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Engaging Our Community:

School Justice Roundtable Report



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School Justice Roundtable: Engaging Our Community

A recap of the School Justice Roundtable hosted by Attorney General Phil Weiser, written by Adam Rice and Felicia Schuessler.

INTRODUCTION

On October 15, 2020, the Colorado Attorney General’s Office brought together educators, school district officials, parent- and student-led community organizations, restorative justice practitioners, academic researchers, community-based service providers, state government leaders, and other interested community members committed to addressing school justice issues.^a The Roundtable focused on how school discipline policies and practices—notably, an overreliance on punitive measures such as suspension, expulsion, or criminal arrest and citation rather than an emphasis on healing-centered restorative approaches—reduce the likelihood of graduation and place students on a path towards revolving involvement with the criminal justice system. The Attorney General’s Office convened the Roundtable as part of our commitment to improving the criminal justice system and to determine how best Colorado can address concerns related to school justice.

The Roundtable discussed a range of topics, including several model restorative justice programs and areas for public policy improvement. To improve the lives of K-12 students, the Roundtable participants agreed on the need for a broader commitment to grounding school discipline within a paradigm of empathetic caring for students. Moreover, we have an opportunity to improve the measurement of school discipline and referrals to law enforcement. Finally, there is considerable room to support and develop community partnerships like the model programs funded by the Attorney General’s Office and others around Colorado.

This Report captures key takeaways from the Roundtable, supplemented with research from relevant academic sources and other stakeholders across Colorado.¹ This Report proceeds in four parts. Part I discusses the overuse of punitive disciplinary measures that drive what is commonly called the “school-to-prison pipeline.”² Part II examines strategies for shifting philosophies of school discipline away from punitive approaches and towards restorative alternatives focused on developing safe and supportive school climates. Part III evaluates how community-centered partnerships can provide an alternative to the school-to-prison pipeline. Part IV concludes, providing a series of recommendations and discussing paths

^a See Appendix A for a full list of participants. Professionals from the Colorado Department of Education, Colorado Department of Law, and Colorado Department of Public Safety, as well as from various school districts, participated to provide technical guidance based on their professional experiences but did not offer policy positions on behalf of their respective organizations.

forward for Colorado to improve its approach and public policies related to school discipline and the school-to-prison pipeline.

UNDERSTANDING THE SCHOOL-TO-PRISON PIPELINE

Attorney General Weiser convened the Roundtable with framing remarks and noted significant variations in school discipline practices between Colorado school districts. For example, some districts are significantly more likely to rely on law enforcement tools—such as the presence of School Resource Officers (“SROs”) who may issue criminal citations and conduct arrests or authorizing teachers and administrators to refer students to police—in response to student violations of school rules.³ This variation exists because Colorado law gives district policymakers and school administrators substantial discretion to determine how to respond to many types of students behavior.

Using punitive and exclusionary discipline measures in response to violations of school rules can create a cycle that results in undesirable outcomes for individual students and their communities. Suspensions, expulsions, and criminal consequences remove students from the learning environment and harm academic and interpersonal connections. In turn, for students subjected to these punitive measures, the likelihood of successful high school completion falls while the likelihood of future involvement with the criminal justice system increases substantially.⁴ A comprehensive study on the topic found that, as compared to students with the same characteristics attending similar schools, “[a] student who was suspended or expelled for a discretionary violation was twice as likely to repeat his or her grade”⁵ and “nearly three times as likely to be in contact with the juvenile justice system the following year.”⁶

Too often, school disciplinary approaches lead to criminal justice involvement, meaning that efforts to improve the criminal justice system must pay attention to school discipline. Given clear guidance from research in this area, it is hard to defend the use of exclusionary measures in response to any but the most extreme student behaviors.⁷ Yet, in Colorado, a majority of suspensions and a significant portion of expulsions and criminal penalties are issued for relatively minor—and subjective—violations of school codes of conduct, such as “disobedient/defiant” or “detrimental” behavior and “other” violations—as opposed to more serious categories of offenses, such as incidents involving dangerous weapons or sexual violence.⁸ Violations involving marijuana, alcohol, and tobacco—for which behavioral health responses are often appropriate—also represent a substantial portion of exclusionary discipline incidents, with marijuana-related incidents alone accounting for nearly one-quarter of all expulsions and referrals to law enforcement.⁹ In short, Colorado can improve both its criminal justice and educational systems by adopting strategies that reduce the

number of students unnecessarily swept into the vicious cycle of disengagement from school and criminalization of in-school behavior.

In Colorado, perspectives on school discipline have shifted over time, with student- and parent-led organizations such as Padres y Jóvenes Unidos bringing attention to the high costs of “zero tolerance” and other punitive discipline policies. In 2012, Colorado enacted new legislation ending the prior policy of zero tolerance for certain school-based offenses,¹⁰ which had spurred significant expulsion and suspension rates.¹¹ The 2012 law reflected new state-level priorities for school discipline, focusing on “protect[ing] students and staff from harm, provid[ing] opportunities for students to learn from their mistakes, foster[ing] a positive learning community, keep[ing] students in school, and show[ing] mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system.”¹²

"Following the law's enactment, expulsions decreased roughly 50% statewide"

The 2012 law requires school districts to “impose proportionate disciplinary interventions and consequences . . . designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement”¹³ and to develop “plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct . . . designed to minimize student exposure to the criminal and juvenile justice system.”¹⁴ Following the law’s enactment, expulsions decreased roughly fifty percent statewide, from more than 2,000 during the 2011-12 school year to 909 during the 2018-19 school year.¹⁵ In some schools, expulsions decreased by 90 percent.¹⁶ Referrals to law enforcement also decreased statewide, but by a smaller amount, while the total number of suspensions was unchanged.¹⁷

The 2012 law gave significant discretion to district policymakers and in-school actors to choose disciplinary responses on a case-by-case basis. As noted above, school districts across Colorado vary significantly in how they use their discretion—as reflected in rates of suspension, expulsion, and law enforcement involvement. This considerable variation suggests that some districts impose unduly punitive consequences for minor violations of school codes of conduct where a less-punitive response could suffice.

A. Civil Rights Implications

Disparities in school disciplinary treatment are well-documented, especially for Black, Latino/a, Native American, LGBTQ, and students with disabilities. Within many districts, punitive measures, including law enforcement citations and arrests, are meted out to students from these groups at disproportionately high rates. Nationally, Black male students are three times more likely to be suspended or expelled than their peers.¹⁸ In Colorado, data from the 2018–19 academic year shows that Black students composed 5% of the statewide student body, but were subject to 10% of all school-based arrests or citations¹⁹ and 36% of arrests or citations for “public peace” offenses.²⁰

Robust evidence of disparities in disciplinary treatment comes from a rigorous longitudinal study of students in Texas.²¹ Using comprehensive data from all Texas schools and the state juvenile justice database, researchers tracked for six years the progress of every Texas student who began seventh grade in 2000, 2001, and 2002.²² Researchers found that more than 90% of students of all races became involved in the school disciplinary system for violations subject to discretionary disciplinary treatment. However, discretionary responses varied by race. In particular, “[a] much larger percentage of African-American (26.2%) and Hispanic (18%) students were placed in out-of-school suspensions for their first violation than were whites (9.9%).”²³ Using multivariate analyses to control for 83 different variables in isolating the effect of race alone on disciplinary actions,²⁴ the researchers found that “African-American students had a 31 percent higher likelihood of a school discretionary action, compared to otherwise identical white and Hispanic students.”²⁵

"In Colorado, data from the 2018-2019 academic year shows that black students composed 5% of the statewide student body, but were subject to 10% of all school-based arrests or citations for 'public peace' offenses."

