non-punitive responses when addressing disciplinary issues.
7. Communal and parental voices should be central, with schools implementing a feedback mechanism for family members to express opinions and concerns regarding school climate.

INTRODUCTION

In 2012, Citizens for Juvenile Justice (CfJJ), in collaboration with the American Civil Liberties Union's Massachusetts and national offices, published the [Arrested Futures](#) report, focusing on school-based arrests in Massachusetts' largest school districts – Boston, Springfield, and Worcester Public Schools. The report provides an update on Springfield and shows that school discipline and arrest policies and practices still require action to address ongoing racial disparities and to bring Springfield Public Schools (SPS) practices in line with state laws and regulations. This report examines school discipline and arrest data from Springfield Public Schools (SPS) and identifies trends across student age, race/ethnicity, ability, economic status, and school. The report also provides an analysis of Springfield's Memorandum of Understanding (MoU) between schools and police, which is out of compliance with the most recent standards established by the state, and briefly touches on questions of school climate and the treatment of court-involved youth by the SPS.

The School to Prison Pipeline is an alarming national trend in which youth are funneled from schools into the juvenile and criminal legal system. There are two separate pipelines that interact: school discipline (including suspension and expulsion), and school-based arrest. The presence of police in schools enables discipline to cross over from in-school punishments to arrest; the same student behavior can lead both to discipline and arrest when police officers intervene in incidents that do not warrant law enforcement.

This research must be viewed within the context of changes in Massachusetts law in the past decade since our initial [Arrested Futures](#) report. These laws strengthened the legislative framework in several important ways aiming to better document and reduce the scope of the school to prison pipeline, including:

- Laws limiting school discipline and ensuring due process protections for discipline: Chapter 222 of the Acts of 2012 aimed to make the school discipline fairer, reduce the number and duration of school exclusions, and make school exclusion a last resort. The law requires that school districts offer alternative education for exclusions of more than 10 consecutive school days. It requires the Department of Elementary and Secondary Education (DESE) to collect, analyze, and post school discipline data from districts, and to follow up with schools that exclude large numbers of students or when students of color or students with disabilities are disproportionately disciplined.¹ The Addressing Barriers to Care for Mental Health

¹ This summary of Chapter 222 of the Acts of 2012 draws from the helpful description by Massachusetts Advocates for Children at <https://www.massadvocates.org/chapter-222>.

of 2022² further requires that schools implement restorative and skill building alternatives to suspension and expulsion and to implement preventative initiatives to improved school climate.

- Laws limiting law enforcement interactions and referrals in schools: Based in part on recommendations of *Arrested Futures*, the Criminal Justice Reform Act of 2018³ decriminalized non-violent and verbal student misbehavior in schools or on school grounds and set criteria on the role of School Resource Officers (SROs) in school by requiring that school districts and municipal police departments enter into an MoU. The legislature went further in the Justice, Equity and Accountability in Law Enforcement Act of 2020,⁴ by removing the statewide requirement that every school district be assigned an SRO, requiring that school district-municipal police department MoUs on SRO assignments meet minimum criteria, limiting student information sharing with law enforcement, and adding training requirements for law enforcement officers assigned as SROs.

Despite this legislative progress, the school to prison pipeline ultimately depends on policies, practices, and dynamics at the municipal and school levels. From the data and interviews presented in this report, Springfield still has significant work to do to slow and ultimately stop the school to prison pipeline.

Data Sources: The analysis in this report draws on Springfield’s school discipline data from 2017–2022 obtained from the Department of Elementary and Secondary Education (DESE) and from school arrest data obtained from public records requests to the City of Springfield. Discipline data was received from DESE on 8/24/2022 and supplemented using DESE’s online School and District Profiles⁵ and arrest data was received from Springfield Police Department (SPD) in February and March 2022.⁶ Qualitative data from two separate group-setting discussions is also included in this report. These discussions included a total of 17 current and recently graduated SPS youth from five high schools⁷, two middle schools⁸, and two charter schools.⁹

² Massachusetts General Law, Chapter 177 of the Acts of 2022.

³ Massachusetts General Law, Chapter 69 of the Acts of 2018.

⁴ Massachusetts General Law, Chapter 253 of the Acts of 2020.

⁵ Massachusetts Department of Elementary and Secondary Education, *School and District Profiles*, <https://profiles.doe.mass.edu/>.

⁶ Note that the school arrest data for SY17-18 only includes arrests from the Spring semester, and SY21-22 only includes arrests through March 2022. Data received on 2/28/2022, 3/10/22, and 3/22/2022

⁷ Putnam, Springfield Honors Academy, High School of Commerce, Springfield High School, and Springfield High School of Science and Technology (Sci-Tech).

⁸ Duggan Academy and Renaissance School.

SCHOOL DISCIPLINE

"[School Resource Officers] are not necessary. They never break up fights, and when situations happen, they're nowhere to be found."

Student enrolled in Springfield Public Schools

Finding 1.1 | Black students are overrepresented in Springfield School discipline cases.

In SY 21-22, Springfield Public Schools had a disciplinary rate of 7.3%, meaning that percentage of enrolled students received at least one disciplinary action in that school year. This rate is slightly lower than pre-pandemic years.

Note: The significant decrease in SPS disciplinary rate in SY 19-20 and especially SY 20-21 can be explained by the switch to remote learning during the COVID-19 pandemic. Further, these discipline data do not include informal forms of education exclusion, such as sending a young person to a Zoom breakout room on their own, or students who are disciplined multiple times in a school year.

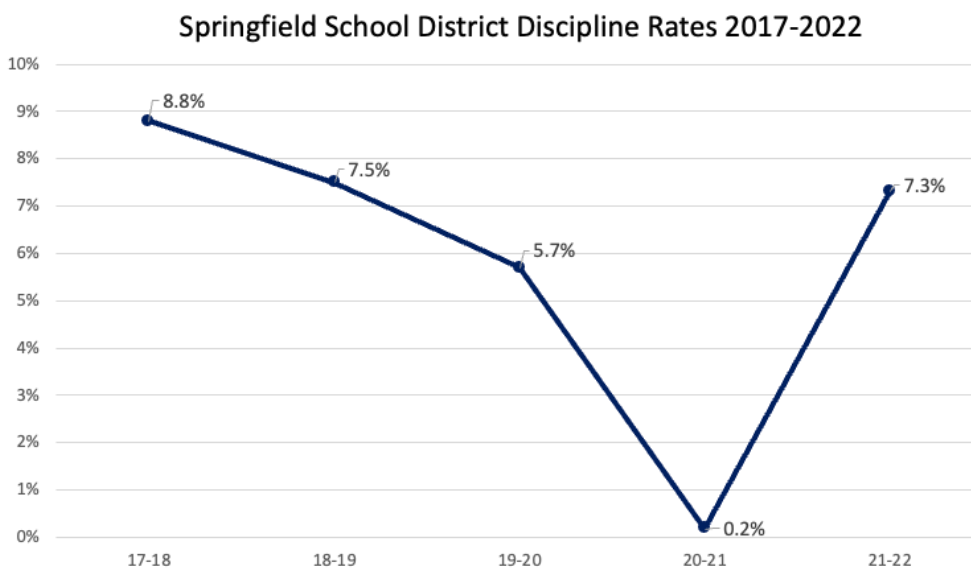


Figure 1. Springfield Public Schools disciplinary rates by school year (2017-2022)

⁹ Hampden Charter School of Science and Springfield International Charter School.

Black students continue to be disciplined at an above-average rate (Figure 2), while White students are less likely to be disciplined. In SY21-22 the SPS school disciplinary rate was 7.3%, but 9.3% of all Black students enrolled in SPS, as compared to 5.9% of White students, were disciplined that year.

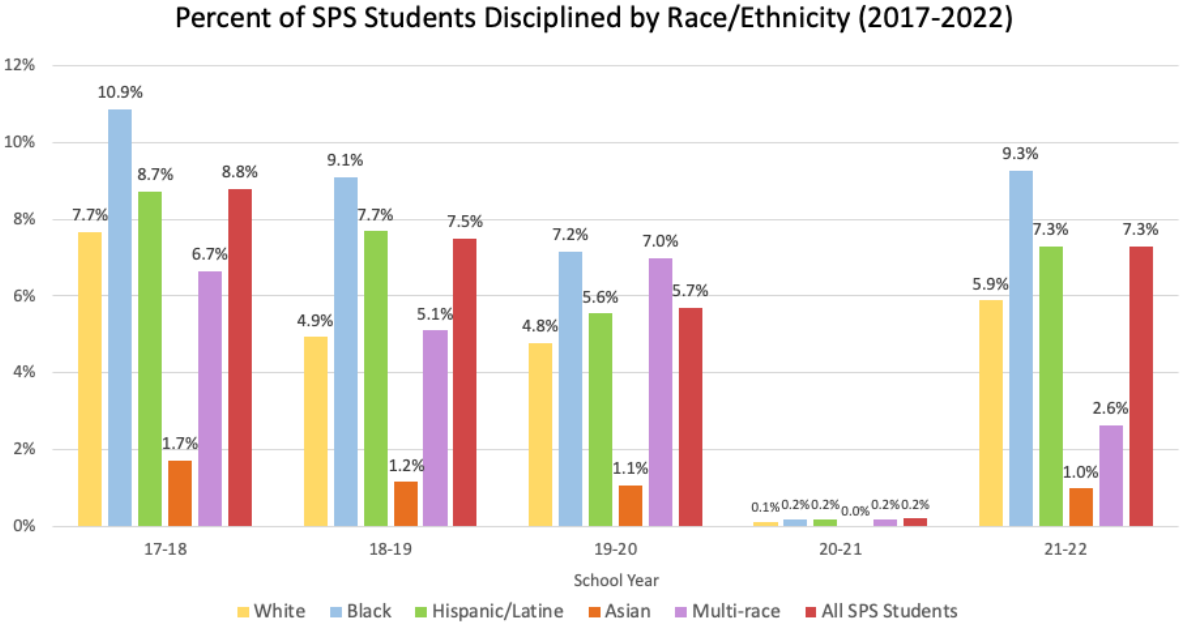


Figure 2. Percent of SPS students disciplined by race/ethnicity (2017-2022)

These same disparities persist within the racial and ethnic distribution of Springfield students disciplined (Figures 3 and 4). Between 2017-2022, Black students made up between 18-19% of the Springfield school population but 19-24% of students disciplined. Conversely, White students made up 9-11% of the Springfield school population but just 6-10% of students disciplined. Black students had the highest rate of exclusion of all races in the district.

