



TRANSFORMING SCHOOL DISCIPLINE COLLABORATIVE

Police in Schools: Guide to Alternatives and Improved Approaches



Created by:

Jennifer Babisak, Law Student at Loyola University Chicago School of Law, under the supervision of Miranda Johnson, Director of Loyola's Education Law and Policy Institute.

Contributions and feedback were provided by Amy Meek at the Chicago Lawyers' Committee for Civil Rights. This toolkit was developed as a contribution to the Transforming School Discipline Collaborative.

Table of Contents

Table of Contents	1
I. Introduction	2
II. Background and Research	3
III. Enhancing Safety by Creating a Positive School Culture	6
<i>Social Emotional Learning</i>	6
<i>Teacher Coaching or Mentoring</i>	8
<i>Relationship Building Between Teachers and Students</i>	10
<i>Tiered Interventions and Supports</i>	10
<i>Restorative Justice</i>	11
<i>Community Engagement</i>	12
IV. School-Based Interactions With Law Enforcement	14
<i>Defining an SRO's Role</i>	14
1. <i>Write and Implement an MOU</i>	15
2. <i>Train SROs to Work in Schools</i>	17
3. <i>Establish an Administrative Liaison</i>	18
4. <i>Implement Universal De-Escalation Techniques</i>	18
5. <i>Do Not Use SROs for Routine Discipline</i>	20
6. <i>Think Before Disclosing Student Information</i>	21
7. <i>Make an SRO Aware of a Student's IEP</i>	23
8. <i>Evaluate Implicit Bias Before Calling an SRO</i>	24
9. <i>Do Not Question Students Alone</i>	27
10. <i>Invite SROs to Interact Positively with Students</i>	28
V. School-Safety Training	28
VI. Conclusion	29

I. Introduction

School leaders, educators, and parents all want to keep students safe in school. For many years, the default attempt at improving school safety has been to increase police presence in schools. However, 2020 has marked a shift in momentum towards removing school police, as communities search for ways to encourage equitable school environments. School districts in Illinois and across the country have begun to rethink the use of police officers, often known as School Resource Officers (SROs), stationed at schools.

An SRO is a law enforcement officer—employed by a local police or sheriff’s department, or by a school—who works on a school campus.¹ Though an SRO is often considered a school official, SROs have the power to make arrests and issue citations just like other law enforcement officers.²

Some schools that do not have SROs still have a law enforcement presence. For example, some schools employ armed security guards who may be off-duty police officers or perceived as such. Schools may also rely on calling police to respond to certain incidents on school grounds, even if no officer is stationed at the school full-time.

This toolkit outlines effective practices for enhancing school safety, focusing on approaches that serve as both:

1. Alternatives to school policing for schools that eliminate police from their campuses, and
2. Practices that work to protect students in schools that have a police presence.

We offer research-supported strategies for creating a positive school culture and recommend addressing campus conflicts through restorative justice and non-punitive approaches. Research shows that these approaches are more likely to effectively maintain safety and reduce school violence than a police-based approach. For schools with a law enforcement presence, this toolkit offers suggestions to define the role of law enforcement in a school and goes on to recommend ten action steps for working with school police. These suggested practices for working with SROs do not constitute legal advice.

¹ United States Department of Justice, Community Oriented Policing Services (COPS), Supporting Safe Schools, (last accessed May 7, 2020). Available at <https://cops.usdoj.gov/supportingsafeschools>.

