

STATE OF CONNECTICUT,
OFFICE OF THE CHILD ADVOCATE
165 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106



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Child Advocate

June 22, 2022

VIA E-MAIL DELIVERY

Thomas Moore, Superintendent
West Hartford Public Schools
50 South Main Street
West Hartford, CT 06450

RE: Findings and Recommendations Letter: West Hartford Public Schools & Use of Exclusionary Discipline With Younger Students

Dear Superintendent Moore:

The Office of the Child Advocate (“OCA”) is an independent government agency that is statutorily required to “evaluate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state.”¹ Concurrently, OCA is required to “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.”²

Following the OCA’s 2020 investigative report regarding Waterbury Public Schools’ utilization of 911 to respond to behavioral concerns of younger students, the OCA has continued to monitor student discipline practices and school-based arrests of younger students (students aged 12 and under) throughout the state. OCA regularly examines school-based arrest data produced by the Connecticut Judicial Branch Court Support Services Division (CSSD), which data indicated that during the 2019-20 school year, in West Hartford there were seven (7) arrests of students aged 12 and under, one of the highest numbers of arrests of students this age in the state.³ All of these children are Black, Hispanic or bi-racial. The majority of students arrested in West Hartford that school year were Black or Hispanic.⁴

¹ See Conn. Gen. Stat. § 46a-13/.

² Id.

³ Waterbury Public Schools led all districts in the number of school-based arrests of children aged 12 and under.

⁴ 2019-20 School Based Arrest data produced by CSSD.

The OCA is providing this Findings and Recommendations Letter (“Letter”) to West Hartford Public Schools (the “District”) following OCA’s subsequent review of the District’s use of exclusionary discipline and school-based or school-related arrests of younger students, and the disproportionate impact of these practices on students of color and students with disabilities.⁵ The OCA appreciates the District’s responsiveness to OCA’s review which included the District’s dissemination to and discussion with OCA about a number of curricular and professional development initiatives involving equity matters and Social Emotional Learning.

The OCA concludes that District data demonstrates that for successive school years 2018-19 and 2019-20, there was a disproportionate impact of student discipline on the District’s students of color and students with disabilities, particularly marked for *middle school age students*. This conclusion is echoed by the Connecticut State Department of Education (“CSDE”) classification of West Hartford as a **Tier 3 district**, namely a district in need of greater support and technical assistance to address CSDE’s determination of “consistently high disproportionality” in student discipline within a district.⁶ The OCA has also concluded that West Hartford Public Schools has put several positive initiatives into place to promote educational equity and cultural competency throughout its schools, and that data reviewed by OCA demonstrates no arrests of students age 12 and under during the 2021-22 school year, to date - a positive change from the 2019-20 school year.

To help address the persistent disproportionality in student discipline the OCA recommends that the District consider technical support to further bolster its equitable student engagement efforts and ensure that its approach to student correction and exclusionary discipline is part of a data-driven,

⁵ In October of 2021, the OCA began a systemic review of exclusionary discipline practices and school-based arrests of younger student across the state. The OCA continues to monitor exclusionary discipline practices and school-based arrests of younger children across the state.

⁶ 2020-21 Report on Student Discipline in Connecticut Public Schools. See also *District Tiers Based on Suspension/Expulsion Data* found on the web at: <https://edsight.ct.gov/SASStoredProcess/guest?year=Trend&tier=Tier+3&orgdistrict=&program=%2FCTDOE%2FEdSight%2FRelease%2FReporting%2FPublic%2FReports%2FStoredProcesses%2FDisciplineTiersReport&select=Submit>.

Per State Department of Education:

As part of the settlement of *Alicia B. vs. Malloy*, district tiers based on suspension/expulsion data have been established to identify disproportionality in exclusionary discipline for students of color.

The primary metric used for placing districts into tiers with meaningful disparities in regard to rates of suspensions/expulsions and racial disparities in such punishments is the “Suspension/Expulsion Rate”. This is the percentage of students receiving at least one in-school suspension, out-of-school suspension, or expulsion during the school year. In addition to looking at the absolute suspension rate of all students and the primary race/ethnic groups (i.e., black, Hispanic, and white students), a relative risk index (RRI) is also calculated for black and Hispanic students relative to white students. RRI is a measure of disproportionality. It tells us how many times more likely black or Hispanic students are to be suspended/expelled relative to white students.

