

NATIONAL JUVENILE JUSTICE NETWORK

School Discipline & Security Personnel A TIP SHEET FOR ADVOCATES ON MAXIMIZING SCHOOL SAFETY AND STUDENT SUCCESS

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Law enforcement and security personnel stationed in schools across the United States – often referred to as “school resource officers” (SROs)¹ — are primarily trained to interact with adults, so children — particularly children with disabilities — risk experiencing lasting and severe consequences if SROs are expected to respond to their behavior. SRO involvement tends to criminalize normal adolescent behavior and disproportionately impacts youth of color, contributing to racial and ethnic disparities in the justice system. Security personnel and law enforcement should not be involved in any student disciplinary matter – only when there is a genuine threat to school safety.

In the school setting, SROs are ideally expected to balance the roles of teacher, counselor, and law enforcement officer. Lack of clarity about those roles creates confusion for administrators, teacher, students, and the officers themselves, which poses risks for all involved. Those risks are also present when police *not* classified as SROs interact with children. School administrators can safeguard against harms, reduce liability, and increase safety by defining the role of officers in schools in the following ways:

1. adopting comprehensive Memoranda of Understanding (MOUs); and
2. ensuring officers are trained on adolescent development, conflict resolution and de-escalation techniques, identifying and serving students with special needs, and in restorative practices.

NOTE

Our recommendations refer to any security personnel with whom students may have contact. Those assigned to public schools may include local law enforcement, police working for the school district, and security guards hired by the district or on contract. In addition, students on campus and off may also have contact with police officers not assigned to schools.

¹ For a useful definition of “school resource officers” and discussion of how law enforcement roles may differ from security guards, see Council of State Governments, *The School Discipline Consensus Report* (June 2014), pp. 187-189, <http://bit.ly/1LDQ6yK>.

Student Safeguards: Memoranda of Understanding & Officer Training

School administrators and law enforcement agencies enter into Memoranda of Understanding (MOU) or intergovernmental agreements to clarify respective roles, and to strictly limit law enforcement involvement in student behavior² — and should do so even if a school district doesn't have officers in its schools. MOUs and intergovernmental agreements should:

- **Clarify and limit the role of school resource officers (SROs) and other security personnel.** This includes detailed descriptions of school disciplinary measures, a plan for graduated responses to behavior, and explicit explanations of how different types of behavior will be addressed by the school and when to involve law enforcement.³

Citations, court referrals, and arrests should not be used against a child for most behavioral infractions, especially normal adolescent behavior, most non-violent infractions, and those arising from student disabilities. These behavioral infractions should be expressly listed in all MOUs, with examples — for trespassing, loitering, defiance, profanity, dress code violations, failure to follow classroom rules, possession of inappropriate personal items (e.g., cell phones), and so on.⁴ MOUs should stipulate that security personnel may only cite, refer, or arrest students when there is no other alternative, and only when there is a serious threat to school safety. In addition, the protocol should require written documentation of any alternatives that have been tried, or — if appropriate — the lack of appropriate alternatives.

No arrests of students should be made on a school campus for non-school matters. Arrests of students on campus should be made with respect for the student's privacy. Restrictions should be placed on handcuffing students at school: no “perp walks” of kids through schools; and students should be handcuffed only when absolutely necessary to stop a major violent incident.

- **Contain due process protections for parents and students.** For example, the MOU should specify that security personnel, no matter who employs them, have all the obligations of sworn law enforcement officers with respect to searches and interrogations

² For tips and a sample MOU, see The Advancement Project, “Proposed Memorandum Of Understanding between the School District and Police Department” (Feb. 26, 2013), <http://bit.ly/1LDPkIq>. In addition, see the Council of State Governments, *The School Discipline Consensus Report*, p. 255, which cites model MOUs from advocacy groups, state government, and national law enforcement.

³ See these tips and examples of student codes of conduct, compiled by the Advancement Project: <http://bit.ly/1N3C5Yu>.