² *Id.*

II. Background and Research

How did we get to this moment where student interaction with police has become a standard feature at many U.S. schools? Police first established a presence in a United States school in the 1950s in Flint, Michigan.³ Over time, school policing programs trickled into cities across the United States. However, school policing programs grew slowly until the 1990s.⁴

In the 1990s, momentum increased for school policing, driven in part by the Gun-Free Schools Act of 1994 and the contemporaneous establishment of the Office of Community Oriented Policing Services (COPS).⁵ In 1999, the “COPS in Schools” grant program significantly increased the number of school-based police.⁶ While grant money for funding SROs has risen and fallen through the years, the presence of police in schools continues to climb. The National Association for School Resource Officers (NASRO) estimates that there are currently between 14,000 and 20,000 SROs in schools throughout the United States.⁷

The increasing numbers of school shootings since Columbine in 1999 have also offered a rationale for increased police presence in schools. The fear of school shootings, amplified by the February 2018 Parkland shooting, led to additional interest in adding school threat assessment and school police. However, research has found no solid evidence that the presence of an SRO reduces the risk of a mass school shooting.⁸

In May 2020, the death of George Floyd helped spark a nationwide outcry for racial justice and police reform that amplified calls for schools to reassess the role of SROs. School districts across the country—including Minneapolis, Portland, Denver, and Charlottesville, Virginia—began cancelling their contracts with police.⁹ Chicago Public Schools (CPS) faced a contentious board vote that narrowly allowed police to remain in schools, while giving Local School Councils authority to eliminate SROs from individual campuses.¹⁰ However, CPS slashed the SRO budget and instituted

³ Texas State University, *A Brief History of School Based Law Enforcement*, Texas School Safety Center (February 2016). Available at <https://txssc.txstate.edu/topics/law-enforcement/articles/brief-history>.

⁴ *Id.*

⁵ Elizabeth A. Shaver and Janet R. Decker, *Handcuffing a Third Grader? Interactions Between School Resource Officers and Students with Disabilities*, Utah Law Review: Vol. 2017: No. 2, Article 1. (2017). Available at <http://dc.law.utah.edu/ulr/vol2017/iss2/1>.

⁶ *Id.*

⁷ National Association of School Resource Officers, *Frequently Asked Questions*, NASRO (last accessed Dec. 2019). Available at <https://nasro.org/frequently-asked-questions/>.

⁸ See Melvin D. Livingston, Matthew E. Rossheim, and Kelli Stidham Hall. “A descriptive analysis of school and school shooter characteristics and the severity of school shootings in the United States, 1999–2018.” *Journal of Adolescent Health* 64, no. 6 (2019): 797-799. See also <https://www.endzerotolerance.org/single-post/2019/03/11/Research-on-the-Impact-of-School-Policing>.

⁹ Mark Keierleber, “*The Students Were the Danger’: In Racially Diverse Schools, Police Were More Likely to View Students as Threats, Study Shows*,” *The 74* (June 16, 2020). Available at <https://www.the74million.org/the-students-were-the-danger-in-racially-diverse-schools-police-were-more-likely-to-view-students-as-threats-study-shows/>.

¹⁰ Nader Issa, *CPS board votes to keep police in schools despite student protests*, Chicago Sun Times (Aug 26, 2020). Available at <https://chicago.suntimes.com/2020/8/26/21402246/school-police-officers-cps-chicago-public-schools-cops>.

detailed job descriptions.¹¹ Suburban schools are also making changes. For example, in July 2020, Oak Park and River Forest High School voted to eliminate its SRO position and instead use the funding for a school social worker.¹²

Now, school leaders and communities must confront evidence of police harm for vulnerable students and choose strategies that can keep all students safe. Surveys of students reveal a racial divide in student perceptions of police, with Black students less likely than white students to indicate feeling safe in the presence of police.¹³ Female students are also less likely than male students to report they feel safe at school, with no link between the presence of an SRO and feeling safer at school.¹⁴ The presence of school police is also more likely to negatively impact students with disabilities.¹⁵ School leaders, communities, and members of the judiciary are realizing that the standard school discipline protocol is setting students up to fail and lacks substantial benefits.¹⁶

Research also shows that schools with SROs rely more heavily on exclusionary discipline and are more likely to criminalize and arrest youth for minor misbehavior.¹⁷ Because school-based police officers are widely inadequately trained in the specifics of working with juveniles in a school and often fall back on the harsh tactics of their law enforcement training when they respond to student misbehavior, behavior incidents may escalate rather than deescalate. Students can be arrested and face criminal records for even minor offenses like insubordination or truancy. An

¹¹ *Id.*

¹² Steve Schering, *Oak Park and River Forest High School to Terminate Police Officer Position, Use Funds for Social Worker*, The Chicago Tribune (July 10, 2020). Available at <https://www.chicagotribune.com/suburbs/oak-park/ct-oak-oprf-resource-officers-tl-0716-20200710-h3hrkhurazgn3b2d34mngxficq-story.html>.