By contrast to the racial disparities in discretionary discipline, “the percentages of white, Hispanic, and African-American students *subject to mandatory removal from school* for serious violations (which meet the definition of a felony and includee illegal use of a firearm and sexual assault on school property), were, in contrast, low and comparable (less than 8 percent of all violations).”²⁶ These findings indicate that “[h]igh rates of disciplinary involvement among African-American students were driven chiefly by violations that are subject to the discretion of school employees.”²⁷ The Texas study, along with other national studies and

the available data from Colorado, make plain that school discipline policies and practices carry crucial civil rights implications and call attention to the urgency of curtailing unnecessary uses of punitive disciplinary measures.

The civil rights dimension of the school-to-prison pipeline reflects, among other things, the need to confront the impact of implicit bias. Consider, for example, a 2016 study that found that “when a black teacher and a white teacher evaluate the same black student, the white teacher is about 30 percent less likely to predict the student will complete a four-year college degree [and] almost 40 percent less likely to expect their black students will graduate high school.”²⁸ The impact of such judgments can create a self-fulfilling prediction and also informs how teachers view disciplinary issues.²⁹

BUILDING A SAFE AND SUPPORTIVE SCHOOL CLIMATE

A central concept that emerged from the Roundtable is the importance of school culture or climate. School climate influences disciplinary policies and practices—and is a reflection of such policies and practices. School leaders, together with teachers and other professional staff, establish school climate through school-wide policies, philosophies, and mindsets and through case-by-case decision-making. According to the National Center on Safe Supportive Learning Environments, “[a] positive school climate is the product of a school’s attention to fostering safety; promoting a supportive academic, disciplinary, and physical environment; and encouraging and maintaining respectful, trusting, and caring relationships throughout the school community no matter the setting[.]”³⁰ Constituent elements of a safe and supportive school climate include respectful and supportive relationships between students, teachers, and families; school-based behavioral and mental health supports; measures – not necessarily punitive ones – to limit violence, bullying, harassment, and controlled-substance use; and disciplinary policies that are clear, appropriate to the student and the behavior, and equitably enforced.³¹

The elements of positive school climate overlap and can mutually reinforce each other. Maintaining student safety need not be in tension with enforcing discipline in an equitable and supportive manner. As Nate Thompson, Director of the Department of Social, Emotional, and Behavioral Services (“SEBS”) for Littleton Public Schools, framed the issue with regards to the role of discipline in maintaining a positive school climate, the key is ensuring “school discipline practices are fair and equitable (i.e., non-discriminatory as written or applied), appropriate to the behavior, and developmentally appropriate to the student.” Overreliance on punitive measures undermines other elements of positive school climate and creates a learning environment in which unwanted student behavior is more likely to occur.

A. Towards a Partnership in Healing and Equity

The Roundtable discussion focused on what strategies could be used to change the disciplinary culture in schools from one rooted in reactive, punitive responses to one focused instead, in the words of Professor Yoli Anyon, on “engaging youths as partners in promoting healing and equity.” Roundtable participants noted that the use of restorative justice practices—focused on healing the interpersonal and communal breach caused by a perpetrator’s behavior—has long existed as an alternative to punitive measures. The challenge for policymakers, however, is twofold: (1) how to highlight to schools the promise and value of such restorative approaches vis-à-vis overly punitive responses; and (2) how to support districts and schools that seek to implement restorative practices equitably and with fidelity.

Regarding the first challenge, Roundtable participants observed that awareness and adoption of restorative practices is on the rise in Colorado. Colorado law supports restorative justice as “a school’s first consideration” in addressing various student offenses³² and encourages districts to implement training and education to “ensure that capable personnel and resources are available to successfully facilitate all steps of the restorative justice process.”³³ Colorado’s Restorative Justice Council (“RJ Council”) serves as a hub for restorative practices training, information, and support across the state and has members from various fields including educators, law enforcement professionals, and restorative practitioners.³⁴ The Colorado Department of Education’s (CDE) Expelled and At-Risk Student Services (EARSS) program provided millions of dollars of grant funding to more than a dozen schools specifically seeking to implement or expand restorative practices.³⁵ Many Colorado schools, including those in the City and County of Denver, Jefferson County, and the City of Aurora, have concluded that restorative approaches positively influence school culture and have taken important steps to move towards that model.³⁶

As for the second challenge, Roundtable participants noted opportunities to expand and improve implementation of restorative approaches in Colorado schools. Some schools have restorative justice coordinators who conduct restorative sessions outside of the classroom setting. But Roundtable participants identified limits to this approach and urged schools to adopt restorative practices “school wide,” which requires empowering and training each educator to implement restorative practices within their respective classrooms.³⁷ As Tiffany Choi, president of the Denver Classroom Teachers Association, noted, this requires a commitment to implementing restorative practices with fidelity from the top down—that is, district superintendents and, especially, school leaders—and the bottom up. Some participants raised concerns that restorative approaches can be unintentionally coopted to

function like alternative punishments, rather than as alternatives *to* punishment, which undermines the healing and reparative goals of restorative justice.

Roundtable participants noted that school administrators—as opposed to SROs—are often responsible for imposing punitive disciplinary measures and involving criminal law enforcement in response to routine violations of school rules rather than relying on restorative approaches. These observations all point in the same direction: school districts should prioritize additional training, guidance, and resources to support school leaders, teachers, and other school professionals on why and how to use restorative practices over punitive measures.³⁸ In Colorado, there is considerable room for improvement on this score. As Amy Baca-Oehlert, president of the Colorado Education Association, explained, “because of the time constraints and limits in the education systems, [educators] only end up getting 30 minutes of training on deep issues, and that’s it. Box checked. This does not change the systemic issues addressed.”

In short, a restorative approach views students as equal agents and partners in creating and maintaining a safe and supportive learning environment. A school discipline framework rooted in restorative justice seeks, whenever possible, to avoid punitive measures and instead encourages reflection, relational accountability, and redress for misconduct. When this approach operates in a context of a school culture that sends the clear message that the school administration cares about all students as people, it can be very powerful. As was relayed during the Roundtable by Alessandra Chavira, program management fellow for Project VOYCE, this approach is far from the norm. As Chavira put it: “It often feels like youths are speaking into a void and not being listened to by adults who just want to check boxes, but we can’t have these discussions without having both adult and youth voices.”