⁴ See the resource cited in prior footnote for examples of graduated response charts from several school districts across the country. See also, Newsworks, “Philly district orders school police to stay out of level 1 offenses,” March 25, 2014, <http://bit.ly/1RC9Pgy>.

– e.g., even security officers employed by the school district would need probable cause (vs. “reasonable suspicion”) and a search warrant in most situations. In addition, parents/guardians should be notified immediately when students are ticketed or arrested and allowed to be present when a student is questioned; and there should be a formal procedure for complaints when students and parents feel they have been treated inappropriately by school security.⁵ Finally, security officers should be notified when a student may require special treatment or accommodations because s/he possesses disabilities and/or an Individualized Education Plan (IEP).⁶

- **Clarify the role of each agency in the selection, employment, training, logistics, and oversight of school-based security personnel.** Provisions may include criteria for a successful candidate; and the process by which school personnel can give feedback on security officer performance. In addition, school staff should be involved in selecting or supervising security officers.
- **Describe training of SROs and school administrators on how best to deal with youth in schools.** An MOU should include a provision that mandates cross-training for school and security staff on topics such as:
 - adolescent development;
 - appropriate responses to children with disabilities and special education issues, LGBTQ children, and those with limited English proficiency;
 - cultural competency and implicit bias; and
 - de-escalation and alternative approaches to student behavior, such as conflict resolution and restorative practices.
- **Clarify guidelines on use of force and prohibit the use of dangerous weapons on schoolchildren.** The MOU should provide guidelines on when and how security personnel can resort to physical force (ideally, it should refer to any statewide guidance already in place); this should be incorporated into training for the officers. In addition, the MOU should prohibit the use of “dangerous and imprecise” weapons such as tasers and pepper spray.⁷

⁵ See “Memorandum of Understanding between the San Francisco Unified School District and the San Francisco Unified School District,” 8 and 10-11, <http://bit.ly/1LYPdM2>, for including a parent/guardian during interrogations, and a complaint procedure.

⁶ For guidance, see Council of State Governments, *The School Discipline Consensus Report*, pp. 86-88, <http://bit.ly/1LDQ6yK>.

⁷ Frank Knaack and Emily Ling, “Use of Force in Texas Public Schools: The Case for Transparency, Accountability and Decriminalization” (ACLU of Texas, March 2011), 22, www.aclutx.org/download/30/.

Some additional issues the MOU should cover:⁸

- A schedule for regular meetings between SROs and students, parents, and community stakeholders
- Legal issues (e.g., searches and interrogation of students)
- Info-sharing, confidentiality, and mandatory reporting
- Data collection and reporting
- Evaluation procedures for partnership
- Cost-sharing/funding
- Term of the MOU and a timeline for review or renewal

Memoranda of Understanding and Increased training for School Security Get Results:

- **Denver, CO.** In 2004, the Denver Public Schools and the police department modified their MOU to limit when an officer may cite or arrest a student, and mandated yearly training to take a restorative justice approach on school discipline. After the MOU was modified, total suspensions were down 60 percent, while suspensions of youth of color went down by 58 percent; expulsions for all youth and youth of color fell 54 percent; and referrals to law enforcement for all youth and youth of color dropped 57 percent.⁹ The agreement was modified further in 2013: the role of security officers was further limited, preference was given to de-escalation and restorative interventions; family and students received additional due process protections, and officer and school administrators were both required to attend relevant training at least twice a year.¹⁰
- **Clayton County, GA.** In 2004, law enforcement, the local school system and social services groups, under the leadership of Judge Steven Teske, adopted an agreement to limit the number of students referred to juvenile court. As a result, the county experienced a 47 percent reduction in court referrals – the largest decreases for misdemeanor offenses such as fighting, disruption, and disorderly conduct; the presence of dangerous weapons on campuses decreased by 70 percent; referrals for fighting dropped by 86 percent; and graduation rates increased by 20 percent.¹¹

⁸ For more detailed suggestions on each of these topics covered by these bullets, see Council of State Governments, *The School Discipline Consensus Report*, pp. 244-266, <http://bit.ly/1LDQ6yK>.