Racial/Ethnic Distribution of SPS Student Enrollment (2017-2022)

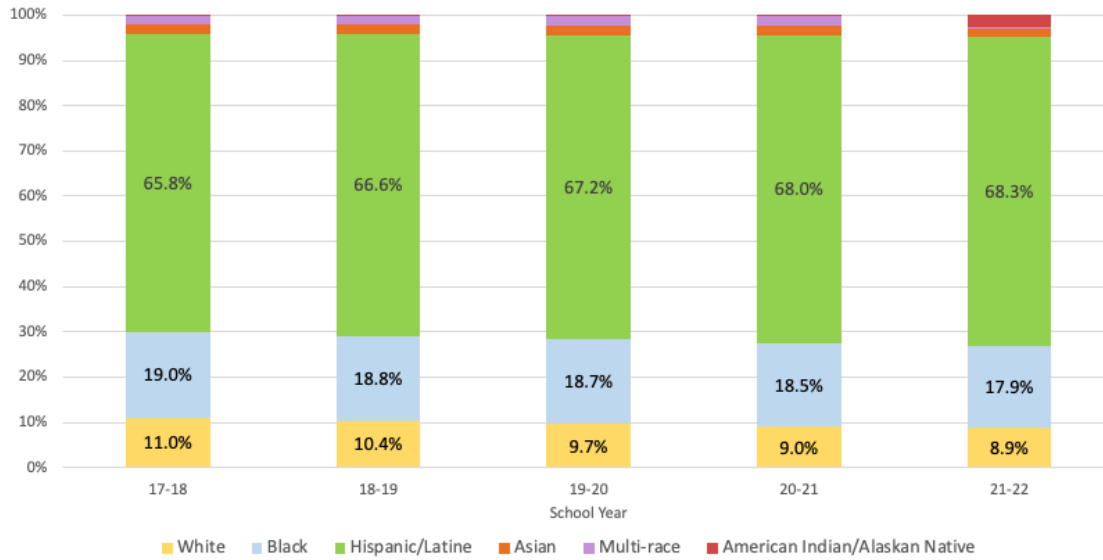


Figure 3. Racial/ethnic distribution of SPS student enrollment (2017-2022)

Racial/Ethnic Distribution of SPS Students Disciplined (2017-2022)

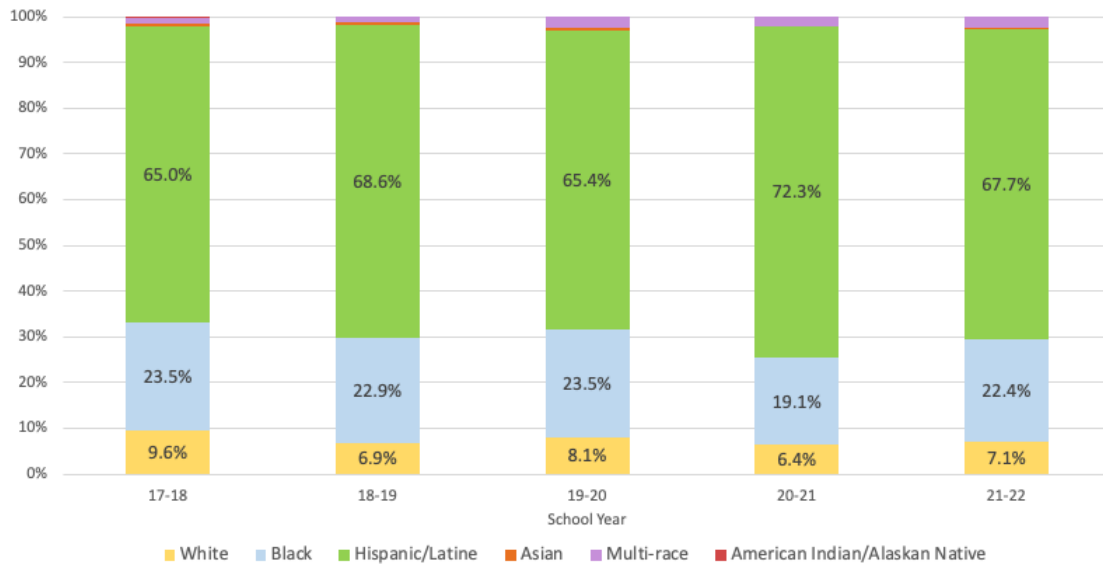


Figure 4. Racial/ethnic distribution of SPS students disciplined (2017-2022)

Springfield Population v. SPS Population

It is notable that the racial and ethnic make-up of Springfield’s public-school population differs from that of the city population. As Figure 5 shows, 30% of Springfield’s population is White, yet only 9% of students attending Springfield Public Schools are White.

Conversely, 46% of Springfield’s population is Latine, while Latine students make up 68% of SPS population. These discrepancies between the city’s and Public School’s White populations suggest that White families sending their children to private schools, creating a segregated school system in which the city’s public schools are serving predominately students of color.

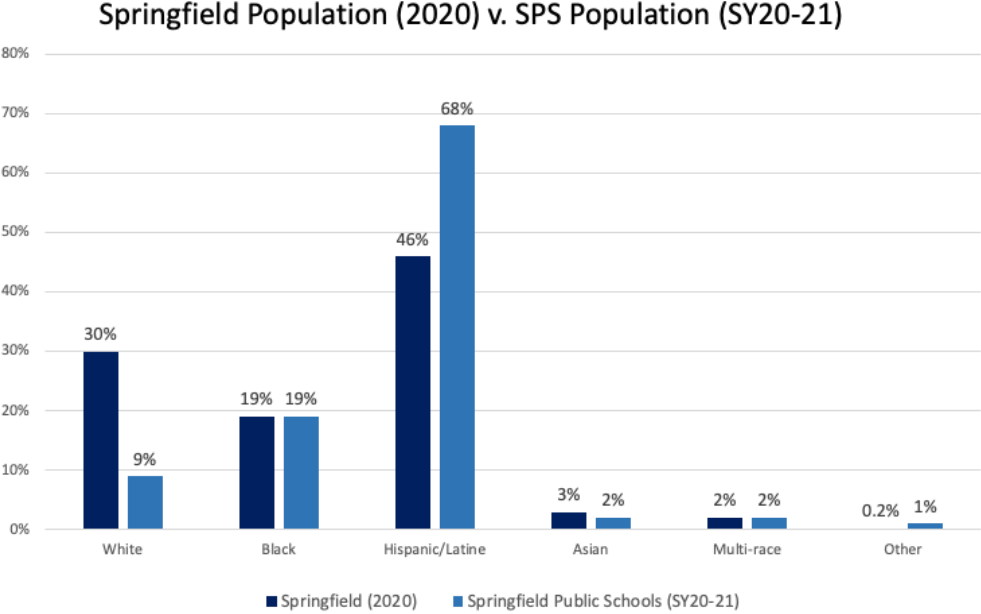


Figure 5. Racial/ethnic distribution of Springfield population v. SPS population

Sources: [DESE School and District Profiles](#)¹⁰ & [Data USA, Springfield, Massachusetts](#)¹¹

Finding 1.2 | Students with disabilities and students considered low income continue to be overrepresented among disciplined SPS students.

In SY21-22, 31% of students disciplined by SPS had a disability, despite making up 24% of the student population. Between 2017-2022, Students with disabilities were consistently disciplined disproportionately to their share of the student population.

¹⁰ Department of Elementary and Secondary Education, *School and District Profiles – Springfield (02810000)*, <https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=02810000&orgtypecode=5&fycode=2021>.

¹¹ Data USA, *Springfield, MA*, <https://datausa.io/profile/geo/springfield-ma/>.

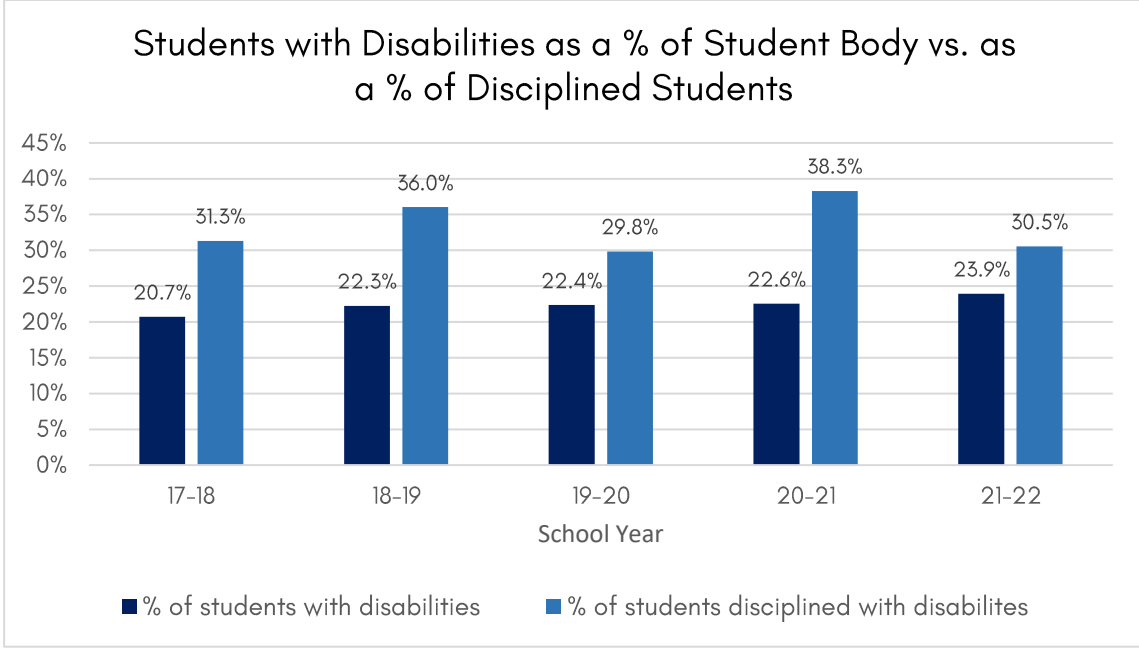


Figure 6. Students with disabilities are disciplined at a higher rate than their proportion of the overall student population

Similarly, students designated as low income consistently represented a higher proportion of disciplined SPS students than their proportion of the SPS student population. The percentage of low-income students has steadily grown from 74% in the SY17-18 to 82% in the 2021-22 school year, which suggests a demographic shift among the families enrolled in Springfield Public Schools.