Districts are grouped into tiers based on the following criteria:

- Tier 4 - Consistently High Suspension Rates (may also have high disproportionality): Overall, black, or Hispanic suspension rate $\geq 15\%$ in 2 recent years.
- Tier 3 - Consistently High Disproportionality: Not in Tier 4 AND either black or Hispanic RRI ≥ 3 in 2 recent years.
- Tier 2 - Consistently Medium Disproportionality: Not in Tiers 4 or 3 AND either black or Hispanic RRI ≥ 2 in 2 recent years.
- Tier 1 - Low Suspension Rate/Disproportionality: All other districts.

Source:

<https://edsight.ct.gov/relatedreports/Methodology%20for%20Identifying%20Districts%20for%20Tiered%20Support%20Based%20on%20Suspension%20Data.pdf>

comprehensive, and publicly accountable Multi-Tiered System of Support for students and staff. The OCA also recommends that progress towards equitable discipline and strategic service delivery be regularly reviewed with the Board of Education. The details of the OCA’s review, methodology and recommendations are contained in this Findings Letter and copied to the State Department of Education. We appreciate the District’s cooperation with OCA’s review.

METHODOLOGY

The OCA engaged in the following activities:

- Review of cumulative data and documents from the Connecticut State Department of Education;
- Review of cumulative data and child-specific records from the Judicial Branch Court Support Services Division;
- Review of information submitted by the District;
- Review of police reports submitted by the West Hartford Police Department;
- Consultation with experts regarding school-based mental health and diversion initiatives;
- Review of research regarding best practices for school-based mental health and diversion initiatives;
- Discussion with the Connecticut Judicial Branch Court Support Services Division; and
- Discussions with West Hartford Public Schools officials.

SYSTEMIC REVIEW

The OCA’s initial examination of data from the Connecticut State Department of Education (“CSDE”) and Connecticut Judicial Branch Court Support Services Division (“CSSD”) raised preliminary concerns about the District’s practices and protocols with respect to student sanctions and racial disproportionality with middle school aged students.

Suspensions

Data from the CSDE for the 2018-2019 school year, which was the last full in-person school year prior to the COVID-19 pandemic shows the following regarding suspensions for younger students:

1. The district-wide rate of school suspension for White students (Kindergarten through twelfth grade) was 2.4%, while the rate of suspension for Black and Hispanic students was 8.9% and 8.5% respectively.
2. The suspension rate for Black and Hispanic students at Sedgwick Middle School in West Hartford was 35.4% and 23.8% respectively, and the rate of suspension for White students was 9.4%.
3. The suspension rate for students receiving special education services at Sedgwick Middle school was 30.9%.

In response to those numbers, the District asserted to OCA that it was aware of the higher suspension rates for Black and Hispanic students throughout the District and that it was equally concerned. The District indicated it had “increased its diversity, equity, and inclusion efforts not only at Sedgwick, but district-wide” while noting that it “has an obligation to maintain the safety of its public schools for all students, which at times requires the imposition of discipline for students who violate school policy

and/or the law.”⁷ The District also stressed that its overall suspension rate for students in Kindergarten through twelfth grade, including for Hispanic and Black students, has been lower than the statewide suspension rate.

The District maintained that its Diversity, Equity and Inclusion initiatives include professional development opportunities, which include students of color providing first-hand accounts of his/her experiences at the schools, provide topics such as “cultural responsiveness and racial equity, anti-racism, and institutional racism.”⁸ The District notes it was the first in the state to adopt a “formal equity policy statement.” On a building level, the District compiles disciplinary data, and the District’s executive team meets with middle and high school principals each month to address specific concerns. The Assistant Superintendent meets each quarter with the middle school and high school assistant principals to review school-based data, including school-based arrests and disciplinary practices.