¹³ Lindsay Bell Weixler et al., *Voices of New Orleans Youth: What Do the City's Young People Think About Their Schools and Communities*, Education Research Alliance for New Orleans (June 8, 2020). Available at <https://educationresearchalliancenola.org/files/publications/20200608-Technical-Appendix-Weixler-et-al-Voices-of-New-Orleans-Youth-What-Do-the-City's-Young-People-Think-About-Their-Schools-and-Communities.pdf>; Jonathan Nakamoto et al., *High School Students' Perceptions of Police Vary by Student Race and Ethnicity: Findings from an Analysis of the California Healthy Kids Survey, 2017/18*, WestEd (2019). Available at <https://www.wested.org/wp-content/uploads/2019/05/resource-high-school-students-perceptions-of-police.pdf>; Suzanne E. Perumean-Chaney and Lindsay M. Sutton, *Students and Perceived School Safety: The Impact of School Security Measures*, American Journal of Criminal Justice, 38, 570–588 (Sept. 8, 2012).

¹⁴ Matthew Theriot and John Orme, *School Resource Officers and Students' Feelings of Safety at School*, Youth Violence and Juvenile Justice (2016). Available at https://www.researchgate.net/profile/Matthew_Theriot2/publication/285980423_School_Resource_Officers_and_Students'_Feelings_of_Safety_at_School/links/5aae71d6458515e3e3e96b8f/School-Resource-Officers-and-Students-Feelings-of-Safety-at-School.pdf.

¹⁵ Amanda Merkwae, *Schooling the Police: Race, Disability, and the Conduct of School Resource Officers*, 21 Mich. J. Race & L. 147, 170 (2015).

¹⁶ Hon. Jay Blitzman, *Deconstructing the School-to-Prison Pipeline*, Boston B.J., Special Edition, at 9, 10 (Oct. 4, 2018).

¹⁷ F. Chris Curran et al., *Why and When Do School Resource Officers Engage in School Discipline? The Role of Context in Shaping Disciplinary Involvement*. American Journal of Education 126 (November 2019), the University of Chicago; Jeremy D. Finn and Timothy J. Servoss, *Misbehavior, Suspensions, and Security Measures in High School: Racial/Ethnic and Gender Differences*, Journal of Applied Research on Children: Informing Policy for Children at Risk, 5 (2), Article 11 (2014). Available at <https://digitalcommons.library.tmc.edu/childrenatrisk/vol5/iss2/11>.

officer's presence on campus has the potential to negatively impact school climate and accelerate the school-to-prison pipeline.

The unregulated deployment of police in schools, coupled with zero tolerance, has fueled the pipeline and adversely affected schools of color. While these practices may be rationalized as logical responses to protect children, National Center for Education data shows that reported incidents of school violence had peaked in 1994, well before Columbine, and that national juvenile arrest rates had reached their high point in 1994, and by 2016 had declined by 70%.

--The Hon. Jay Blitzman, First Justice of the Middlesex
Division of the Massachusetts Juvenile Court

Approximately 45% of all schools now employ a school resource officer (SRO) at least part-time, up from a third of schools that did so ten years ago.¹⁸ Once a school decides to bring an SRO onto campus, significant school culture and legal repercussions may follow. Because available studies do not clearly confirm the effectiveness of SROs in reducing overall rates of school violence or preventing school shootings, schools should carefully consider whether a police presence is necessary.¹⁹ Instead, schools should consider other approaches, with proven efficacy to protecting the safety, mental health, and equitable opportunities of all students. Schools that have police on campus should take every effort to maintain a positive rather than punitive culture and respect students' legal rights. Administrators and teachers should follow carefully considered policy when working with school police.