B. Collaboration Within School Systems to Identify and Proactively Address the Needs of Individual Students

Determining an appropriate response to student behavior requires understanding each student not as an abstract disciplinary problem, but rather as an individual person with unique talents, interests, and aspirations as well as difficulties, experiences, and traumas. All adults in the school community should share this duty. This calls for—both before disruptive behaviors arise and when they do—building relationships with the student in question and seeking to understand what drives their behavior, including out-of-school stressors and trauma. Ideally, schools can create opportunities for mentoring and support that engages students who are struggling—especially before those struggles drive behavioral challenges.

Restorative justice efforts must recognize that students presenting behavioral challenges are often experiencing chronic trauma and struggling with mental health issues. As

Jonathan McMillan noted, “the environment in which our youth, especially non-white youth, live can be traumatic. School can be traumatic.” Professor Anyon explained further:

When you don’t consider trauma in the context of interlocking forms of oppression, you can amplify deficit discourses about youth, their families, and communities. You can’t ignore how parental incarceration is connected to mass incarceration. Otherwise interventions can blame the victim, labeling and stigmatizing students.

Fortunately, as Professor Anyon observed, those same young people can benefit greatly from a process of mentoring, engagement, and proactive behavioral supports. Although schools lack adequate resources to fully remediate sources of out-of-school trauma, as discussed in Part III, schools can leverage existing community assets to support students and families and address root causes of in-school behavior.

"In short, a restorative justice approach views students as equal agents and partners in creating and maintaining a supportive learning environment."

Roundtable participants identified some Colorado school districts working to adopt a caring-centered approach. Aurora Public Schools, for example, used funding from a mill levy approved in 2018 to fund additional social workers and mental health professionals in every school in the district.³⁹ Adams 12 Five Star Schools is training “administrators, our campus supervisors, our hall monitors, and people who can mentor and assist students to go down the right path[.]” according to Stacy Gahagen, Security Services Director at the district and a member of the Colorado RJ Council. Similarly, at Littleton Public Schools, the SEBS Department provides direct support to students and trains district educators and staff on how to understand and support students’ social-emotional needs. Littleton’s Nate Thompson emphasized that his team also regularly communicates with school leaders and classroom teachers to proactively identify and support students’ changing needs.

The role of SROs also arose during the Roundtable. Attorney General Weiser shared the reflections of students he met in Craig, Colorado, who described their SRO as a trusted mentor from whom they sought and received valuable guidance. This anecdote—along with similar messages from other schools and districts—indicates that an empathetic and trusted SRO can contribute positively to a healthy school climate. The physical presence of SROs in schools, however, also makes it easier for school administrators to involve law enforcement

in disciplinary actions, thereby increasing the likelihood that students will face criminal consequences for routine violations of school rules.⁴⁰ And if SROs respond with measures that students and families view as disproportionate or unfair, the school climate suffers and the mentorship benefits of the SRO presence in schools are lost.

In response to this concern, Roundtable participants noted the importance of schools and districts setting clear protocols for the role of SROs and formalizing those protocols in intergovernmental agreements (IGAs) and/or memoranda of understanding (MOUs) with local law enforcement.⁴¹ To that end, Nate Thompson explained that his SEBS Department collaborated with the district's Safety and Security Department to design guidance and training for SROs. This intra-district collaboration, Thompson explained, has enabled Littleton to ensure that SROs understand their role: "Our SROs aren't here for discipline. They are here for safety, yes, and they are here to fulfill our philosophy of supporting all students." In Adams 12 Five Star Schools, as Stacy Gahagen explained, when students engage in behavior for which an arrest is authorized by statute, SROs are trained to consult with school administrators to discuss the best interest of the student before determining whether an arrest or an alternate response is appropriate. Aurora NAACP President Omar Montgomery suggested that school districts "can simply tell SROs that their job focus is to support violence prevention efforts and deal with school shootings and not to arrest kids for minor things." These sentiments acknowledge that, by building relationships with students and working with school leaders to prevent and respond to imminent threats of violence, many SROs play a useful role in maintaining safe and supportive school climates.

Setting clear expectations for SROs is a critical action step, but it is not a panacea. Schools should also focus on recruiting and hiring SROs whose skills, experience, and mindset closely match the school's culture and climate goals, approach to discipline, and student and family needs.⁴² The training of SROs also came up during the Roundtable, with participants noting the need for SROs to receive ongoing professional development on topics relevant to creating a safe and supportive learning environment for all students. Relevant topics could include child and adolescent development, restorative practices, de-escalation techniques, and implicit bias and cross-cultural competence.⁴³ Since 2014, Colorado law has required specific training for SROs, and the currently approved basic curriculum—a 40-hour course presented by the National Association of School Resource Officers—includes many of these topics.⁴⁴

As with all professionals, SROs require regular training opportunities to develop their mindsets and skills, hone their approaches to the needs of their community and school, and remain abreast of current best practices. At the local level, for example, Littleton's approach—with SRO training curricula developed via collaboration between the Social,

Emotional, and Behavioral Services Department and the Safety and Security Department—is calibrated to ensure that SRO training aligns closely with district-wide priorities for protecting student safety, supporting students’ behavioral needs, and adopting restorative approaches to discipline. Other schools can learn from this model.

CENTERING SCHOOLS WITHIN COMMUNITIES

A. Building Partnerships to Enhance Support for Students and Facilitate Collaborative Problem Solving

Roundtable participants repeatedly cited resource constraints as an impediment to schools building strong relationships with students in need of support, implementing restorative discipline practices, and providing robust behavioral support services. School administrators and teachers are often stretched very thin, even when we are not in a pandemic and managing remote learning. As discussed in the Roundtable, a lack of adequate time or capacity on the part of school administrators can lead them to ask SROs—often over the objection of SROs—to escalate disciplinary matters into the criminal justice system. As Aaron Miltenberger of the Boys and Girls Clubs of San Luis Valley explained, the current model “developed in a way that makes it hard for educators to work with empathy because we are underpaid and under-resourced with no time or space for better responses.” As noted above, state and local policymakers should prioritize devoting resources to support all students’ behavioral needs and build school professionals’ mindsets and capacity to implement restorative disciplinary practices.