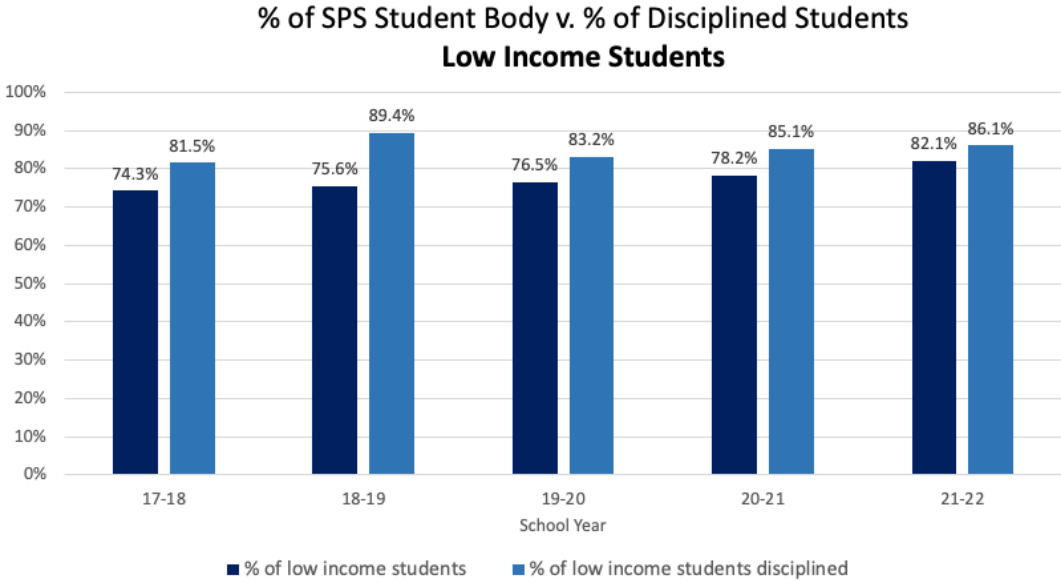


Figure 7. Low income students experience discipline at a slightly higher rate than their overall population in the student body

Finding 1.3 | The schools with the highest disciplinary rates in SY21-22 were Springfield Middle School and Springfield Public Day Middle School, two alternative schools located in the same building, as well as Springfield Public Day High School, and Springfield Central High. In schools with above-average disciplinary rates, students of color were overdisciplined.

Springfield Public Day Schools are “alternative schools” that primarily serve students with identified disabilities and who are on individualized education plans (IEPs).¹² Though these schools have relatively small student populations (192 students total at the Public Day Elementary, Middle, and High Schools), Springfield Public Day Middle School and Springfield Public Day High School had the highest disciplinary rates of all schools in SY21-22. At the Middle School, 8 out of 55 (15%) students were disciplined and 9 out of 87 (10%) High School students were disciplined. At Springfield Middle School, another alternative school located in the same building as the Public Day Middle School, 7 out of 37 (18.9%) students were disciplined. When we shared these findings with Springfield Public School students, one of them raised the following question: *“I wonder how much of the discipline in public day schools is just students being visibly disabled and teachers not wanting to deal with it and how much is them truly misbehaving?”* This question of whether students are being disciplined for behaviors arising out of their disability also raises significant concerns, namely if legal protections provided to students with disabilities prior to disciplinary sanctions are being properly abided by.¹³

In SY21-22 235 of 2,254 (10%) students at Springfield Central High---the largest school in the district---were disciplined. This rate was nearly 1.5 times higher than the district’s overall disciplinary rate.

¹² Jim Kinney, *Springfield handed court victory in alternative school case*, Mass Live (13 Aug 2019), <https://www.masslive.com/news/2019/08/springfield-handed-court-victory-in-alternative-school-case.html>.

¹³ See 20 U.S.C. 33, § 1415(k)(1)(e) and 34 CFR §§ 300.530–300.536, where the Individuals with Disabilities Education Act (IDEA) mandates that a “manifestation determination” be conducted anytime a “change in placement” – like exclusion from school – occurs that exceeds 10 days (either at once or cumulatively in a school year). This determination protects students from being excluded for behavior that is a manifestation of their disability or that results from the failure of the school district to properly implement the student’s IEP.

SPS Discipline Rate by School SY21-22

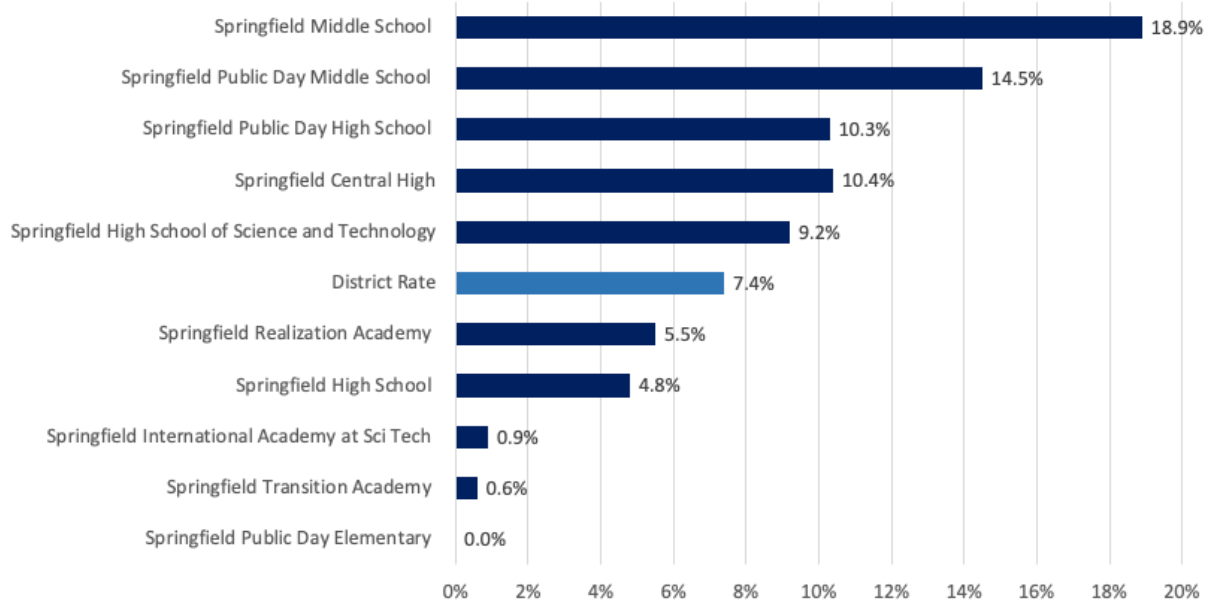


Figure 8. Discipline rates vary widely by school

Among the five schools whose disciplinary rates surpassed the district average, students of color were disciplined at a higher rate than each school’s total disciplinary rates (Figure 9). For example, 12% of Latine students (173 of 1,451), and 11% of Black students (51 of 470) at Springfield Central High (disciplinary rate=10%) were disciplined, while only 4% of White students (7 of 198) were disciplined. At Springfield High School of Science and Technology (disciplinary rate=9%), 15% of Black students (32 of 214) and 20% of multi-race students (3 of 15) were disciplined in SY21-22.

School Disciplinary Rates by Race/Ethnicity SY21-22

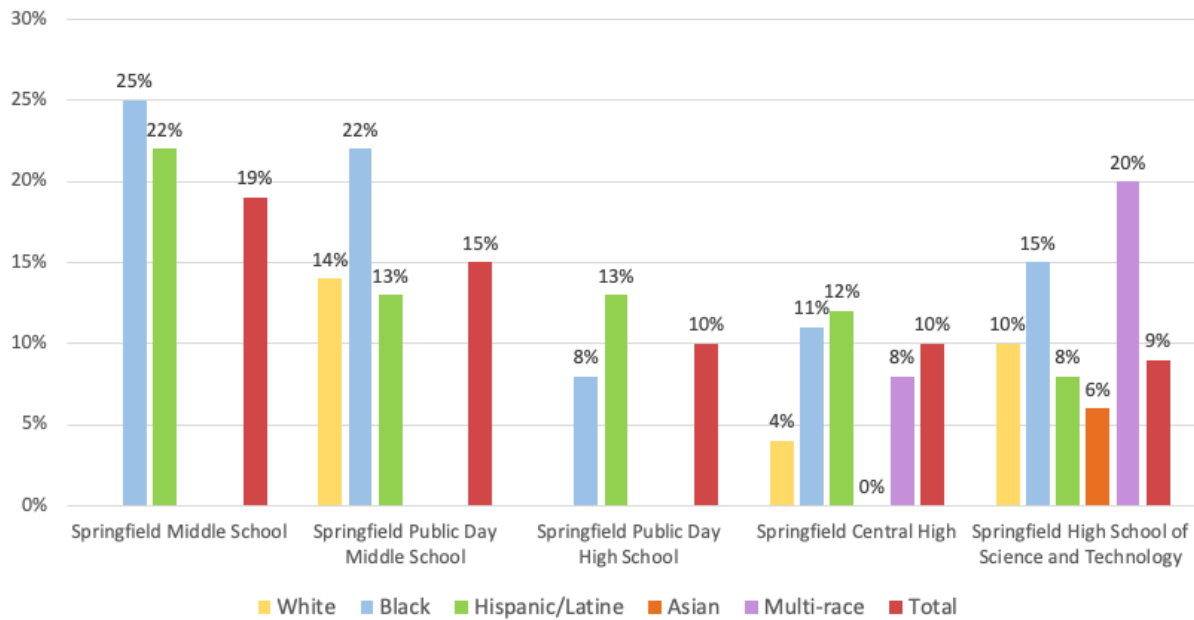


Figure 9. Youth of color experience higher discipline rates than their white peers in most schools, and higher than the district average

In SY21-22, there were no White students disciplined in the Public Day High School or the Public Day Elementary School and just 7 White students were enrolled in the Public Day Middle School. These data suggest a tracking of high need Black and Latine students into the Public Day alternative schools in Springfield.

Recommendations Concerning School Discipline

Recommendation 1:

Schools should focus resources on fostering a school climate of care and mutual respect among administration, educators, and students, as directed by the 2022 mental health legislation.¹⁴ To this end, SPS must apply a restorative framework into their curriculum and disciplinary system, with a focus on preventing punitive responses in moments when students would benefit more from academic or emotional support. The recommendation for restorative justice will be addressed in detail later in the report.