¹⁸ Stephen Sawchuck, *More Schools Are Reporting Serious Violence and Hiring Police*, Education Week (July 25, 2019). Available at <https://www.edweek.org/ew/articles/2019/07/25/more-schools-are-reporting-serious-violence-and.html>.

¹⁹ Congressional Research Services, *School Resource Officers: Issues for Congress*, CRS Report (July 5, 2018). Available at https://www.everycrsreport.com/files/20180705_R45251_db5492370a04c7e3b39f27ce52416d229a0ac17d.pdf.

III. Enhancing Safety by Creating a Positive School Culture

Developing a school environment that enhances safety and reduces violence starts with focusing on school culture or climate. The National School Climate Center defines school climate as “the quality and character of school life. School climate is based on patterns of students’, parents’ and school personnel’s experience of school life and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures.”²⁰

The University of Chicago Consortium on School Research tracked data for seven years (2007-2014) across 600 Chicago elementary and secondary schools and found that the most successful schools had principals who focused on creating a positive school climate. These principals instituted “opt-out” support, meaning that high-risk students were automatically enrolled in support services.²¹

Further, schools should attempt to prevent disruptive classroom behavior from occurring and compassionately address adverse behavior by implementing five key positive strategies: Social Emotional Learning, teacher coaching and mentoring, tiered interventions and supports, restorative justice, and community engagement.

Social Emotional Learning

“Social and emotional learning (SEL) is the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions,” according to the Collaborative for Academic, Social, and Emotional Learning (CASEL).²² The organization pioneered SEL concepts two decades ago and continues to train schools to educate the whole child, in order to equip students for school and life. CASEL researches the effects of social and emotional learning, trains schools to implement SEL, and advocates for improved school policies at the state and federal level.

CASEL identifies five core competencies of SEL to implement at school and home:

- Self-awareness
- Self-management
- Social awareness
- Relationship skills
- Responsible decision-making

Many school districts have early childhood programs and Zero to Three, the Harvard Center on the Developing Child, and the National Scientific Council on the Developing Child stress the importance of brain architecture, social-emotional development, and infant/early childhood mental

²⁰ National School Climate Center, *What is School Climate and Why is it Important?*, School Climate (last accessed Dec. 4, 2019). Available at <https://www.schoolclimate.org/school-climate>.

²¹ Sarah D. Sparks, *A Look at How Principals Really Drive School Improvement*, Education Week (March 16, 2018). Available at http://blogs.edweek.org/edweek/inside-school-research/2018/03/how_principals_drive_student_improvement.html.

²² CASEL, *What is SEL?*, CASEL (2019). Available at <https://casel.org/what-is-sel/>.

health for the zero to five age range in order to set the stage to become successful adults²³. Child development is also highly individual and must be viewed in various contexts, such as culture, language, gender, family, and community.

SEL brings significant advantages to schools, according to a *Child Development* 2011 meta-analysis of 213 school-based, social and emotional learning (SEL) programs involving 270,034 kindergarten through high school students. Across studies, SEL participants “demonstrated significantly improved social and emotional skills, attitudes, behavior, and academic performance that reflected an 11-percentile-point gain in achievement.”²⁴

According to professional development non-profit organization ASCD, an SEL program’s success depends on its embrace by school leaders instituting systemic implementation. Among the school leaders attending SEL training, an SRO should prioritize understanding juvenile development and learning how to respond to behavior incidents in a manner consistent with the school’s SEL goals. School administration must assist the implementation of SEL training and principles across teachers, SROs, and other school employees.

