



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: June 29, 2023

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: HB 167 (An Act to Amend Title 14 of the Delaware Code Relating to
School Resource Officer Funding)¹

The State Council for Persons with Disabilities (SCPD) has reviewed HB 167 which seeks to amend Chapter 17, Title 14 of the Delaware Code relating to state appropriation for public education by adding § 1716H, which would add a new school resource officer (“SRO”) unit for the employment of SROs.² The bill was assigned to the House Education Committee which met on May 7, 2023.³

HB 167 does the following:

1. Establishes SRO units to fund school resource officers in all Delaware public schools;
2. Funds one SRO in each school in every district and charter school;

¹ <https://legis.delaware.gov/BillDetail?legislationId=140420>.

² Sponsors: Reps. Shupe & K. Williams and Sens. Lawson & Walsh; co-sponsors: Reps. Bush, Collins, Gray, Parker Selby, Ramone, Michael Smith, & Yearick and Sens. Buckson, Hocker, Pettyjohn, & Wilson.

³ <https://legis.delaware.gov/MeetingNotice/33114>.

3. Funds an additional SRO for schools with over 1,000 students, including a fractional unit for the percentage of students above 1,000 that are insufficient to meet the threshold for an additional unit; and
4. Allows a school district to refuse the funding.

The SCPD has the following observations and concerns about this bill:

- According to a 2022 opinion piece in the Hechinger Report,⁴ “[r]esearch has shown that policing in schools disproportionately affects children of color, LGBTQ+ youth and students with disabilities. Black and Latinx students, who are already overrepresented among students suspended and expelled, make up more than 70 percent of all students referred to law enforcement. While LGBTQ+ youth comprise only 6 percent of the total youth population, they represent about 15 percent of the young people in juvenile detention. **In some states, students with disabilities were arrested nearly three times as frequently as their peers.**” This is consistent with the data collected in the 2017-18 Civil Rights Data Collection (“CRDC”) which found that Delaware was not only among the top 10 in referrals to law enforcement but was the first in the nation for disproportionately suspending minority students and students with disabilities.⁵
- Delaware’s own data reporting (the School Discipline Improvement Program Statewide Summary Report) mirrors the CRDC data in showing that students of color and students with disabilities are suspended or otherwise subject to discipline at much higher rates than their white and non-disabled peers.⁶
- Moreover, despite a decrease in crime generally, arrest rates at schools with SROs are 3.5 times the rate of arrests at schools without SROs – and in some

⁴ <https://hechingerreport.org/opinion-more-police-in-schools-are-not-the-answer-its-up-to-educators-to-make-schools-safe/>.

⁵ <https://ocrdata.ed.gov/estimations/2017-2018>.

⁶ https://education.delaware.gov/wp-content/uploads/2021/11/20.21_discipline_improvement_report.pdf. See also <https://data.delaware.gov/Education/Student-Discipline/yr4w-jdi4>.

states the rate is as high as 8 times.⁷

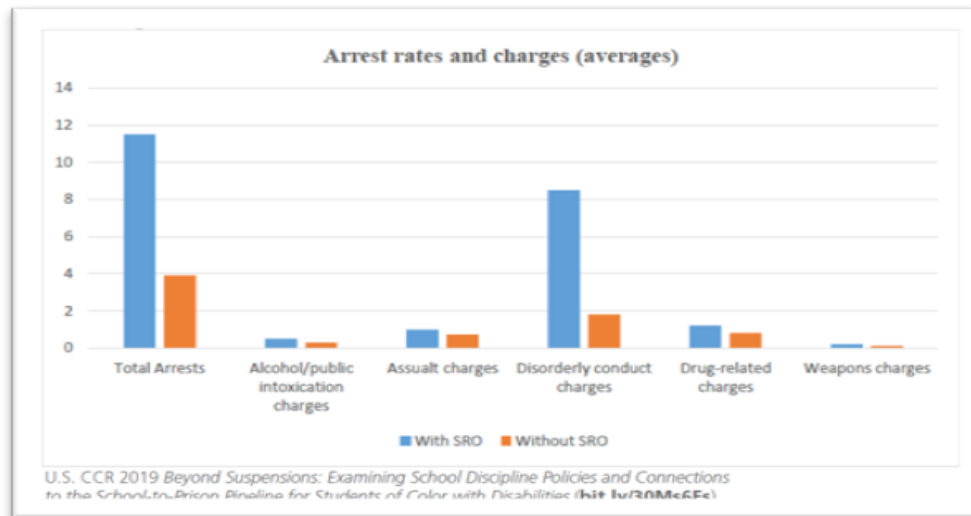


Table pulled from the Education Civil Rights Alliance and American Federation of Teachers' report *Police in Schools: A Background Paper*.⁸

- Instead, state funding could and should be used for strategies that actually decrease discipline infractions in school or may otherwise lead to an increase in academic gains for students. These strategies could include:
 1. Funding for at least one social worker at each school, to increase the number of student wellness centers, to expand facilities or otherwise increase staffing to reduce teacher-to-student ratios;
 2. Removing subjective discipline from the Delaware code and regulations (including infractions such as disorderly conduct, disrupting the educational process, disrespect to staff or student);
 3. Requiring restorative justice and positive behavior intervention supports to be used at each LEA;
 4. Removing SROs from elementary and middle schools; and
 5. Developing specific guidelines for when it is appropriate to involve an SRO in a disciplinary issue on school grounds.

⁷ <https://www.aclu.org/report/cops-and-no-counselors>.

⁸ <https://edrights.org/wp-content/uploads/2020/08/PoliceInSchools-by-ECRA-and-AFT.pdf>.

The SCPD Council opposes HB 167 and recommends that Delaware explore other collaborative ways to ensure school safety.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Marissa Band, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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