⁹ Padres and Jovenes Unidos and Advancement Project, “Lessons In Racial Justice and Movement Building: Dismantling the School-to-Prison Pipeline in Colorado and Nationally” (undated), 32, <http://bit.ly/1XxSauh>. See also Sadie Gurman, “Agreement keeps Denver police out of most school discipline problems,” *The Denver Post* (February 20, 2013), <http://dpo.st/1GgN69c>.

¹⁰ Advancement Project and Padres and Jovenes Unidos, “Summary of 2013 Intergovernmental Agreement between DPS and DPD” (2013), <http://bit.ly/1N6H7Fi>.

¹¹ Advancement Project, *Test, Punish, and Push Out: How “Zero-Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline* (March 2010, revised), 37,

- **Mecklenburg County, North Carolina.** In August 2012, SROs from the Charlotte-Mecklenburg Police Department in North Carolina received a two-day training from Strategies for Youth, a [national organization](#) that seeks to improve police/youth interactions. The training covered adolescent development, how to recognize and respond to youth exposed to trauma and to those who have disabilities, demographic and cultural factors that influence youth interactions with peers and authority, and more. After the training, the police department reported a 25 percent reduction in youth arrests.¹²
- **Broward County, Florida.** In November 2013, Broward County entered into a collaborative agreement that targeted school-based arrests.¹³ The process of creating and adopting the agreement was led by a community group, and ultimately included a diverse group comprised of the school superintendent, school board, judge, public defender, state’s attorney, the NAACP, and others. The county saw results immediately – even in the first quarter of the school year, suspensions were down 66 percent, and expulsions down by 55 percent. While Broward County led the state in the rate of school-based arrests in 2011-12, with 1,054 arrests, in school year 2013-4, only 449 school-based arrests were made, a drop of 42 percent.¹⁴

More Student Safeguards: the Student Code of Conduct and Diversion Programs

- **Buffalo, NY.** In 2013, Buffalo Public Schools adopted a new agreement that limited the use of suspensions, eliminated zero tolerance policies, and instead focused on positive interventions and restorative justice practices. After the new agreement was adopted, short-term suspensions decreased by 22 percent and students gained an additional 7,353 days of school.¹⁵
- **Philadelphia, PA.** The Philadelphia Police School Diversion Program provides formal guidelines to connect troubled youth who commit minor offenses with services. In its first

http://b3cdn.net/advancement/50071a439cfacbbc8e_suxm6caqe.pdf. See also, Advancement Project, “Ending the Schoolhouse to Jailhouse Track,” <http://bit.ly/1hF4clb>.

¹² Jason Langberg, “School Policing Reform: Much Needed and Long Overdue,” *Juvenile Justice Blog* (Tamar Birckhead), <http://bit.ly/1MsD01E>.

¹³ School Board of Broward County, Florida, et. al., “Collaborative Agreement on School Discipline” (November 2013), at <http://bit.ly/1OZ2hqu>.

¹⁴ Kirwan Institute, “Interventions to Address Racialized Discipline Disparities and School ‘Push Out’” (Kirwan Institute Policy Brief, May 2014), 7, <http://bit.ly/1Mt5Wwz> and Florida Department of Juvenile Justice, “Delinquency in Florida’s Schools - an Interactive Report,” <http://bit.ly/1N7Nm6c>, accessed Oct. 28, 2015.

