

## Testimony regarding HB 1035 – Juvenile Justice Reform

1/21/2021

Dear Chairman Klemin and members of the Judiciary Committee,

My name is Luke Schaefer and I am the Executive Director of the Central Regional Education Association, one of seven service agencies that exist to provide support to ND schools in many forms. Further, I am a member of the ND State Lead Team for ND Multi-Tiered System of Supports which is a framework to provide training, coaching, and resources to schools to help them create systems which will get students the help they need, when they need, whether that is academic, behavioral, or social-emotional. Lastly, I have been an educator in ND for 17 years. I would like to provide testimony for how HB 1035 aligns with the philosophy and practices we teach in MTSS, an evidence-based approach to increasing student outcomes.

This bill changes the arrest and court involvement process for youth. For a long time, involving law enforcement was the last resort for a school dealing with “unruly youth” and students whose behavior escalated to a point that schools no longer had supports in place, whether simply truant or involved in other low risk offenses. While referring a student on to law enforcement was a difficult decision, it became the only way to get some students the help they needed. This bill is aimed at decriminalizing some behaviors and opening up services to youth before it gets to the point of law enforcement. It is easy to argue that decriminalizing low-risk behavior can offer a better chance for students to be re-classified instead of offenders, as students who need services. Further, if this shift can reduce the likelihood of re-offending and increase the likelihood of graduation, it seems like an easy win. Of course, for this to work, a robust system, which takes time to build, must be in place to ensure these youth receive the services that align to their need.

Schools engage in many aspects of assisting students who are currently classified as “unruly” and those students who begin manifesting maladaptive behavior by identifying the key issues and addressing them with the resources at their disposal. Key beliefs related to this bill for schools who engage in MTSS include:

1. Early prevention
2. Clearly articulated goals and decision-making protocols
3. Using assessments to determine student needs to the skill level (breaking down complex problems)
4. Matching evidence-based interventions to the skill deficit
5. Using data to monitor, communicate and make ongoing decisions to get back on track
6. Engaging families, engaging and training school personnel, integrating community services into the school setting
7. Building Infrastructure & Supports – resource allocation, Professional learning, scheduling, access
8. Watching and monitoring fidelity and evaluation of the implementation at all points along the continuum.

This bill addresses the number one belief, that of early prevention mechanisms. Addressing the title of these youth so they are no longer “unruly” and identifying “children in need of services” is, in and of itself, a prevention-focused change. Further, developing the resources and supports within DHS provides the very heart of support necessary for both these youth and the schools who educate them. It is recognized that there is a key difference between the two timelines outlined in the bill. Having stood up formal structures similar to this, though on a much smaller scale, timing is key. Ensuring that enough time is laid out for DHS to make appropriate plans, develop protocols for implementation, and communicate them broadly both within their service providers and outside to communities is integral to the success of this legislative change. With the proposed amendments, it appears that enough time has been built for this to occur. If the dates were not to be changed, it can set our schools to worrying about the possibility of the loss of service for students who are, indeed, “... in need of service.”

It is clear that this bill is focused on addressing issues upstream of the problem; working with schools, families, and community providers to ensure that youth can grow to be productive members of society. When the focus is on our youth and we aim to prevent future maladaptive behavior, we will see improvements over time. Time will be our most precious ally as these processes and supports are built so that when this bill sunrises, a robust system is in place for schools to make sufficient efforts to meet the needs of CHINS with the opportunity to refer for robust services offered through appropriate agencies, which in the past were diverted to by the court.

Thank you for your tireless work and for gaining a deeper understanding of this reform. While much is in the language, the seemingly subtle changes to delivery of service can provide for a better outcome for our youth.

Respectfully submitted,

Luke Schaefer (Minot, ND)  
Executive Director, Central Regional Education Association