¹⁴ Massachusetts General Law, Chapter 177 of Acts of 2022, <https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter177>

Recommendation 2:

SPS should consider creating an equity and school climate team to address the stark racial disparities in its disciplinary data. This team would consist of parents, school staff, and student representatives who meet regularly to establish a self-reflection and accountability system to address racial disparities in school culture and discipline as well as to create a climate that recognizes the diverse experiences of the student body.¹⁵

Recommendation 3:

SPS should ensure that its students receive culturally responsive instruction from educators that recognize the lived experiences and unique needs of their students.

Recommendation 4:

In light of the [federal inquiry](#) into Special Education at Massachusetts Department of Elementary and Secondary Education (DESE), the City of Springfield should conduct a full and thorough audit of Springfield Public Schools Special Education department, with a focus on practices at the Public Day Schools. This audit Considering the stark disparities in discipline, this audit should review the files of all students with disabilities who have been subjected to discipline to determine whether disciplinary procedures under IDEA, namely manifestation determinations, have been taking place prior to exclusion. An in-depth review would help ensure that discipline is not being used as a primary response to behaviors caused by, or having a direct and substantial relationship to, a student's disability. This audit should also review student IEPs to ensure that each student is genuinely receiving the related services and supports that they need to achieve their social, emotional and academic goals. The results of this audit should be made publicly available by being shared with the Springfield School Committee.

¹⁵ Randy Ross, *School Climate and Equity*, National School Climate Center (Feb 2013), <https://schoolclimate.org/wp-content/uploads/2021/05/sc-brief-equity.pdf>.

SCHOOL POLICING

“At my school they check everyone, every day. They make us take off our shoes, open all our pockets... it’s triggering ‘cause it reminds me of my experience at [the Department of Youth Services], DYS”

Student enrolled in Springfield Public Schools

Finding 2.1 | Total student arrests in Springfield have declined since SY2018-2019.

In SY21-22, 15 of 25,909 students enrolled in Springfield Public Schools were arrested. This is a significant decrease from 53 of 27,302 of students arrested in SY18-19.

Note: The significant decrease in school-based arrests between SY18-19 and SY21-22 can be partly explained by the switch to remote learning during the COVID-19 pandemic.

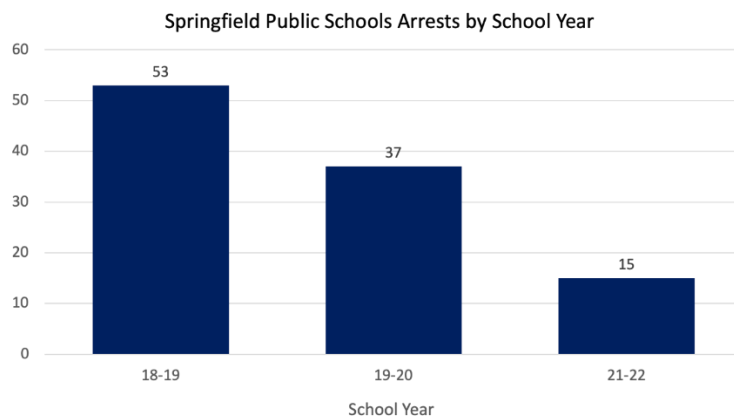


Figure 10. School arrests decreased during the two academic years impacted by COVID-19

Finding 2.2 | Total student arrests in Springfield have declined since SY2018-2019.

Black and Latine students continue to make up over 85% of student arrests in Springfield. In SY21-22, Black students made up the most arrests (7 out of 15) and 6 out of 15 arrests were of Latine students. Prior to SY21-22, Latine students made up the overwhelming majority of arrests (68% in SY19-20), though this proportion is similar to their makeup of the

SPS student population. However, Springfield has consistently been over-arresting its Black students compared with their make-up of the school population. Between 2017–2022, Black students made up 22–47% of students arrests and just 18–19% of the student population.

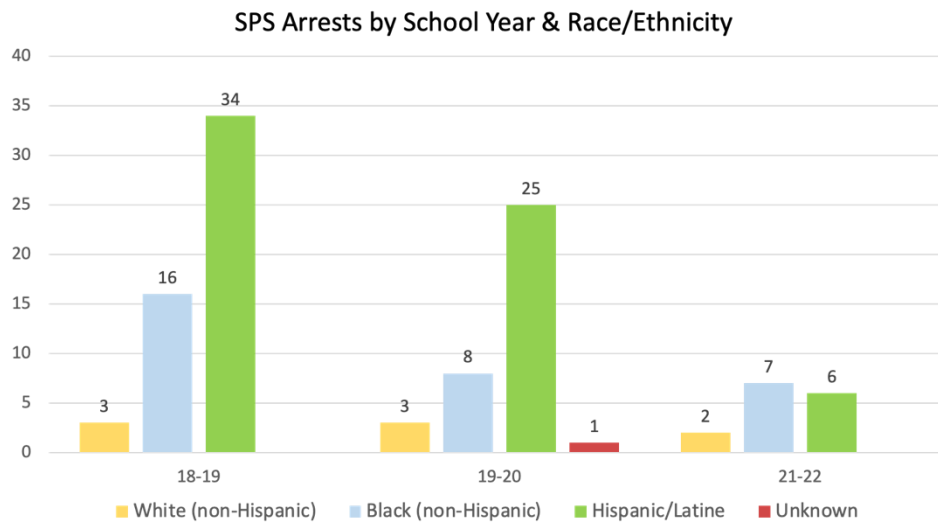


Figure 11. Race/ethnicity of arrested SPS students by school year

Finding 2.3 | SPS arrests were concentrated at Commerce High School, Sci-Tech High School, and Springfield Public Day High School, with students as young as 12 years old arrested at the Middle Schools.

Forty six percent (65 of 140) of arrests made at SPS between 2018–2022 occurred at three schools: Commerce High School (23 students), Sci-Tech High School (21 students), and Springfield Public Day High School (21 students). Springfield Public Day Middle School had the most arrests of all Springfield Public Middle Schools with 13 arrests between 2018–2022. The Public Day Schools are “alternative schools” that serve students with high needs, particularly students with disabilities. The high arrest rates at these schools and the high rate of discipline overall for SPS students with high needs indicate that such students are vulnerable to disciplinary action, including arrest in Springfield.¹⁶ This also raises a question of whether students with disabilities are not only being disciplined for behaviors

¹⁶ According to the MA Department of Elementary and Secondary Education a "student is high needs if he or she is designated as either low income (prior to 2015, and from 2022 to present), economically disadvantaged (from 2015 to 2021), EI/former EI, or a student with disabilities. A former EI student is a student not currently an EI, but had been at some point in the four previous academic years." Department of Elementary and Secondary Education, *Profiles Help – School and District Profiles*, <https://profiles.doe.mass.edu/help/data.aspx?section=students#ssdr>.

arising out of their disability despite legal protections, but if they are also being arrested and funneled into the juvenile justice system for these same behaviors.

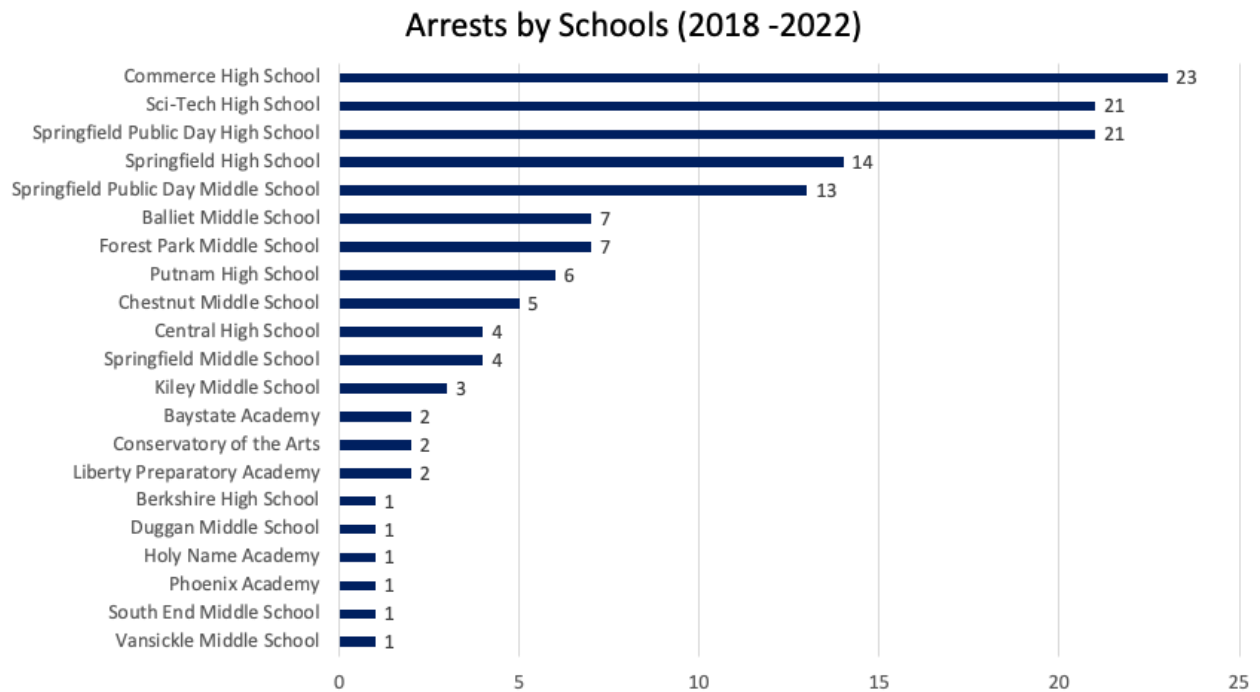


Figure 12. Commerce, Sci-Tech, and Springfield Public Day High Schools arrested the largest number of students from 2018 to 2022

The four schools with the highest arrest rates have predominantly arrested Black and Latine students. This trend is due in part to student populations with very few White students. That said, between January 2018 and April 2022, Black students in SPS accounted for 33% (46 out of 140) of those arrested despite making up less than 20% of the enrolled student population.