¹⁵ Citizen Action of New York, Alliance for Quality Education, Public Policy and Education Fund, and Advancement Project, “Restoring Justice in Buffalo Public Schools: Safe and Supportive Quality Education for All” (no publication date), 14, <http://bit.ly/1NeCJST>.

year, the number of behavioral incidents dropped 17 percent, expulsions and disciplinary transfers by 75 percent, and school arrests by 54 percent.¹⁶

Eliminating or Reducing Reliance on SROs - Examples

Many jurisdictions have curtailed or ended their use of SROs, as budget cuts have forced schools to review their priorities.¹⁷ Examples include:

- **Hartford, CT:** In 2015, the Enfield school district removed armed guards (though it left unarmed SROs in place) because it did not believe they enhanced school safety, and to save a projected \$783,000 a year by reducing its program.¹⁸
- **Lawrence County, AL:** In 2015, the Lawrence County school board cut all eight of its SROs to save \$182,000 for the year.¹⁹
- **Stillwater OK:** In 2014, the Stillwater school district ended its SRO program and saved \$75,000.²⁰

Alternative Approaches to School Safety

Given that the research on the effectiveness of SROs is at best inconclusive²¹ and likely ineffective at reducing problem behavior, the risk that their presence in schools may be detrimental to student safety and learning while unnecessarily increasing student arrests (an impact borne disproportionately by youth of color, youth with disabilities, and LGBTQ youth),²² many school districts have turned to more promising practices to ensure safe schools.²³

- **Oakland, CA:** In 2008, Cole Middle School piloted a restorative justice program, which led to an 87 percent drop in suspensions and expulsions dropped to zero.²⁴ Rather than

¹⁶ U.S. Department of Justice, “Keeping Kids in School and Out of Court: Philadelphia Police School Diversion Program” (Office of Juvenile Justice and Delinquency Prevention, undated), <http://bit.ly/1Hcs1b3>.

¹⁷ Council of State Governments, *School Discipline Consensus Report*, 190.

¹⁸ Juliana Mazza, “Armed Guards Removed from Enfield Schools,” *wwwlp.com*, May 13, 2015, <http://bit.ly/1ZGGoQ8>.

¹⁹ “Lawrence County to Cut 13 Teachers, Support Staff,” *DecaturDaily.com*, May 21, 2015, <http://bit.ly/1Kc26QI>.

²⁰ “Police Union Wants School District to Reconsider Cutting SROs,” *Stillwater News Press*, March 26, 2014, <http://bit.ly/1OxOtDa>.

²¹ Council of State Governments, *School Discipline Consensus Report*, 190-194.

²² See Advancement Project, Alliance for Educational Justice, Dignity in Schools, NAACP Legal Defense and Educational Fund, “Police in Schools are Not the Answer to the Newtown Shooting” (January 2013), 7-13, <http://bit.ly/1ihY7f5>; and Amanda Petteruti, “Education Under Arrest: the Case Against Police in Schools” (Washington, DC: Justice Policy Institute, November 2011), <http://bit.ly/URNk9M>.

²³ Donna St. George, “A Shift in Denver: Limits on Police in schools,” *Washington Post*, February 18, 2013, <http://wapo.st/1Rdxu6H>.

²⁴ Eric K. Arnold, “Oakland leads way as restorative justice techniques enter education mainstream,” *Public Integrity*, July 11, 2012, <http://bit.ly/1MsEskw>.

suspending or expelling students, the restorative justice program sought to find the underlying cause of a student's behavior.

- **Lee Co., GA:** In 2009, the Lee County school system implemented the [Positive Behavioral Intervention & Supports program](#) (PBIS). The county experienced a 58 percent reduction in discipline incidents and a 24 percent reduction in out-of-school suspensions.²⁵
- **Aurora, CO:** In the 2013-14 school year, Hinkley High School saw a 48 percent reduction in high school suspensions from the previous year, after it implemented a restorative justice program. Under the new program, any student involved in an altercation with another student discusses what happened in a facilitated conversation and is asked to heal the harm s/he caused. The school also has peer mentoring classes to teach other students how to conduct their own conversation circles.²⁶

Faced with drastic budget cuts, school districts have opted to end their SRO programs and have saved hundreds of thousands of dollars. With less expensive programs offering positive school safety results, school districts have the opportunity to maximize both their budgets and positive outcomes for youth.