With respect to personal and physical conflicts between children, the District explained that it uses a multi-tiered approach for resolving conflicts along with restorative justice measures and stressed that exclusionary discipline is a last resort. Tier I, universal intervention, is used for initial conflicts between students and typically handled with mediation. The students might have lunch together with a staff member to talk things through or maybe an afterschool discussion facilitated by staff (might be school counselor or social worker). When there is a conflict between a student and staff, the issue may be addressed in the “in-school reflection room” where the student can work with staff to resolve the issue. The District explained that Tier II intervention is used when mediation does not resolve the issue. The District will consider outside supports (such as bringing in behavioral health providers from The Bridge, a community mental health treatment provider) to help deliver services to a child in-district and/or outside of school. If the student has an IEP, the District will review the IEP and related services when repeated conflicts are unable to be resolved. Tier III response may also result in an out-of-school or in-school suspension when other efforts have not been successful. Expulsion is reserved for incident involving drugs and/or weapons – when the district has no choice. The District stated it has fifty-five (55) positions over budget to ensure they have the right staff to handle social/emotional and mental health needs (Paraprofessionals, BCBA, behavioral support staff) so that exclusionary discipline can be prevented. The OCA reviewed information about several positive programs the District has implemented, including training staff on “Social Emotional Learning as a Lever for Equity,” and “SEL and Cultural Competency,” and “Becoming an Anti-Racist Organization.” The District is also training staff on Collaborative Problem Solving, another promising approach to addressing challenging student behavior and promoting positive relationships between children and staff.

OCA affirms the District’s assertion that it’s overall suspension rates for students in Kindergarten through Twelfth Grade are lower than the state average. The data of concern for OCA is 1) the higher suspension rates for Middle School-age students of color in the District; and 2) the racially disproportionate impact of student discipline within the District itself, which OCA found, and CSDE data confirms, is persistently high. The District is one of only a handful of school districts in the state identified by CSDE as a Tier 3 district (Consistently High Disproportionality) for five consecutive school years.

OCA observes that successive Safe School Climate and Discipline Reports to the Board of Education, while referencing disproportionality in student discipline, have not contained a qualitative assessment of the efficacy of interventions in this area or a description of a data-driven and multi-tiered framework

⁷ Letter dated November 19, 2021, from Shipman & Goodwin on behalf of the West Hartford Board of Education.

⁸ Id.

for reducing exclusionary discipline and racial disproportionality, nor did the reports contain an analysis of the intersection between special education service delivery and school discipline. These reports did not disaggregate the data from the Middle Schools, comparing only the two high schools and the district-wide totals. District data from the 2019-20 school year shared with the OCA, for example, continued to show marked disproportionality in student discipline at the middle school level for children of color and children with disabilities. OCA finds that the District's promising equity and Social-Emotional Learning initiatives outlined above would benefit from being embedded in a comprehensive, data-driven, and publicly accountable framework for evaluating the efficacy of the District's specific efforts to reduce disciplinary sanctions for younger children, children of color and children with disabilities.

School-Based Arrests

OCA's review of data from the Connecticut Judicial Branch's Court Support Services Division during the 2019-20 school year showed seven arrests of children aged 12 and younger: six 12-year-olds and one student under age 12. OCA reviewed this data with the Judicial Branch, which confirmed that consistent with state law, school-based include 1) arrests occurring on school grounds due to student conduct on school property; or 2) arrests of students that occur off school grounds but where review of the summons and police report indicate a nexus with behavior that occurred in school or at a school-sponsored event.⁹

The majority of all school-based or school-related arrests in West Hartford were of Black and Hispanic children.¹⁰ The middle school students whose arrests were reviewed by OCA were all Black, Hispanic, or Bi-Racial. All of the children are girls. CSSD further reported to OCA that in each of the seven arrests, school personnel requested West Hartford police to address the children's behavior: two theft complaints, one complaint of "out of control behavior," and four complaints of a "school-based physical altercation with a peer."