Arrests by School Year & Race

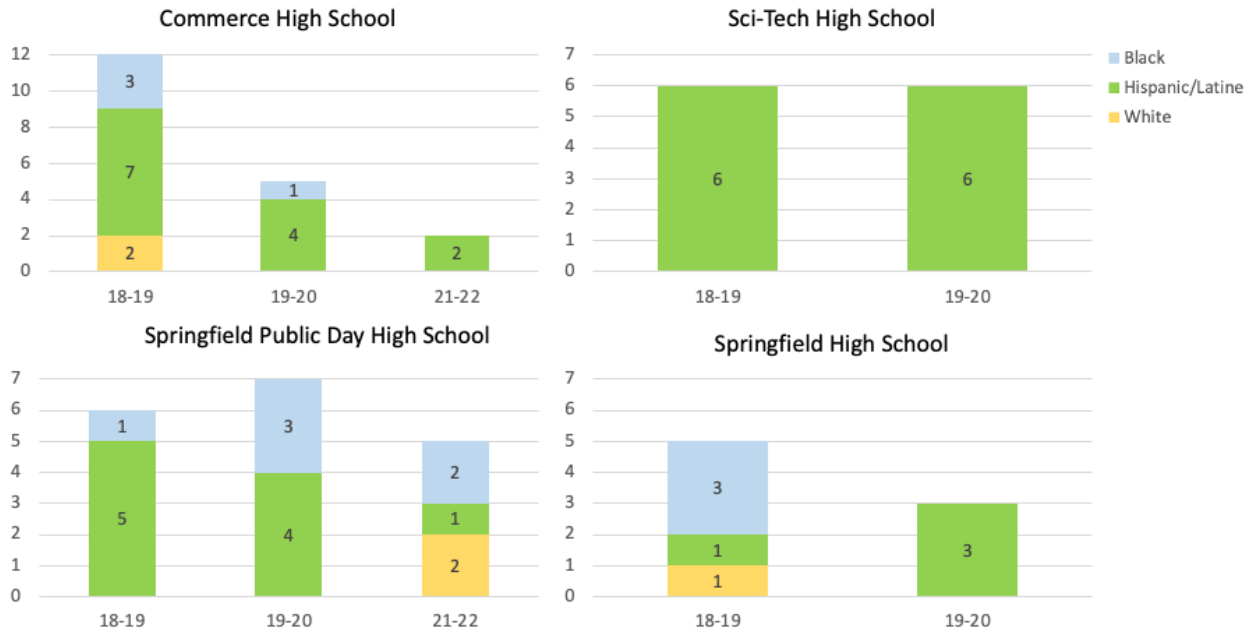


Figure 13. School arrests from some schools are only Black and Latine youth

Further, students as young as 12 years old are being arrested at SPS, with most arrests being of 13-17-year-olds (Figure 14). However, in SY21-22 no 12-year-olds were arrested.

Defendant Age at Arrest by School Year

School Year	12	13	14	15	16	17	18	18+
18-19	2	6	14	13	7	9	1	1
19-20	2	2	3	9	10	9	2	
21-22		5	1	3	3	1	1	1

Figure 14. Children as young as 12 and 13 are being arrested at Springfield schools

Finding 2.4 | Over 60% of students were arrested for multiple charges, with one student arrested on as many as 7 charges.

In Findings 2.4 and 2.5, the unit of analysis changes from arrests to charges. Though there were 140 arrests between 2018–2022, there were 323 charges with school police officers stacking multiple charges for most arrests.

53 of 140 students were arrested on 1 charge, but 73 students arrested had between 2–4 charges and 14 students arrested had **more than 5 charges**. There were 42 instances in which resisting arrest—a subjectively determined charge enforced by police—was stacked onto other arrest charges. 93% of the resisting arrest charges (39 out of 42) were against Black or Latine youth. This data supports concerns expressed by juvenile court defense attorneys that the prosecutorial practice of charge stacking—including adding charges of resisting arrest or assault and battery on a police officer—is overwhelmingly used against defendants and youth of color. Whether a defendant is resisting arrest is subjectively determined by police,¹⁷ and this charge is often used to cover up an officer’s excessive use of force and is prevalent among student arrests in Springfield.¹⁸

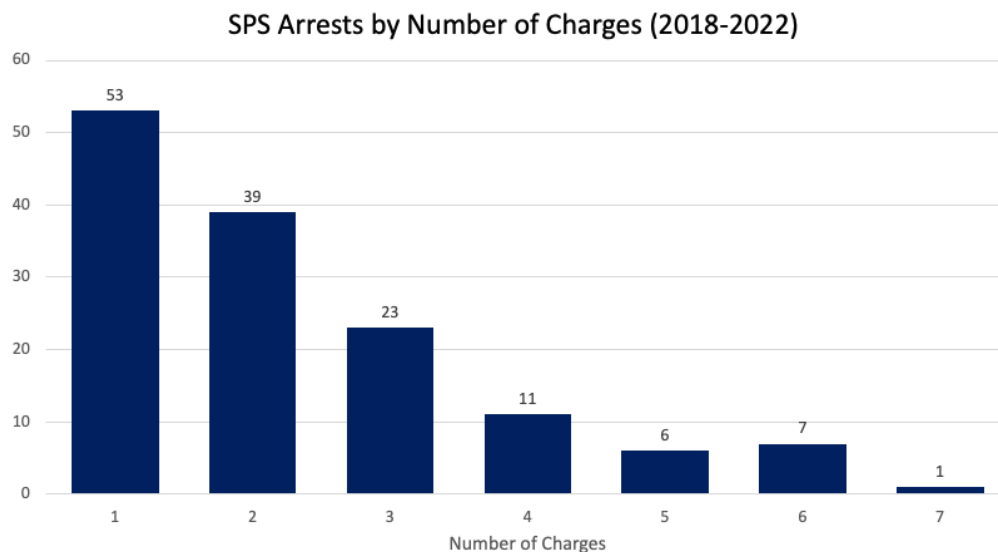


Figure 15. Most children arrested in schools face one or two delinquency charges, though some face many more.

¹⁷ Lisa Cacho and Jodi Melamed, *How Police Abuse the Charge of Resisting Arrest*, Boston Review (29 Jun 2020), <https://www.bostonreview.net/articles/lisa-cacho-jodi-melamed-resisting-arrest/>; Tara Carone, *The School to Prison Pipeline: Widespread Disparities in School Discipline Based on Race*, 24 Pub. Interest L. Rptr. 137 (2019).

¹⁸ Dara Lind, *5% of cops turn in 40% of "resisting arrest" cases*, Vox (6 Dec 2014), <https://www.vox.com/2014/12/6/7342241/police-abuse-resisting>.

Finding 2.5 | Between 2018-2022, 77% (250 of 323) of SPS arrest charges were for misdemeanor offenses; the most common charge was for Assault and Battery.

The most updated state guidelines¹⁹ for Memorandums of Understanding (MoUs) between SROs and school districts state that school administration should use their discretion to determine whether a misdemeanor offense can be handled internally or if it requires SRO intervention. In this context, where state guidance aims to limit SRO intervention to the most serious offenses, it is concerning that 77% of arrests at SPS over the last five years were made for misdemeanor offenses (Figure 16). This trend persisted through SY2021-2022 despite the new standards recommending limited SRO interventions, where 66% of arrests were for misdemeanors.

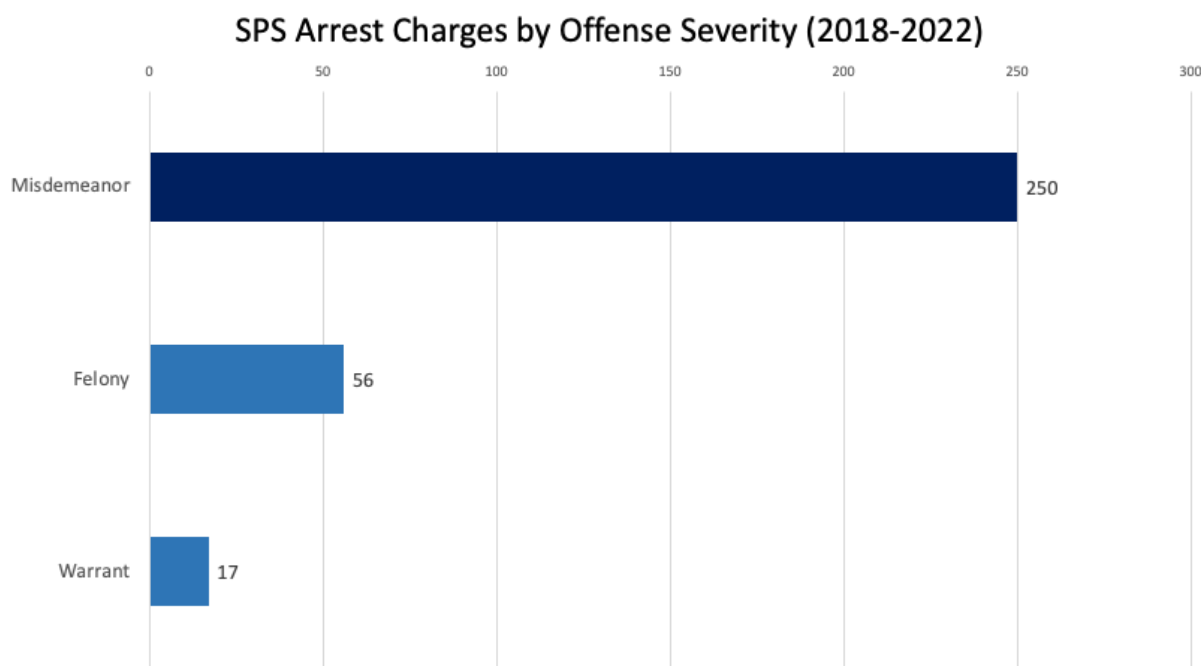


Figure 16. The large majority of children arrested at school faceonly misdemeanor charges

Figure 17 shows that 46% of total charges for student arrests were for Assault and Battery (A&B). Of these 149 charges, 120 were for misdemeanors (simple assault and assault against a public employee) and 29 were for felony offenses (assault with a dangerous weapon, assault on a police officer, assault on a family member, and assault on a disabled/elderly person). After A&B, the most common charges were for resisting arrest (42 of 323) and disturbing the peace/school disturbance (27 of 323), which are also

¹⁹ See Executive Office of Public Safety and Security (EOPSS), Model School Resource Officer Memorandum of Understanding (SRO-MoU) Review Commission, <https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission>.

misdemeanor offenses. There was one arrest of a fourteen-year-old at the start of SY18-19 that included a charge for “disturbing the public assembly.” It is important to note that the Massachusetts legislature, in the Criminal Justice Reform Act of 2018, removed this offense from being considered a delinquent offense for elementary and secondary students.²⁰