Regardless of school funding, however, school districts can partner with other organizations to expand the relationship-building and enrichment opportunities, and support services available to their students. As Stacy Gahagen related, the St. Vrain Valley School District takes that very approach. St. Vrain Valley “provides wrap-around services for its students and, instead of expelling them, [gives] them 1-on-1 services and access to outside community partners to support the students and the families to prevent their getting involved in the criminal justice system.”⁴⁵ Partnering with community organizations and leaders can take advantage of culturally relevant assets, experiences, and relationships often not adequately reflected within schools. In the San Luis Valley, for example, lifelong Alamosa resident and community leader Jamie Dominguez is recognized as a valued mentor and advocate for students in need, serving as a trusted role model and a link between students, schools, and other community-based organizations.⁴⁶

Community partnerships create opportunities to identify and address shared challenges in a collaborative manner. In Jefferson County, a coalition of local stakeholders—including representatives from the juvenile court system, local law enforcement, public defender’s office, Jefferson County Public Schools, Jefferson County public health and human services departments, and non-profit mental and behavioral health services providers—created the First Judicial District Minority Over Representation (MOR) Committee to address racial inequities in juvenile arrests. The MOR Committee facilitates collaborative problem-solving. As one example, law enforcement professionals in Lakewood, Colorado affirmatively reached out to Jefferson County Public Schools to encourage restorative justice practices and expressed a preference to avoid criminal ticketing and prosecution in certain juvenile cases. As conveyed by Allison Meier, Restorative Practices Coordinator at Jefferson County Public Schools, this dialogue spurred the Lakewood Police Department and Jefferson County Public Schools to no longer issue criminal citations to students involved for the first time in specific physical altercations. Instead of receiving a ticket, students participate in restorative practices at school to resolve the conflict as well as other non-punitive measures such as conflict resolution or anger management courses. We can readily imagine other such collaborations and experimentation with diversion programs as well as alternatives to the criminal justice system for related incidents.

"Partnering with community organizations and leaders can take advantage of culturally relevant assets, experiences, and relationships often not adequately reflected within schools."

This Jefferson County collaboration, which shares similarities with a groundbreaking school justice partnership developed in Clayton County, Georgia,⁴⁷ is a model for Colorado. By building a partnership between the school, courts, and community-based organizations, communities can better support students and create successful interventions short of funneling students into the juvenile justice system. Ideally, such programs would be designed to facilitate conversations between different actors and center on the question of how to build supportive relationships that set students up to succeed. This model would be guided by the principles of restorative justice and a commitment, wherever possible, to supporting healing and positive development by all students.

At the Roundtable, Dr. Plashan McCune, chair of the African American Young Ladies Summit Program and former Senior Advisor for Trauma-Informed Practices at Denver Public Schools, discussed other effective community programs in Chicago and Oakland. One such program in Chicago—led by the Community Justice for Youth Institute (“CJYI”), among others—encouraged schools to use restorative strategies and spawned a citywide collaborative of restorative justice “Hubs.”⁴⁸ This model created an opportunity for schools and partners to share information about students at risk and pave the way for these students to be empowered community members. Another program called “Bridging the Divide”—developed by the YMCA of Metro Chicago in collaboration with the Chicago Police Department, and with training provided by CJYI—used restorative justice tools such as storytelling and peace circles to build relationships between youth, law enforcement officials, and other community members.⁴⁹ Dr. McCune reported that this effort was so successful that some young people in the program not only successfully graduated from high school, but expressed an interest in becoming police officers after participating in the program.

1. School Justice Partnership Innovation Grant Recipients

A broader opportunity is for communities to invest in resources that engage students from a place of support rather than fear. Under Attorney General Weiser’s administration, the Department of Law made a series of grants—School Justice Partnership Innovation Grants—to organizations promising to build such relationships. A discussion of those grants highlights the opportunities promised from such programs.

The first organization supported by the Department of Law is Collaborative Healing Initiative within Communities (“CHIC”). CHIC was founded in 2017 with the goal of increasing women’s social, emotional, and cultural capital. Their work extends into education, bringing social, emotional, and cultural learning to Denver K-12 students. Because they believe that investing in women’s careers is investing in the household, CHIC invests in the whole family by helping women develop professionally and become involved in construction trades. CHIC ensures that those they serve are connected to community resources, events, and experiences. They also provide high levels of mentorships for young women involved in the juvenile justice system to close the opportunity gap these women face. As noted above, such mentorship relationships can be transformative, changing the arc of a student’s path.

The second organization is the Impact Empowerment Group (“IEG”), a nonprofit organization based in Northeast Park Hill in Denver. The organization uses a three-tiered approach to create innovative programming to address the school-to-prison pipeline. The first approach is to partner with Denver schools to identify youths at high risk for

suspension, expulsion, or disengagement. IEG provides strong support to these youths and their families by working with schools to find alternative discipline practices and safe spaces for disciplined students. IEG also pairs youths with a mentor for a 12-week cycle. Their second approach focuses on education. IEG produces training materials for educators on equity, cultural inclusiveness, and school justice practices to help educators understand different cultures, the effects of traditional discipline practices, practices that aren't working, and related topics. The third approach focuses on having cohorts of youth in partner schools research the pipeline and present this information to the public as a resource for community members and a tool for partnering with other related projects around the state.

The third organization is the Generation Schools Network (“GSN”), which works on educational equity and on finding expulsion alternatives. GSN gives extensive support to youths coming out of incarceration and re-entering school. After finding that delayed reentry into school after incarceration carried a greater risk of being incarcerated again, GSN added a juvenile defender and special education members to their team to increase their capacity to better serve youths and shorten the timeline of their reentry into school. GSN also recognizes that many students in the juvenile justice system have a learning disability or are significantly behind, so they are having several of the students they work with evaluated to determine if they require extra services.

The fourth organization is Full Circle Restorative Justice (“FCRJ”), a community-based organization that works with the district attorney’s office, schools, and law enforcement. Based in Salida, FCRJ was established in 2006. FCRJ works with a spectrum of diversionary mechanisms focusing on helping schools avoid getting students involved in the criminal justice system. They found a root cause of the school-to-prison pipeline is unresolved student-teacher conflict, which often leads to students failing out of class, failing a grade, or failing out of school, increasing the likelihood of engaging in criminal activity. FCRJ developed a two-tiered response to this. First, FCRJ uses a rapid response restorative facilitator who can become involved with student-teacher conflicts early and help resolve such conflicts peacefully. Second, FCRJ trains and works with school administrators, teachers, and community members to help schools change their culture, an important component to disrupt the pipeline.

Finally, La Plata Youth Services (“LPYS”) offers a diversion program and partners with the district attorney and law enforcement to interrupt the school-to-prison pipeline. Based in Durango and founded in 1994, LPYS has evolved into many other areas while continuing to offer diversion programs. LPYS developed a restorative justice program in 2014-15, runs professional development programs in several middle and high schools, and provides coaching to many students and teachers. LPYS has a full-time social and emotional teacher

on their team to provide additional support to kids facing challenges in schools. At present, the organization is working with four districts and are working to expand to other ones.

B. The Need for Data to Inform Practice

Another topic discussed during the Roundtable was the importance of collecting data about school disciplinary practices. Participants also shared suggestions for improving school discipline data collection in Colorado.