None of the arrests (all of which were for misdemeanor charges) led to an adjudication of delinquency—all were ultimately discharged, with at least three children referred to the local Juvenile Review Board, a diversionary support for children and families that, Judicial Branch officials noted, does *not* require an arrest as a predicate for referral.¹¹ Branch staff emphasized to OCA that they strongly recommend that children of this age not be arrested whenever the underlying behavior can be addressed through school or community-based behavioral health and diversionary supports and intervention, as research overwhelmingly demonstrates the negative impact of arrest and court referral

⁹ Public Act 15-168. Branch staff indicated that supervisory staff review the summons and police information at the time of processing and make that determination as to how to categorize the data. During this review, OCA determined there was systemic inconsistencies between how multiple school districts were reporting school-based arrest data in comparison to data reported by the Judicial Branch. OCA is meeting with Judicial Branch and State Department of Education officials to discuss and resolve the discrepancies. Initial conversations have led to corrections to the relevant reporting indicated on EdSight. OCA also reviewed child specific summons information with the Branch, reviewed available police records, and confirmed that the Branch's designation of school-based arrests in West Hartford was accurate.

¹⁰ The District also stated that it does not count a school-based arrest if the child is ultimately diverted to a Juvenile Review Board and not issued a summons to court, and that therefore the true number of school-based arrests was much lower. The OCA does not agree that the disposition of diversion negates the arrest data itself.

¹¹ According to Connecticut Judicial Branch data and a recent report from CT Voices for Children, 80% of charges for children statewide under age 12 were for misdemeanor offenses and "almost all of the children were not prosecuted, were discharged, or had their cases not accepted/dissmissed during that time."

for younger and lower-risk children, as well as the persistent disproportionate arrest rate for students of color¹² with disabilities.¹³

Generally speaking, children who have traumatic life experiences are the most likely children to act out in school and be subjected to school suspension or arrest. Trauma has been shown to actually change the structure and functioning of a young child's brain through activation of the "flight or fight" response,¹⁴ leaving a child to live in a constant state of emergency. The symptoms of trauma are often the very behaviors adults may aptly describe as "out-of-control." According to the National Child Traumatic Stress Network:

Traumatic reactions can include a variety of responses, such as intense and ongoing emotional upset, depressive symptoms or anxiety, behavioral changes, difficulties with self-regulation, problems relating to others or forming attachments, regression or loss of previously acquired skills, attention and academic difficulties, nightmares, difficulty sleeping and eating, and physical symptoms, such as aches and pains. Older children may use drugs or alcohol, behave in risky ways, or engage in unhealthy sexual activity.¹⁵

The OCA also found that the Memorandum of Agreement ("MOA") between the District and West Hartford Police Department regarding School Resource Officers ("SRO") has not specifically referenced the statutorily required training for SROs concerning students with mental health issues.¹⁶ During the discussion with the District, administrators reported that it was in the process of updating the District's MOA and indicated that its SROs were, in fact, receiving the required training. OCA particularly credits the work the West Hartford Police Department has undertaken in its partnership with the Connecticut Institute for Youth and Police Relations and the Tow Youth Justice Institute ("CIYPR"). The CIYPR is a new program that includes intensive seminars on the science and criminological research of best practices for police interactions with youth.

According to the Tow Youth Justice Institute:

The goal of CIYPR is to promote a unified and consistently effective approach to policing youth across a jurisdiction in which police come to recognize their role as gatekeepers to the criminal justice system. By creating community within the cohort, as well as across local departments and youth serving organizations, officers coordinate

¹² CT Voices for Children No Place for a Child, pg. 12. https://ctvoices.org/wp-content/uploads/2020/02/NoPlace-for-a-Child_Final-Report.pdf

¹³ Julian D. Ford, John F. Chapman, Josephine Hawke, and David Albert, Trauma Among Youth in the Juvenile Justice System, The National Center for Mental Health and Juvenile Justice Program Brief (June 2007). Found on the web at: https://www.ncmhjj.com/wp-content/uploads/2013/07/2007_Trauma-Among-Youth-in-theJuvenile-Justice-System.pdf

¹⁴ Bellis, M., Zisk, A., The Biological Effects of Childhood Trauma, Child Adolesc. Psychiatr. Clin. N. Am., Apr. 23 2014.