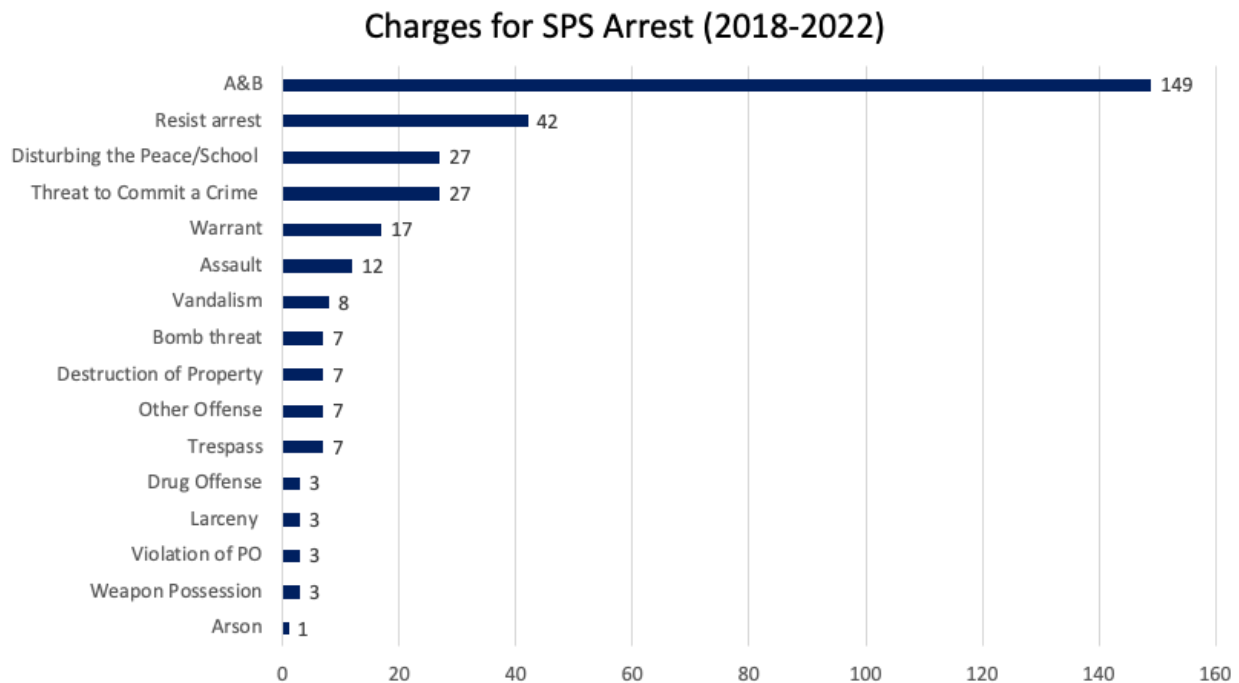


Figure 17. Assault and Battery is by far the most frequent charge stemming from SPS arrests

School District Recommendations Concerning School Policing

Recommendation 1:

Springfield should follow suit with Worcester and Boston and remove police from school settings. With full removal of police from schools as the main goal, there are feasible alternatives to ensuring school safety such as Worcester’s new school safety plan, in which police officers called School Liaison Officers (SLOs) are designated to school zones rather than stationed *inside* school buildings. They are present for arrivals and dismissals and remain on call in their designated school zone.²¹ On a National scale, many school districts have removed school resource officers from their schools including Oakland, California, San Francisco, California, Minneapolis, Minnesota and

²⁰ Mass Gen. Laws Ch. 272 § 40.

²¹ Jeff A. Chamer, *Police officers will not be in schools in new Worcester safety plan*, Telegram & Gazette (14 Dec 2021), <https://www.telegram.com/story/news/2021/12/13/police-officers-not-schools-new-worcester-safety-plan/6492539001/>.

Phoenix, Arizona,²² thereby choosing to trust social workers and psychologists, rather than police officers to work with a student experiencing a crisis.²³

Recommendation 2:

The Springfield school district should implement a restorative justice program in schools per the 2020 state guidelines for MoUs between schools and police.²⁴ We recommend that SPS not only adopt restorative justice as a model for conflict resolution, but also adopt restorative practices²⁵ into their curriculum to establish a restorative school culture. SPS should take advantage of live and virtual restorative justice and restorative practices trainings²⁶ offered for school staff. SROs must also be included in this training to ensure that all staff who interact with students follow a restorative approach to discipline. Other holistic alternatives to punitive school discipline include expanding the use of tiered therapeutic responses to misbehavior, embracing district-wide Positive Behavioral Interventions and Supports (PBIS), and building quality afterschool and summer programs.²⁷ DESE has provided guidance for the implementation of the law.²⁸

²² Samuel Getachew, *Oakland Eliminated its School Police Force – So What Happens Now?*, KQED (11 Mar 2021), <https://www.kqed.org/arts/13893831/oakland-eliminated-its-school-police-force-so-what-happens-now>; San Francisco Unified School District Votes to Remove Police From City’s Public Schools, CBS San Francisco (24 Jun 2020), <https://www.cbsnews.com/sanfrancisco/news/san-francisco-unified-school-district-votes-to-eliminate-police-from-citys-public-schools/>; Callan Gray, *Minneapolis Public Schools face pushback as it considers alternative school resource officers*, KSTP-TV (22 Jul 2020), <https://kstp.com/kstp-news/top-news/minneapolis-public-schools-face-pushback-as-it-considers-alternative-to-school-resource-officers/>; Rocio Hernandez and Steve Goldstein, *Phoenix Union High School District Won’t Have School Resource*

Officers for New Academic Year, KJZZ (8 Jul 2020), <https://kjzz.org/content/1598916/phoenix-union-high-school-district-wont-have-school-resource-officers-new-academic>.

²³ *Denver Public Schools Begins New Year Without School Resource Officers*, CBS Colorado, (16 Sep 2021), <https://www.cbsnews.com/colorado/news/denver-public-schools-resource-officers-2/>.

²⁴ See Mass. Gen. Laws ch. 71 § 37P.

²⁵ Restorative practices “is a field within the social sciences that studies how to strengthen relationships between individuals as well as social connections within communities.” International Institute for Restorative Practices, *Restorative Practices: Explained*, <https://www.iirp.edu/restorative-practices/explained#:~:text=Restorative%20practices%20is%20a%20field,as%20social%20connections%20within%20communities>.

²⁶ Institute for Restorative Initiatives, *Open Enrollment Page*, <http://www.instituteforrestorativeinitiatives.org/trainings-and-programs.html>.

²⁷ Center on Positive Behavioral Interventions and Supports, *What is PBIS* (2022), <https://www.pbis.org/pbis/what-is-pbis>.

²⁸ Massachusetts DESE, Chapter 177 of the Acts of 2022: An Act Addressing Barriers to Care for Mental Health: Brief Summary of Select Key Components of Interest to School Districts, available at <https://www.doe.mass.edu/sfs/mental-wellness/2022-chapter177.html>

Recommendation 3:

SPS should create a supervisory program for students with disabilities to assist administrators in better handling situations that do not require police intervention.

Recommendation 4:

A full and thorough audit of Springfield Public Schools Special Education department should be conducted and include a review of the files of all students with disabilities to determine the level and frequency of school-based arrests for behaviors that have a direct and substantial relationship to the student's disabilities. This review should also query whether parts of the student's IEP, such as Behavior Intervention Plans that set forth best practices for addressing the student's conduct, were followed prior to SRO intervention.

School Staff and Resource Officer Recommendations Concerning School Policing

Recommendation 5:

All school personnel (administrators, teachers and support staff) should be trained on the provisions of School Resource Officer Memorandum of Understanding as required under the state and district SRO MoU's. Both of these documents state that "At least annually, it shall be the responsibility of the District to provide training and information to educators and other school staff on the distinct roles of school administration and SROs in addressing student conduct.²⁹ Given district data, this training should have a strong emphasis on the "Rules and Responsibilities" section of the MoU which uplifts the standard in state law³⁰ establishing that SROs "shall not (i) serve as school disciplinarian, enforcer of school regulations, or in place of licensed school psychologists, psychiatrists, or counselors; or (ii) use police powers to address traditional school discipline issues, including non-violent disruptive behavior."

Recommendation 6:

SPS should consider alternative methods for addressing distracting classroom behaviors and to ensure safety on school grounds that would lead to less police presence and reliance on police.

²⁹ See Section III, Rules and Responsibilities, Model School Resource Officer Memorandum of Understanding, <https://www.mass.gov/doc/2022-school-resource-officer-memorandum-of-understanding/download>; and Section II, SPS and SPD School Resource Officer Memorandum of Understanding.

³⁰ MGL c. 71 §37P(b).

Recommendation 7:

Action must be taken to diminish high arrest rates at specific schools, which impact predominately students of color, students with disabilities, and students with previous court-involvement.

Recommendation 8:

SRO training should educate officers on indicators of emotional disability in young students and on resources and services that can be called upon to help students rather than making an arrest and bringing the student into the prison system. School administrators need to consider the consequences on these student lives when students with disabilities are arrested at a young age and consider other routes to remove distractions from the classroom or ensure safety on school grounds that would lead to less police presence and reliance on police.

AN ANALYSIS OF THE 2023 MEMORANDUM OF UNDERSTANDING BETWEEN SPD AND SPS THAT DEFINES THE CONTOURS OF SCHOOL POLICING

The Massachusetts Legislature mandated that municipalities with school resource officers (i.e., police officers in schools) put in place a memorandum of understanding (MoU) between the police and school departments. As envisioned in the law,³¹ EOPSS and DESE convened a committee in 2022 to develop a state model MoU.³² The model MoU was developed “as **the minimum requirement** for schools to formalize and clarify implementation of the partnership between the school and the school resource officer.”³³ Accordingly, the Springfield MoU should include as a minimum the standards in the state model, but Springfield’s MoU is lacking in several areas. This section highlights critical inconsistencies between the 2023 Springfield MoU and the state model; a more detailed analysis of the MoU is available upon request.

Springfield updated its MoU between SPD and SPS,³⁴ releasing news of the updated version in June 2023. CfJJ obtained a copy of this MoU and reviewed and analyzed the to determine compliance with the 2022 School Resource Officer model Memorandum of

³¹ Massachusetts General Law, c. 71 § 37P, as amended by Section 79 of chapter 253 of the Acts of 2020.

³² Executive Office of Public Safety and Security (EOPSS), Model School Resource Officer Memorandum of Understanding (SRO-MoU) Review Commission, <https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission>.