Colorado mandates the collection and reporting of certain information relevant to the school-to-prison pipeline. School districts must report to CDE the total number of suspensions, expulsions, and referrals to law enforcement for the entire district during each academic year, disaggregated by the students' age, race, and gender. Law enforcement agencies must report to the Colorado Division of Criminal Justice (“DCJ”) their interactions with students that resulted in a student's arrest, summons, or ticket in schools or at school sanctioned events. Similarly, district attorneys must report to DCJ information about students granted pre-file juvenile or adult diversion for a ticket, summons, or arrest at school or school events.

A central concern is whether the data reported by school districts and law enforcement agencies is accurate and complete. Media reports documented gaps and inaccuracies in data reported by some school districts,⁵⁰ and in 2015, the General Assembly revised the reporting requirements for law enforcement agencies based on concerns about incomplete reporting.⁵¹ There is reason to believe that significant gaps in reporting persist.⁵²

Some Roundtable participants suggested that collecting more fine-grain data regarding instances of punitive disciplinary treatment—such as the specific underlying behavior, time of day, and location (e.g. classroom, lunch room, recess, etc.) of the underlying behavior, and tracking discipline data at the level of individual (anonymized) student—could enable schools to recognize patterns and target more precisely additional support for students and educators alike. Finally, there is a question of whether schools could track when administrators use their discretion to *not* suspend or refer a student to law enforcement but rather to use a restorative approach—and the outcomes of such instances. Multiple participants noted that robust data collection and analysis is time and resource intensive and requires technical expertise. Given existing resource constraints, many schools cannot invest in more robust collection and analysis of behavioral and disciplinary data—despite a desire by some school and district administrators to do so.

Another challenge is tracking ultimate dispositions after students are arrested or issued citations while at school. Although DCJ can use the state Judicial Branch's data system to match law enforcement actions to court records, this data system does not contain municipal

court records. Indeed, there is no central database of municipal court records in Colorado—or Denver County Court data.⁵³ Because lower level criminal offenses are usually referred to municipal courts, the lack of easy access to these records represents a potentially significant gap in outcomes measurement.⁵⁴

C. Need for Coordination Across State Government

At the state level, Colorado has multiple government agencies and government-adjacent programs that work to improve school safety, discipline, and student support practices; and address disparities in discipline and law enforcement referrals. These include the Expelled and At-Risk Student Services Program (within CDE), the Colorado School Safety Resource Center (within the Colorado Department of Public Safety (“DPS”)), the Juvenile Justice and Delinquency Prevention Council (within DPS), the Office of Behavioral Health (within the Colorado Department of Human Services), and the RJ Council, as well as the Attorney General’s Office. Opportunities exist to promote better communication, coordination, and alignment of priorities among these state actors and the local decisionmakers—including school districts, law enforcement agencies, community-based organizations, and service providers—with whom they interact.

CONCLUSION: THE WAY FORWARD

Addressing the school-to-prison pipeline is an imperative for Colorado and the nation. School districts and communities adopt a range of school discipline practices, and there is considerable room for improvement. The rise of restorative practices and community-based programs that support students are encouraging developments that we can build on. Moreover, as Colorado develops a clearer picture of best practices, there is room for improving what data we collect, how schools use School Resource Officers, and how to develop more supportive school climates.

During the Roundtable discussion, many innovative concepts and ideas were introduced by members of the group for discussion. Several of those public policy concepts are summarized below for consideration by policymakers seeking to curb punitive measures in school and shift to greater utilization of restorative justice principles.

1. ***Training Opportunities for School Administrators and Teachers*** – Through the EARSS program or other avenues, support sustained, long-term learning programs and technical assistance for school and classroom leaders on why and how to use restorative practices and other non-punitive disciplinary approaches with students.
2. ***Enhancing Data Collection and Data Analysis to Improve Practice*** – Establish tracking and reporting to state and local policymakers of finer-grain, disaggregated data regarding instances of punitive discipline and alternative disciplinary approaches, to facilitate greater sharing of best practices, monitor the short- and long-term effectiveness of utilizing restorative practices and similar non-punitive measures across districts and schools, and better understand the status quo, including increasing visibility on outcomes when matters are referred to law enforcement. In addition, provide necessary funding, at least on a pilot basis, for data analysis to inform better tailoring of supportive interventions for students and teachers.
3. ***Leveraging of Community Partnerships*** – Deploy community partnerships, using the Jefferson County MOR Committee as a model, to identify and address challenges shared among schools, law enforcement, courts, public health and human services departments, and non-profit mental and behavioral health services providers.
4. ***Providing Greater Support to School for Mental Health Services and Support*** – Following the model of Aurora Public Schools, invest more funding for mental health services for students at school campuses to address behavioral challenges posed by students struggling with mental health issues or past traumas that impact their school experience.

5. ***Improving SRO Training Opportunities*** – Provide greater opportunities for ongoing training, along with necessary funding support, for SROs to continue their professional learning on the latest best practices for maintaining a safe and supportive learning environment, including de-escalation techniques, non-punitive approaches, and restorative practices-based strategies for interacting with students.
6. ***Clarifying the Role of SROs*** – Set clear protocols for the role of SROs and formalizing those protocols in intergovernmental agreements (IGAs) and/or memoranda of understanding (MOUs) between school districts and local law enforcement.

The overall challenges related to school justice require focusing on how to best support all students and engage in interventions that improve their well-being. As Dr. Darlene Sampson explained, “school districts—and judicial systems—haven’t been aligned in paradigms of caring.” Instead, she noted, schools often reflexively view behavior issues as cause for punishment—including via criminal referrals (often through SROs)—and the courts reflexively accept and process these referrals. Rather than develop a framework of caring and support, this model is based on one of fear. And as Dr. Sampson explained, this culture tends to disproportionately affect Black, Latino/a, Native American, low income, LGBTQ, and disabled youths.

"As Colorado develops a clearer picture of best practices, there is room for improving what data we collect, how schools use School Resource Officers, and how to develop more supportive school climates."

The cultural changes required in schools must take place in connection with a change in community mindset. It is important, as numerous Roundtable participants explained, to create programs and spaces in communities where students can be supported and mentored. A few of the programs supported by the Department of Law—and other programs such as the Boys and Girls Club—operate in exactly this manner. And in some communities, like Jefferson County, we are witnessing the development of a new paradigm for how schools, police, and courts interact with each other—developing partnerships rooted in shared beliefs about supporting youth and avoiding unnecessary pathways into the criminal justice system.

Finally, we must work to close gaps in the existing framework for collection and reporting school discipline data. As is often noted, “you cannot manage what you cannot measure.” As for data measurement, Stacy Gahagen explained that “we have come to a consensus on a collection of data and the kinds of data collection they’re going to start doing to minimize the gaps.” Roundtable participants agreed that there are opportunities for schools to gather data that identifies with greater specificity which behavioral drivers lead to disciplinary responses and we can learn from such analysis (even if only at first on a pilot basis). Looking forward, districts and schools need resources to analyze school discipline data to inform training needs for educators and staff and targeted support programs for students.