Key Resources

- ACLU of Pennsylvania, "Q&A on School Discipline 2015," accessed Oct. 28, 2015. For sensible innovations, see the section, "What promising school policing reforms are being adopted?" here: <http://bit.ly/1KGv0IZ>.
- Advancement Project, "Proposed Memorandum of Understanding between the School District and Police Department" (Feb. 26, 2013), <http://bit.ly/1LDPkIlg>.
- Advancement Project, untitled compilation, includes Advancement Project publications, "Tips for Reforming Your Student Code of Conduct," and "Model School Discipline Policy"; Dignity in Schools' "Model Code on Education and Dignity," and examples from several school districts, <http://bit.ly/1N3C5Yu>.
- Advancement Project, Alliance for Educational Justice, Dignity in Schools, NAACP Legal Defense and Educational Fund, "Police in Schools are Not the Answer to the Newtown Shooting" (January 2013), <http://bit.ly/1ihY7f5>.
- Harold Jordan, "Beyond Zero Tolerance: Discipline and Policing in Pennsylvania Schools" (ACLU of Pennsylvania, February 2015), <http://bit.ly/1O8pSF5>.

²⁵ State of Georgia, The Governor's Office of Student Achievement, "Positive Behavioral Interventions and Supports: The Importance of School Climate," accessed Oct. 15, 2015, <http://1.usa.gov/1MFDh5X>.

²⁶ PBS Newshour, "To Curb Conflict, a Colorado High School Replaces Punishment with Conversation," <http://to.pbs.org/1P589wZ>, accessed October 28, 2015.

- Jon Kidde and Rita Alfred, “Restorative Justice: a Working Guide for Our Schools” (Alameda County Health Care Services Agency School Health Services Coalition, 2011), <http://bit.ly/14EWTA9>.
- Council of State Governments, *The School Discipline Consensus Report* (June 2014), <http://bit.ly/1LDQ6yK>.
- Anne Gregory, James Bell, and Mica Pollock, “How Educators Can Eradicate Disparities in School Discipline: A Briefing Paper on School-Based Interventions,” at <http://bit.ly/1WhUEQm>.
- National Juvenile Justice Network, “Safe and Effective School Disciplinary Policies and Practices: a Policy Platform” (August 2011), <http://bit.ly/LNDHHn>.
- Padres and Jovenes Unidos and Advancement Project, “Lessons in Racial Justice and Movement Building: Dismantling the School-to-Prison Pipeline in Colorado and Nationally” (undated), <http://bit.ly/1XxSauh>.
- Amanda Petteruti, “Education Under Arrest: the Case Against Police in Schools” (Washington, DC: Justice Policy Institute, November 2011), <http://bit.ly/URNk9M>.
- National Center on Safe Supportive Learning Environments (from the U.S. Department of Education), at <http://safesupportivelearning.ed.gov>. Has resources on a huge variety of issues within the topics of engagement, safety, and school environment.
- “Fix School Discipline,” Public Counsel, <http://fixschooldiscipline.org/>.
- U.S. Department of Education & the U.S. Department of Justice, “School Discipline Guidance Package,” <http://1.usa.gov/1KFIZ1E>. See also the U.S. Department of Education, “School Climate and Discipline,” <http://1.usa.gov/LUOGD5>.
- U.S. Department of Education Civil Rights Data Collection (CRDC), Data Snapshot: School Discipline March, 2014), <http://1.usa.gov/1MixdLD>. Find up-to-date local data using this search tool from the Office of Civil Rights: <http://1.usa.gov/1XyYhyo>; for guidance on finding and using the data, see this slide deck, “Civil Rights Data Collection (CRDC) Webinar: Using the Data in Local Work (June 9, 2014), at <http://bit.ly/1ReqJ4R>.

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