³³ Massachusetts General Law c. 71 § 37P.

³⁴ Aprell M. Munford, *Springfield renews agreement guiding use of police officers in schools*, MassLive (27 June 2023), <https://www.masslive.com/education/2023/06/springfield-renews-agreement-guiding-use-of-police-officers-in-schools.html>

Understanding, which is mandated for all districts utilizing SROs by section 37P of chapter 71 of the General Laws, as amended by Section 79 of chapter 253 of the Acts of 2020. The model MoU developed pursuant to this statute can be found online at a [state website](#).³⁵

The 2023 MoU address some concerns with the previous MoU, though **there remain areas where the 2023 MoU still does not comply with the state’s minimum standards**. The new Springfield MoU either omits key language and/or fails to meet the minimum standard required by statute on a range of issues, as described here.

Finding 3.1 | Springfield’s MoU lacks the safeguards regulating school arrests provided in the state model MoU.

Unlike the state model MoU, the Springfield MoU does not include language that would minimize the amount of time students are unnecessarily removed from classrooms as a goal of the program. The Springfield MoU also states that alternative responses to student mental health emergencies “may” be appropriate to address these issues, which weakens the requirement that school nurses, counselors and psychologists act as primary responders in those cases.

One positive addition to the Springfield MoU is a requirement that Miranda Rights be provided in the presence of a parent, guardian, or interested adult. This is consistent with the theme of the paragraph and a positive step towards providing students’ rights. However, the same paragraph omits a phrase from the model that designates summons as the preferred method to bring juveniles to court and includes an exception to the parental presence rule “in situations involving a direct and imminent threat to a student, school personnel, administrator or public safety.” These omissions give too much latitude to SROs in the context of school arrests.

Finding 3.2 | Springfield’s 2023 MoU is missing key requirements for school resource officer (SRO) selection and annual review.

The state’s model MoU includes language that requires the Chief of Police to consider input from groups representing teachers, parents, and students as well as the superintendent when assigning an SRO to a school community. Springfield’s MoU, however, does not include this language, and thus does not have a built-in mechanism for the community to be involved in the selection process. Additionally, while the state model features a provision to address potential conflicts of interest with SRO assignments, such

³⁵ See Massachusetts Government, School Resource Officer Model Memorandum of Understanding: <https://www.mass.gov/doc/2022-school-resource-officer-memorandum-of-understanding/download>

as familial relations between SROs and students, the Springfield MoU omits this provision. As such, the Springfield MoU does not maintain the measures against conflicts of interest provided by the state model MoU.

Regarding annual review of SROs, the Springfield MoU omits language from the state model MoU that requires the Chief of Police to consider and attempt to address concerns raised in the annual review process. The provision of the Springfield MoU also omits the requirement that the Chief of Police write an explanation if they choose to maintain an officer's assignment despite contrary recommendation from the superintendent. This further limits community involvement in the selection process and decreases the scope of background checks required by officers seeking SRO assignments.

Finding 3.3 | Springfield's MoU lacks state-required processes for incorporating SROs into school environments.

The Springfield MoU also presents concerns for incorporating SROs in school environments. For instance, where the state model MoU includes a provision requiring schools to notify and receive permission from a parent or guardian when an SRO seeks to access a student's IEP or 504 Plan, the Springfield MoU does not have this language. Nor does the Springfield MoU contain language that requires schools to provide SROs with staff members who can help them understand IEP and 504 Plans. This omission compromises privacy for students who have IEPs or 504 Plans, and it also takes away a valuable tool for SROs to understand these students' needs.

In addition, the Springfield MoU lacks a provision found in the state model MoU that encourages collaboration with the school community to determine logistics for community meetings with the SRO and determine how community stakeholders can submit questions and feedback on the SRO's performance. Also omitted is a clause that requires non-English-speaking parents to receive written instruction on what an SRO's role is and how to communicate with an SRO, which hinders the extent to which these parents can interact with the SRO. And, unlike the state model which requires SROs to initiate communications about school climate with school community members, there is no requirement for this kind of community engagement in the Springfield MoU. As a result, the Springfield MoU is inconsistent with the state model regarding community engagement.

Finding 3.4 | Springfield's MoU lacks the complaint system required by the state's model MoU.

The Springfield MoU also concerningly omits important language guiding the network between schools and police departments regarding complaints. Specifically, the

Springfield MoU does not contain language allowing parents and guardians to submit anonymous complaints, nor does it have a provision requiring the district to notify parents, guardians, students, and teachers about the complaint resolution system. The lack of a notification requirement and an anonymous complaint system could make it much harder for parents and guardians to access an important tool for assessing program efficacy and ensuring SROs are held accountable.

Recommendations concerning Springfield’s MoU between schools and police

Recommendation 1:

Springfield Police Department and Springfield Public School must update their joint MoU to align with state guidelines as described above. Specifically, a new MoU should include the following:

- 1) the guiding principle for responding to student behaviors, including the goal to minimize time spent outside of the classroom³⁶ and to utilize school nurses, psychologists, and social workers before resorting to the SRO;³⁷
- 2) the provision allowing community engagement in the SRO selection process,³⁸ as well as the provision requiring the Chief to address community input;³⁹
- 3) the provision to ensure disclosure of potential conflicts of interest the SRO may have;⁴⁰
- 4) the new language on information sharing with regard to IEPs or 504 plans,⁴¹
- 5) the provision requiring SROs to work with the community to develop a system for feedback after selection, and;⁴²
- 6) the provisions requiring an anonymous complaint system that parents and guardians receive notification of at the beginning of every school year.⁴³

Recommendation 2:

Once a new MoU is in place, both SPS and SPD should ensure its implementation, and ensure accountability for upholding the new standards. SPS must not only update their MoU, but they must ensure that schools are implementing the MoU. The school

³⁶ Exec. Off. Of Pub. Safety & Security, 2022 School Resource Officer Memorandum of Understanding 1 (2022).

³⁷ *Id.* at 3.

³⁸ *Id.* at 4.

³⁹ *Id.* at 5.

⁴⁰ *Id.* at 4.

⁴¹ *Id.* at 6.

⁴² *Id.* at 5.

⁴³ *Id.* at 10.

department and individual schools must be held accountable for implementing and upholding the new standards.

Springfield School Committee Recommendations Concerning Springfield's MoU Between Schools and Police

Recommendation 3:

The Springfield School Committee should regularly monitor the performance of School Resource Officers in SPS, including periodic reviews of data and monitoring compliance of school administrators, educators and SROs with the terms and conditions of the SRO MoU. These periodic reviews should be in addition to the mandatory annual review required by both the state Model MoU and the MoU between SPS and SPD. The School Committee is also reminded of the requirement that the Superintendent of schools to annually report to both DESE and the school committee: "(i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and court referrals made in the previous year disaggregated as required by the department of elementary and secondary education."⁴⁴

SCHOOL CLIMATE

"Currently there's no balance. We understand the teachers' and the administrations' perspective on safety and security, but they don't understand us."

Student enrolled in Springfield Public Schools

The below findings were reached after holding two separate group discussions with youth who attend or recently graduated from SPS. In total, we spoke with 17 current students or recent graduates from nine different schools in Springfield, including five high schools,⁴⁵ two middle schools,⁴⁶ and two charter schools.⁴⁷

⁴⁴ Chapter 253 of the Acts of 2020, Section 79(d). An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.

<https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253>.

⁴⁵ Putnam, Springfield Honors Academy, High School of Commerce, Springfield High School, and High School of Science and Technology.

⁴⁶ Duggan Academy and Renaissance School.

Finding 4.1 | Conversations with Springfield students suggest that they cannot identify noticeable benefits, yet they can identify noticeable harms, from SRO presence in their schools.

Students enrolled in Springfield schools shared their thoughts and feelings regarding police officers, metal detectors, and other similar security measures at schools. Students from at least five of the nine represented Springfield schools reported that they felt SROs were “not necessary,” an annoyance, and were frequently “nowhere to be found” when safety incidents did occur.⁴⁸ A student representing a sixth Springfield school described their presence as “triggering.”⁴⁹ When discussing how they believed these incidents should be addressed, many students mentioned better trained administrators, and one explicitly indicated they “don’t want a policeman touching” them.

Even more concerning, although students struggled to identify the positive aspects of SRO presence, many were able to identify instances of harmful behavior, including:

- Use of pepper spray without first attempting de-escalation tactics,
- Inappropriate behavior by officers towards female students, and
- Use of discriminatory or targeted searching and policing practices.⁵⁰

The concerns raised about inappropriate behavior by officers toward female students are supported by research that SROs are “significantly more likely” than other police to be arrested for sex-related offenses, and that the most common reason SROs get arrested is sex-related crimes victimizing female students.⁵¹

⁴⁷ Hampden Charter School of Science and Springfield International Charter School.

⁴⁸ The six schools referenced here are: Hampden Charter, Putnam High School, Springfield High School, Springfield High School of Science and Technology, Springfield Honors Academy.

⁴⁹ This student was enrolled in an alternative Completion Program in Springfield High School.

⁵⁰ For example, some students in Putnam and Sci-Tech High said SROs in their school conduct “random searches” of students entering the building, but they frequently select the same students or make selections based on regular attire (such as hoodies, bandanas, and bonnets) that they perceive as “suspicious”.

⁵¹ Philip Matthew Stinson & Adam M. Watkins, *The Nature of Crime by School Resource Officers: Implications for SRO Programs* 6 (2014), available at: <https://journals.sagepub.com/doi/pdf/10.1177/2158244014521821>. See also “Groups Find Police Presence in Schools Contribute to Sexual Violence.” October 19, 2023: https://www.einnews.com/pr_news/662983484/groups-find-police-presence-in-schools-contributes-to-sexual-violence

Despite these anecdotal findings, hiring SROs and implementing the use of metal detectors appear to be common responses to chronic disciplinary issues at SPS.⁵² Citizens for Juvenile Justice published a report titled *“Metal Detectors: Security Theater, Not Safer Schools”* addressing the use of metal to highlight how, overall, “research shows a lack of evidence that metal detectors increase school safety or decrease school violence”.⁵³

Finding 4.2 | Security measures such as SRO presence, use of metal detectors, and bag searches likely have a disproportionately negative mental health impact on students who have had previous juvenile court involvement and students with disabilities.

Although most students seemed to view SRO policing practices as either annoying or ineffective, one student reported that the search practices implemented by SROs at his school were so thorough and invasive that they reminded him of his experience in the Department of Youth Services (DYS), thereby triggering significant anxiety upon entering school grounds.