Appendix A: Roundtable Participants

(* = presenter)

Name	Organization
Phil Weiser	Attorney General, State of Colorado
Kelly Abbott	Colorado Department of Public Safety, Division of Criminal Justice
Professor Yolanda (Yoli) Anyon*	University of Denver Graduate School of Social Work
Matt Baca	Colorado Department of Law, Office of Community Engagement
Amie Baca-Oehlert	Colorado Education Association
Tricia Bonman	Rose Community Foundation
Bob Booth	Colorado Department of Law, Criminal Justice Section
Alessandra Chavira	Project VOYCE
Tiffany Choi	Denver Classroom Teachers Association
Sade Cooper	CHIC
Wendy Cooper	Generation Schools Network
Garrett Crawford	Impact Empowerment Group, IEG Inc.
Barbara Downing	Denver Public Schools
Stacy Gahagen	Adams 12 Five Star School District
Deanna Goodrich	Denver Public Schools
Anna Hogberg	Generation Schools Network
Lindsey Johnson	Generation Schools Network
Janelle Krueger	Colorado Department of Education
Anna Lopez	Colorado Department of Public Safety, Division of Criminal Justice
Elizabeth Mazza	The Early College of Arvada
Plashan McCune	Higher Learning U Inc.
Jonathan McMillan	Be Better Than Average LLC
Allison Meier	Jefferson County Public Schools
Aaron Miltenberger	Boys and Girls Clubs of San Luis Valley
Omar Montgomery	NAACP Aurora Branch and University of Colorado Denver
Jorge Montiel	Coloradans for the Common Good
Kimberly Parker	Full Circle Restorative Justice
Liz Porter-Merrill	Office of the State Public Defender
Adam Rice	Colorado Department of Law, Office of the Attorney General
Juliana Rosa	Colorado Department of Education
Dr. Darlene Sampson*	Western Educational Equity Assistance Center
Elaina Shively	Office of the Boulder County District Attorney (20th Judicial District)
Hilari Smith	CHIC
Kerianne Smith	Padres & Jóvenes Unidos
Jason St. Mary	La Plata Youth Services
Nate Thompson	Littleton Public Schools
Julie Tolleson	Colorado Department of Law, State Services Section
Amy Werpy	Colorado Department of Education
Luke Yoder	Center for Restorative Programs

ENDNOTES

¹ This conversation followed the Chatham House Rule, meaning that participants are identified in Appendix A, but no one is identified with a particular comment without their consent. The authors are grateful to work with talented and committed public servants at the Colorado Department of Law, many of whom helped make this Roundtable a success. Thanks to Lena Fishman, who built relationships and facilitated connections with Roundtable participants and other stakeholders. Lena and Bella Brache were instrumental in preparing for and organizing the Roundtable, with guidance from Matt Baca and support from William Halverson and Zachary Kayal. Thanks also to Anna Feyerherm, who contributed to this Report. Special thanks to Dr. Darlene Sampson, Equity Specialist Principal Analyst at the Western Educational Equity Assistance Center at MSU-Denver, and Professor Yolanda (Yoli) Anyon of the University of Denver Graduate School of Social Work, for presenting to the Roundtable.

² The “school-to-prison pipeline” moniker refers to conditions and dynamics that result in students – and disproportionately students of color, LGBTQ students, and students with disabilities – being directly subjected to law enforcement penalties for in-school actions or subjected to consequences that increase their likelihood of future involvement with the justice system, such as suspensions or expulsions. *See, e.g.*, Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 WASH. U. L. REV. 919, 923 (2016). The Roundtable and this Report focus on the K-12 education system – encompassing the policies and decisions of elected school boards, principals, and school leaders, educators and staff, and SROs – as a central locus for reducing unnecessary youth involvement with the criminal justice system. However, the K-12 school system is not the only such locus. Many systems – including law enforcement, the judicial system, departments of children and family services, health systems, state and local policymakers, higher education systems, and K-12 schools – play overlapping roles, and no one system is entirely responsible for the current status quo.

³ *See* COLO. DEP’T OF EDUC., SUSPENSION / EXPULSION STATISTICS – DISTRICT LEVEL DATA [HEREINAFTER “DISTRICT LEVEL DATA”], <http://www.cde.state.co.us/cdereval/suspend-expelcurrent.htm> (last accessed Nov. 16, 2020); *see also* Padres Y Jóvenes Unidos, The 3rd Annual Colorado School Discipline Report Card (Aug. 2016), <https://padresunidos.org/wp-content/uploads/2016/08/PJU-CODisciplineReport-Web.pdf>.

⁴ *See, e.g.*, Amity L. Noltemeyer and Rose Marie Ward, Relationship Between School Suspension and Student Outcomes: A Meta-Analysis, 44 SCHOOL PSYCH. REV. 224, 224 (Meta-analysis of 34 studies “revealed a significant inverse relationship between suspensions and achievement, along with a significant positive relationship between suspensions and dropout.”), https://edsources.org/wp-content/uploads/2018/09/Noltemeyer_Ward_2015_Meta-Analysis.pdf; AM. PSYCH. ASSOC., THE PATHWAY FROM EXCLUSIONARY DISCIPLINE TO THE SCHOOL TO PRISON PIPELINE 2, <https://www.apa.org/advocacy/health-disparities/discipline-facts.pdf> (“Students who experienced even just one suspension were twice as likely to be involved in the criminal justice system than those who received no harsh discipline. Additionally, students who received harsh punitive discipline, such as suspension, were four times more likely to report being arrested than an individual who had not received suspension.”) (citations omitted) (last accessed Nov. 16, 2020).

⁵ TONY FABELO ET AL., COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, BREAKING SCHOOLS’ RULES: A STATEWIDE STUDY OF HOW SCHOOL DISCIPLINE RELATES TO STUDENTS’ SUCCESS AND JUVENILE JUSTICE INVOLVEMENT xi (July 2011), https://ppri.tamu.edu/files/Breaking_Schools_Rules.pdf.

⁶ *Id.* at xii.

⁷ “Exclusionary discipline encompasses any type of school disciplinary action that removes or excludes a student from his or her usual educational setting.” AM. PSYCH. ASSOC., THE PATHWAY FROM EXCLUSIONARY DISCIPLINE TO THE SCHOOL TO PRISON PIPELINE 1, <https://www.apa.org/advocacy/health-disparities/discipline-facts.pdf> <https://www.apa.org/advocacy/health-disparities/discipline-facts.pdf>.