¹⁵ Source: The National Child Traumatic Stress Network, About Child Trauma, found on the web: <https://www.nctsn.org/what-is-child-trauma/about-child-trauma>.

¹⁶ Conn. Gen. Stat. § 17a-22bb (c), entitled, *Implementation plan for meeting mental, emotional and behavioral needs of children. Departmental strategies. Reports. Training. Reimbursement. Children and youth in secure detention or correctional confinement. Records re instances of physical restraint and seclusion*, provides that: "Local law enforcement agencies and local and regional boards of education that employ or engage school resource officers shall, provided federal funds are available, train school resource officers in nationally recognized best practices to prevent students with mental health issues from being victimized or disproportionately referred to the juvenile justice system as a result of their mental health issues."

resources and information needed to support reform efforts. Primary outcomes from this program include:

- Improved youth/police interaction
- A better understanding of youth development
- Decreased incidents of excessive force
- Increased use of diversion programs.¹⁷

As OCA continues its review of school-based arrest and suspension data for the 2021-22 school year, it is noteworthy that there have been, through May 2022, *no school based arrests* of children aged 12 or younger in West Hartford as documented by the Judicial Branch during the 21-22 school year, a very positive trend.

RECOMMENDATIONS

The OCA appreciates the commitment and concern shown by the District toward diversity, equity and inclusion and its acknowledgment that student discipline needs to be monitored, assessed, and re-evaluated with a consistent framework. OCA also acknowledges the lack of school-based arrests of younger students (age 12 and under) during the 2021-22 school year (to date). To build on the District's efforts the OCA recommends the following:

1. The District consider technical assistance to help it ensure that its efforts to reduce disproportionality in student discipline and student arrest are integrated into a data driven and publicly accountable Multi-Tiered System of Support ("MTSS") for students and staff. The OCA is recommending that the District consider a partnership with the Child Health and Development Institute of Connecticut ("CHDI") to help review and strengthen a framework for MTSS that will include targeted effects to ensure an equitable approach to student discipline and engagement with local law enforcement. CHDI, through its research-based School-Based Diversion Initiative, has worked with over sixty (60) school districts across the state to reduce the use of in-school arrests, suspensions, and other exclusionary practices; build knowledge and skills among key school professionals to address behavioral health needs of students and access community resources; and link children who are at risk of exclusionary discipline or arrest to appropriate school and community-based services and supports. CHDI also works with school districts to develop comprehensive approaches to student mental health and wellness, with an emphasis on evidence-based approaches to assessment, intervention, and evaluation.

The OCA appreciates the District's existing partnership with community-based agencies, including The Bridge, to provide mental health support to its student body. According to the District, that partnership has been successful and includes Bridge staff coming into the school buildings and working with certain groups of children and providing counseling after school for students identified by the District as needing additional supports. A partnership with CHDI provides a further opportunity for the district to strengthen its existing policies and protocols and improve outcomes for its students by further reducing the reliance on exclusionary practices for younger children.

¹⁷ <https://towoyouth.newhaven.edu/program-design-police/>.

2. The OCA recommends that the District provide frequent updates to the Board of Education regarding the MTSS and equitable discipline framework, inclusive of qualitative and quantitative analysis of the positive impact of MTSS for students and staff and the efficacy of efforts to address disproportionate discipline or other sanctions for students of color and students with disabilities.
3. The OCA recommends that the District create a process for documenting and reviewing 911 calls, capturing the time of call, the reason for the call, de-escalation strategies and interventions used prior to the call, including the age/gender/race/ethnicity/IEP status and disability classification. This data can also be compared to 211 utilization and help inform the district's Multi-Tiered Systems of Support.

The OCA appreciates the District's cooperation in this Review and your openness to the recommendations outlined herein. We look forward to additional conversations on this important topic.

Sincerely,

Sarah H. Eagan

Sarah H. Eagan, JD
Child Advocate

Cc: Charlene Russell Tucker, Comr., SDE
Vernon Riddick, West Hartford Police Chief