In addition, some students expressed concern that, based on their experiences, high discipline rates might in part be caused by a “misunderstanding of students’ neurodivergence” and mental health needs. Given the behavioral and mental-health needs of many court-involved youth, it is likely that security measures involving police searches and the use of metal detectors could have a significantly negative impact on court-involved youth.

While the discussions represent a relatively small subset of Springfield Public School students, students expressed that discipline and policing practices at their schools negatively impact them and their peers. Moreover, their individual experiences corroborate

⁵² At least three students reported that their schools began using metal detectors as a response to either increased student vaping at school or an individual safety concern involving potential use of a weapon at school; see also, Peter Piazza, *#PoliceFreeSchools in Springfield, MA*, Center for Education and Civil Rights at Penn State (23 Jul 2020), <https://sdnotebook.com/2020/07/23/policefreeschools-in-springfield-ma/>; Kristin Burnell, Photojournalist: Jeremy Fair, Ryan Trowbridge and Abigail Murillo Villacorta, *Springfield officials holds meeting on the effectiveness of metal detectors in city schools*, Western Mass News (8 Feb. 2023), <https://www.westernmassnews.com/2023/02/08/springfield-officials-receive-update-metal-detectors-schools/>.

⁵³ Leon Smith, Tonneia Lyles and David Saperstone, *Metal Detectors: “Security Theater,” Not Safer Schools*, Citizens for Juvenile Justice, <https://www.cfjj.org/metal-detectors>.

studies in the field of education that highlight the stigma and deviance amplification⁵⁴ that results from exclusionary disciplinary policies and school-based police intervention.⁵⁵

Finding 4.3 | Springfield students report a general lack of trust of adults in their school community, including SROs, teachers, assistant principals, and other administrators.

While discussing the behavior of SROs in schools, students from the two schools with the most representation at these group-setting conversations noted a dearth of trusted adults at their school. This lack of trust seems to stem from a series of experiences wherein adults in their school did not consistently act in their best interests. Examples of experiences that they said eroded their trust in the school community include:

- Racially and sexually discriminatory disciplinary practices,
- Use of slurs and other racially discriminatory comments,
- Failure to properly address inappropriate behavior, including sexual misconduct, by teachers, and
- Implementation of video surveillance in partnership with police without prior meaningful community consultation.

The representations of these students speak volumes, especially in light of research establishing that SRO presence in schools has a negative, rather than an often assumed positive, impact on school climate and student trust within the school community. “A 2020 study found that school police placement led to increased reliance on surveillance, unreasonable search and seizure, inappropriate sharing of confidential information, activities to develop student informants in the school, and an emphasis on formal controls that create an environment of fear and distrust, reduced the perceived legitimacy of police, weakened the school’s sense of community, and diminished students’ willingness to confide in school staff when they are experiencing problems.”⁵⁶

This final example is in reference to the *Interdepartmental Agreement between Springfield Public Schools and the Springfield Police Department* which was entered into in April 2021

⁵⁴ “Deviance amplification” refers to “the developmental process through which sanctions increase future offending patterns”. Thomas J. Mowen, John J. Brent, and John H. Boman, IV, *The Effect of School Discipline on Offending across Time*, Justice Quarterly (12 Jul 2019).

⁵⁵ *Id*; Thalia González, Alexis Etow, and Cesar De la Vega, *A Health Justice Response to School Discipline and Policing*, American University Law Review, Vol. 71.5 (2022) (“For students who have disabilities, especially those with intersectional identities, the impact of school discipline and policing is amplified.”).

⁵⁶ Gottfredson DC, Crosse S, Tang Z, et al. *Effects of school resource officers on school crime and responses to school crime*. Criminology and Public Policy, 19(3): 1-36 (2020).

that covers security cameras in the schools.⁵⁷ This agreement was reached after only a single School Committee hearing where the agreement was proposed, discussed, and approved, and parents had no input on the agreement's language.⁵⁸ As noted by Denise Hurst, a School Committee member who voted against the agreement, this decision "needs to be reconsidered because it 'further erodes trust' the community has in the police force, and could lead to a higher arrest rate for juveniles of color."⁵⁹

Recommendations Concerning School Climate

Recommendation 1:

To foster school climates that are attentive to students' physical safety and mental well-being, schools should invest in non-punitive responses to address chronic disciplinary issues such as vaping in school.

Recommendation 2:

Schools should explore and implement a method by which students and their families can submit regular feedback mechanism for students and families to express concerns regarding school culture and ways to improve it. Schools must ensure that any complaint procedures are (1) accessible to students and their families, that (2) schools respond to these complaints and, (3) school are transparent about the steps taken to address concerns that are raised. This input can help locate parental and community voice as being central to school climate and student well-being.

Recommendation 3:

SPS should end, and in the future refrain from implementing, security and surveillance practices that give police unrestricted access to the collected school data.

Recommendation 4:

Schools must implement appropriate de-escalation strategies by ensuring administrators, counselors, and behavioral therapists are staffed and well-trained

⁵⁷ Pranshu Verma, *Read the surveillance agreement between Springfield Public Schools and the Springfield Police Department*, The Boston Globe (13 July 2021), <https://www.bostonglobe.com/2021/07/13/business/read-surveillance-agreement-between-springfield-public-schools-springfield-police-department/>.

⁵⁸ Pranshu Verma, *'I don't want the police involved in my kids' education': A fight brews over video surveillance of students in Western Mass.*, The Boston Globe (13 July 2021), <https://www.bostonglobe.com/2021/07/13/business/i-dont-want-police-involved-my-kids-education-fight-brews-over-video-surveillance-students-western-mass/>.

⁵⁹ *Id.*

to handle situations that could be worsened by punitive responses or police presence.

TREATMENT OF COURT-INVOLVED YOUTH BY SPRINGFIELD PUBLIC SCHOOLS

Finding 5.1 | SPS creates barriers to enrollment for previously committed students, funneling them into the district's alternative schools.

[Section 37L of chapter 71 of the General Laws](#) requires students “transferring into a local system” to provide the “new school system with a complete *school record*” (emphasis added). This section further provides that school records “shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.” That being said, nothing in the law suggests that students are required to provide records regarding juvenile court involvement, and this information, governed by M.G.L 119 § 60A, is presumably outside of the scope of a “school record.”

Despite growing efforts to ensure youth in DYS custody obtain a high school diploma or its equivalent, for at least the last five years, SPS inappropriately requires students attempting to enroll (or re-enroll) in school to fill out a “pre-registration” form that includes questions about their juvenile court involvement, including arrests, before enrolling or registering them in a new school.⁶⁰ Juvenile court records are confidential and SPS’s request for this confidential information as a prerequisite for enrollment is against the spirit of the confidentiality laws of the juvenile court.⁶¹ While these forms were once accessible to the public, SPS only allows access to the document in the middle of the registration process. CfJJ received recent reports of the paper form still being presented and required when a young person and/or parent comes to the enrollment center.

⁶⁰ The SPS pre-registration form directly cites language from M.G.L. 71 § 37L at the end of the “Record Release” section, which also includes a detailed list of documents that SPS requires for registration as part of the student's complete school record. However, SPS further mirrors the statutory language in a subsequent section titled “Other Information,” thereby suggesting they are requesting records that are potentially not captured in the school records that the parent or guardian just authorized for release. Under this section, the pre-registration form asks: “Does the student have a record of any incidents involving suspension, or violation of criminal acts or any incident reports in which your student was charged with any suspended act?”. By requesting that parents provide other information (separate from that which will already be acquired through the release of school records) involving “suspension, or violation of criminal acts or any incident reports,” SPS is essentially requesting that parents provide a much broader set of records than those required by law.

⁶¹ “All other records of the court in cases of delinquency arising under sections fifty-two to fifty-nine, inclusive, shall be withheld from public inspection except with the consent of a justice of such court.” see M.G.L 119 § 60A.

Furthermore, there are reports that SPS uses the information obtained through the forms to funnel children with past juvenile court involvement in its alternative schools. Children with prior juvenile court involvement are flagged to the 'Students of Concern Committee' and presented with contracts that ask them to consent to an evaluation by the Student of Concern Committee. Due to the heightened scrutiny at the time of re-enrollment, students with juvenile court records can experience significant delays to their re-enrollment, and are often funneled into the alternative school program.

The statutory language used in SPS's pre-registration form is meant to apply to "students transferring into a local system," meaning SPS's process appears to misapply the law and is merely adding a barrier for students who were enrolled in SPS prior to DYS custody.

Recommendations Concerning Enrollment of Court-Involved Youth in a New School

Recommendation 1:

SPS should cease the practice of asking parents to supplement a student's complete school record with other records or information of "any incidents involving suspension, or violation of criminal acts or any incident reports in which [the] student was charged with any suspended act." A student's past juvenile court involvement are confidential records.

Recommendation 2:

SPS should not use the same process created for students transferring from a different school district to register students previously committed to DYS, because those students should remain SPS enrolled students even during their time in state custody.

Acknowledgments

This report was written by Citizens for Juvenile Justice staff. This brief was drafted by Joshua Dankoff, CfJJ Director of Strategic Initiatives and Sarah Shepley. Leon Smith contributed the analysis of the MoU, and Raquel Maldonado Navarro assisted in research and drafting. Some research findings draw from BU Spark! student inputs.

Citizens for Juvenile Justice

Founded in 1994, Citizens for Juvenile Justice (CfJJ) is the only independent, non-profit, statewide organization working to improve the juvenile justice system in Massachusetts. As an independent research and policy organization, we are uniquely positioned to understand and advocate for the whole system – Juvenile Justice and the other child- and youth-serving systems that often feed into juvenile justice. We don't represent individual juvenile clients. Instead, we try to change the way the entire system operates. We advocate for smart policies that prevent crime, help youth develop into responsible adults, and use resources wisely. Our work includes advocacy with the legislature and the executive agencies, research, convening and coalition building, public education and media outreach.

CfJJ's mission is to advocate for statewide systemic reform that achieves equitable youth justice. This includes fair and effective systems that promote positive development and successful outcomes for young people. CfJJ works to ensure that Massachusetts includes kids in the juvenile system who are currently consigned to the adult system, keeps kids out of the juvenile system who don't belong there, and treats youth who are in the system fairly and effectively. Our goal is to ensure not just a fair and effective juvenile justice system, but fair and developmentally appropriate child-serving systems that prevent vulnerable youth from entering the juvenile justice system.



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