⁸ COLO. DEP’T OF EDUC., SUSPENSION / EXPULSION STATISTICS – 10-YEAR TREND DATA [HEREINAFTER “10-YEAR TREND DATA”], <https://www.cde.state.co.us/datapipeline/2018->

19statesuspensionandexpulsionincidentratesandreasonsxls (last accessed Nov. 16, 2020). Research shows similar patterns in other states. See FABELO ET AL., *supra* note 5 at 42. (“More than 90 percent of all students with a disciplinary action (94.2% of African Americans, 92.7% of Hispanics, and 93.3% of whites) first became involved in the school disciplinary system because of a violation of the school district’s code of conduct (behaviors that are not subject to mandatory removal under state law”). Colorado law requires school districts to report the “most serious category that is applicable” to any violation. Colo. Rev. Stat. § 22-32-109.1(2)(b). Guidance to districts from the Colorado Department of Education indicates that, although incidents can vary in seriousness on a case-by-case basis, the category of “other Violations of Code of Conduct” is a catchall for the least severe incidents. COLO. DEP’T OF EDUC., GUIDE FOR DETERMINING “MOST SERIOUS” INCIDENT, Mar. 17, 2016, <http://www.cde.state.co.us/datapipeline/guideformostseriousincidents>.

⁹ COLO. DEP’T OF EDUC., 10-YEAR TREND DATA, *supra* note 8.

¹⁰ Colo. H.B. 12-1345, 2012 Colo. Legis. Serv. Ch. 188.

¹¹ See *id.* at § 21(1)(a) (“The general assembly hereby declares that . . . The use of inflexible ‘zero-tolerance’ policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies[.]”); Evie Blad, *Analysis Finds Changes in Colorado School Discipline Rates After New State Law*, EDWEEK (Mar. 28, 2014), <https://www.edweek.org/leadership/analysis-finds-changes-in-colorado-school-discipline-rates-after-new-state-law/2014/03>; see also DANIEL J. LOSEN AND TIA ELENA MARTINEZ, OUT OF SCHOOL AND OFF TRACK: THE OVERUSE OF SUSPENSIONS IN AMERICAN MIDDLE AND HIGH SCHOOLS 8 (Apr. 8, 2013), https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutOfSchool-OffTrack_UCLA_4-8.pdf (noting increase in national suspension rates for elementary and secondary students between 1972 and 2013.)

¹² Colo. H.B. 12-1345, § 21(1)(d), 2012 Colo. Legis. Serv. Ch. 188.

¹³ Colo. Rev. Stat. § 22-32-109.1(2)(a)(II)(A).

¹⁴ Colo. Rev. Stat. § 22-32-109.1(2)(a)(II)(B).

¹⁵ COLO. DEP’T OF EDUC., 10-YEAR TREND DATA, *supra* note 8.

¹⁶ This figure was related by roundtable Participant Nate Thompson, Director of the Department of Social, Emotional, and Behavioral Services (SEBS) at Littleton Public Schools.

¹⁷ COLO. DEP’T OF EDUC., 10-YEAR TREND DATA, *supra* note 8.

¹⁸ U.S. DEP’T OF EDUC. OFFICE OF CIVIL RIGHTS, DATA SNAPSHOT: SCHOOL DISCIPLINE 1 (March 2014), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.

¹⁹ DIVISION OF CRIMINAL JUSTICE, SUMMARY OF LAW ENFORCEMENT AND DISTRICT ATTORNEY REPORTS OF STUDENT CONTACTS 6-7 (Mar. 2020), <https://cdpsdocs.state.co.us/ORS/Docs/Reports/2020-HB15-1273-StudentContacts.pdf>.

²⁰ *Id.* at 21.

²¹ FABELO ET AL., *supra* note 5.

²² *Id.* at 6.

²³ *Id.* at 42.

²⁴ *Id.* at x.

²⁵ *Id.* at x.

²⁶ *Id.* at 43.

²⁷ *Id.* at 46.

²⁸ Jill Rosen, Teacher expectations reflect racial biases, Johns Hopkins study suggests (Mar. 30, 2016), <https://hub.jhu.edu/2016/03/30/racial-bias-teacher-expectations-black-white/> (citing findings from Seth Gershenson, Stephen B. Holt, and Nicholas W. Papageorge, *Who believes in me? The effect of student-teacher demographic match on teacher expectations*, 52 ECON. OF EDUC. REV. 209 (2016)).

²⁹ As one commentator noted about her classroom observations, “If Black children so much as wiggle, it’s ‘keep still!’ White kids are wiggling, and they don’t say a word. It’s nothing but misgivings, misinterpretations, mis- whatever about Black people moving. They feel like they’re being picked on.”

<https://www.nytimes.com/2020/10/28/opinion/virtual-school-racism.html>

³⁰ National Center on Safe Supportive Learning Environments, School Climate Improvement, <https://safesupportivelearning.ed.gov/school-climate-improvement> (last accessed Nov. 6, 2020)

³¹ *Id.* As Nate Thompson, Director of the Department of Social, Emotional, and Behavioral Services (SEBS) at Littleton Public Schools, framed the issue, with regards to the role of discipline within a positive school climate, the key is ensuring “school discipline practices are fair and equitable (i.e., non-discriminatory as written or applied), appropriate to the behavior, and developmentally appropriate to the student.”

³² Colo. Rev. Stat. § 22-32-144 (2)(a).

³³ Colo. Rev. Stat. § 22-32-144 (2)(b).

³⁴ See Restorative Justice Council, <https://www.rjcolorado.org/about-us/restorative-justice-council/> (last accessed Nov. 16, 2020). Multiple members for the Restorative Justice Council participated in the Roundtable, including Elizabeth Porter-Merrill, Luke Yoder, Jennifer Gallegos, and Stacy Gahagen.

³⁵ COLO. DEP’T OF EDUC., EXPELLED AND AT-RISK STUDENT SERVICES (EARSS) STATE GRANT PROGRAM FACT SHEET (2019), <https://www.cde.state.co.us/communications/earssfactsheet> [hereinafter “EARSS FACT SHEET”].

³⁶ See, e.g., YOLANDA ANYON, TAKING RESTORATIVE PRACTICES SCHOOL-WIDE: INSIGHTS FROM THREE SCHOOLS IN DENVER (2016) (documenting successful implementation of restorative practices programs at three Denver schools, as part of the Denver School-Based Restorative Practices Partnership, a collaboration of various local and national education and advocacy organizations).

³⁷ *Id.*

³⁸ Developing and implementing training programs for educators, SROs, and administrators on restorative justice approaches is a formidable challenge, but such programs exist. As noted above, the Restorative Justice Council (“RJ Council”) is an excellent hub for resources and connections within Colorado and has published guidelines for restorative practices in schools. See RJ Council, Colorado Restorative Practices in Schools Guidelines (Feb. 2016), https://www.rjcolorado.org/_literature_157121/Colorado_Restorative_Practices_in_Schools_Guidelines. CDE’s EARSS program funds a range of early interventions “to assist in providing educational and support services to expelled students, students at-risk of suspension and expulsion, and students at risk of habitual truancy as defined by unexcused absences.” COLO. DEP’T. OF EDUC., EARSS FACT SHEET, *supra* note 35. The EARSS program has supported many schools and districts looking to pilot or expand restorative practices and can facilitate connections among districts doing (or interested in) restorative discipline work. *Id.* Roundtable participant Kimberly Parker, Executive Director of Full Circle Restorative Justice, also noted that Professor Tom Cavanagh from Colorado State University has worked to develop and implement restorative justice trainings. To drive that project forward, he founded a nonprofit organization, Restorative Justice Education, which provides training and guidance to schools on how to address behavioral challenges.

³⁹ Jessica Porter, *A bigger focus on mental health is paying off at Aurora Public Schools*, THE DENVER CHANNEL (Nov. 12, 2019), <https://www.thedenverchannel.com/news/local-news/a-bigger-focus-on-mental-health-is-paying-off-at-aurora-public-schools>.

⁴⁰ Nance, *supra* note 2, at 927.

⁴¹ The United States Department of Education and Department of Justice agree that creating sustainable partnerships and formalizing MOUs is a key action step to help ensure SROs are incorporated responsibly into school learning environments. See John B. King Jr, Dear Colleague Letter, (Sept. 8, 2016), <https://www2.ed.gov/policy/gen/guid/school-discipline/files/ed-letter-on-sros-in-schools-sept-8-2016.pdf>; U.S. DEP’T OF EDUC., SAFE SCHOOL-BASED ENFORCEMENT THROUGH COLLABORATION, UNDERSTANDING, AND RESPECT, SECURE LOCAL IMPLEMENTATION RUBRIC, <https://www2.ed.gov/policy/gen/guid/school-discipline/files/sro-local-implementation-rubric.pdf> (last accessed Nov. 11, 2020) (hereinafter “SECURE LOCAL IMPLEMENTATION RUBRIC”); U.S. DEP’T OF EDUC., SAFE SCHOOL-BASED ENFORCEMENT THROUGH

COLLABORATION, UNDERSTANDING, AND RESPECT, SECURE STATE AND LOCAL POLICY RUBRIC, <https://www2.ed.gov/policy/gen/guid/school-discipline/files/sro-state-and-local-policy-rubric.pdf> (last accessed Nov. 11, 2020); see also U.S. DEP'T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, MEMORADUM OF UNDERSTANDING FACT SHEET, https://cops.usdoj.gov/pdf/2017AwardDocs/chp/MOU_Fact_Sheet.pdf (last accessed Nov. 11, 2020). For a collection of model MOUs, see ADVANCEMENT PROJECT, PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE SCHOOL DISTRICT AND POLICE DEPARTMENT, https://advancementproject.org/wp-content/uploads/2017/11/6000bf7319fcc5e333_xvm6b2l1j.pdf (last accessed Nov. 11, 2020); CRIMINALIZATION OF STUDENT BEHAVIOR: GUIDANCE AND RECENT LEGISLATIVE EFFORTS, <https://educationlaw.org/images/annual-conference/2018/2018Papers/H2-1-SRO-Presentation.Federal-Guidance-MoUs-and-State-Statutory-Resources--Decker-johnson-Shaver-2018.pdf> (last accessed Nov. 11, 2020).

⁴² See U.S. DEP'T OF EDUC., *SECURE LOCAL IMPLEMENTATION RUBRIC* at 5.

⁴³ *Id.* at 5.

⁴⁴ Currently, only the National Association of School Resource Officers' "Basic SRO Curriculum" is approved by the Colorado Peace Officer Standards and Training (POST) Board as fulfilling the mandatory SRO training requirement. See <https://www.colorado.gov/pacific/post/mandated-training> (last accessed Nov. 16, 2020). An outline of the NASRO basic curriculum is available here:

https://www.nasro.org/clientuploads/Course%20Agendas/NASRO_Basic_Course_Description_and_Outline.pdf.

⁴⁵ Stacy Gahagen previously worked as Director of Security and Emergency Management at the St. Vrain Valley School District.

⁴⁶ Lyndsie Ferrell, *Youth Empowerment Summit reaches new heights*, DEL NORTE PROSPECTOR (Jan. 16, 2020), <https://www.delnorteprospector.com/article/youth-empowerment-summit-reaches-new-heights>

⁴⁷ The Clayton County partnership was the brainchild of Judge Steven C. Teske of the Clayton County Juvenile Court as is commonly referred to as the "Teske Model" or the "Clayton County Model." See, e.g., Nicholas Zausch, *Spotlight On: The Teske Model: An Alternative Approach to Zero-Tolerance Policies*, 38 Children's Legal Rights J. 93 (2018); STEVEN TESKE, DEVELOPING A MEMORANDUM OF UNDERSTANDING (MOU) FOR SCHOOL-JUSTICE PARTNERSHIPS: TECHNICAL ASSISTANCE TOOLS (2017),

https://www.ncjfcj.org/wp-content/uploads/2017/03/Toolkit_for_Creating_an_MOU_Clayton_County_School-Justice_Toolkit.pdf.

⁴⁸ See COMMUNITY-LED RESTORATIVE JUSTICE HUBS, <https://rjhubs.org/#hubs> (last accessed Nov. 16, 2020). For more information on CJYI, visit <http://www.cjyi.org/about/>.

⁴⁹ See *Youth Safety and Violence Prevention: Bridging the Divide*, YMCA CHICAGO, <https://www.ymcachicago.org/programs/youth-safety-and-violence-prevention-bridging-the-divide> (last accessed Nov. 16, 2020).

⁵⁰ Ann Schimke and Melanie Asmar, School discipline data mistakes have ripple effects for advocates battling the school-to-prison pipeline, CHALKBEAT COLO. (Aug. 29, 2016), <https://co.chalkbeat.org/2016/8/25/21100281/school-discipline-data-mistakes-have-ripple-effects-for-advocates-battling-the-school-to-prison-pipe>.

⁵¹ 2015 Colo. Legis. Serv. Ch. 323 (H.B. 15-1273 §1(1)(d)) ("Due to inconsistent data collection methods and procedures, even the limited data currently collected from law enforcement agencies and district attorneys cannot be used since it is unreliable and not submitted in such a way that permits statewide comparison.").

⁵² COLO. DIV. OF CRIM. J., SUMMARY OF LAW ENFORCEMENT AND DISTRICT ATTORNEY REPORTS OF STUDENT CONTACTS 6 (Mar. 2020), <https://cdpsdocs.state.co.us/ORS/Docs/Reports/2020-HB15-1273-StudentContacts.pdf> ("One hundred thirty-five (135) law enforcement agencies provided data to DCJ . . . [a]pproximately 240 law enforcement agencies are expected to report data to DCJ. It is unknown if those

agencies that did not report did not have incidents on school grounds, or were unaware of the reporting requirements specified in H.B. 15-1273.”).

⁵³ COLO. DIV. OF CRIM. J., *supra* note 53 at 11, 27.

⁵⁴ For a rough approximation of the magnitude of this gap, consider that of the 6,688 incidents from the 2018-19 school year reported by law enforcement, fewer than 1,500 incidents (22% of the total number of incidents) had corresponding court records accessible via the state judicial branch’s database. *Id.* at 27. Pre-filing diversion – reported in 796 cases – accounts for only a small portion of this gap. *Id.* at 33.