In her article, “5 Steps for Successful SEL Implementation,” in ASCD’s e-newsletter, Principal Jennifer Roberts offers advice learned from struggling to implement SEL in her elementary school:²⁵

1. **Use your state’s SEL standards** if standards exist for your grade level. [Preschool standards exist](#) for all 50 states, and nearly half of states have SEL standards for older students.²⁶
2. **Gradually implement SEL.** Get a small group of teachers to start using the program and then expand as confidence grows. Get regular feedback from the pilot group and revise broader SEL strategy based on their advice.
3. **Provide SEL professional development.** Implementation strategies for SEL can be challenging, and they require shifting perspective on classroom management. Teachers [and SROs] need as much support as students to achieve SEL success.
4. **Involve school staff with implementation.** SEL implementation stalls due to lack of time and funding. When teachers [and SROs] are involved with implementation, they become leaders and mentors in implementing the program schoolwide. Growing school employee-cheerleaders of SEL from within reduces training costs.

²³ Zero to Three, *Social Emotional Development*. Available at <https://www.zerotothree.org/espanol/social-and-emotional-development>. Center on the Developing Child, Harvard University, *Children’s Emotional Development Is Built into the Architecture of Their Brains*, Working Paper No. 2 (2011). Available at <https://developingchild.harvard.edu/resources/childrens-emotional-development-is-built-into-the-architecture-of-their-brains/>.

²⁴ Joseph A. Durlak et al., *The Impact of Enhancing Students’ Social and Emotional Learning: A Meta-Analysis of School-Based Universal Interventions*, *Child Development* (2011). Available at <https://casel.org/wp-content/uploads/2016/01/meta-analysis-child-development-1.pdf>.

²⁵ Jennifer Roberts, *5 Tips for Successful SEL Implementation*, *Social-Emotional Learning in Action* (Oct. 4, 2018). Available at <http://www.ascd.org/ascd-express/vol14/num04/Five-Tips-for-Successful-SEL-Implementation.aspx>.

²⁶ See Illinois State Board of Education, *Social/Emotional Learning Standards*. Available at <https://www.isbe.net/Pages/Social-Emotional-Learning-Standards.aspx>. See also Illinois State Board of Education, *Early Learning Standards*. Available at <https://www.isbe.net/Pages/Early-Learning-Standards.aspx>.

5. **Assess and adapt.** A successful SEL program implementation requires flexibility. You'll need to see what strategies work for your school and which suggestions need modification. Just as your students learn and grow through this program, administrators and staff must learn and grow their implementation of SEL to fit their school. Measure SEL success by assessing students with the Behavior Assessment System for Children or DESSA model.

Implementing SEL, as well as the other tiered supports identified in this toolkit, should also include trauma-informed practices. In their TSDC Toolkit on Trauma in Schools, authors Tashiana Stafford and Tatiana Duchak define trauma-informed care as “a program, organization or system that realizes the widespread impact of trauma and understands potential paths for recovery, recognizes the signs and symptoms of trauma in clients, families, staff and others involved in the system, responds by fully integrating knowledge about trauma into policies, procedures and practices, and seeks to actively resist retraumatization.”²⁷ District and school staff can reference that toolkit for more information related to implementation of trauma-informed practices in schools.

Teacher Coaching or Mentoring

As reinforcement to other schoolwide forms of professional development, teacher coaching and mentoring holds potential to both increase student success, improve teacher job satisfaction, and positively impact overall school climate. Teacher coaching or mentoring produces significant influence on both teacher instruction and student achievement. In addition, teacher mentoring that improves classroom management skills and reduces the need for administrative disciplinary support can prevent unneeded SRO involvement. Further, in early childhood programs, Infant/Early Childhood Mental Health Consultation (I/ECMHC) has been shown to reduce preschool expulsions (in which there are racial and gender disparities), improve parent-child relationships, increase the development of positive social skills, and increase retention rates of early childhood professionals.²⁸

A Harvard-published metaanalysis of 60 different teacher coaching instruction and achievement studies found, “On average, coaching improves the quality of teachers’ instruction and its effects on student achievement by 0.49 standard deviations and 0.18 standard deviations, respectively.”²⁹ In fact, these studies show that coaching makes a bigger difference in teacher performance than the years of experience between a novice teacher and an experienced veteran.

²⁷ Tashiana Stafford and Tatiana Duchak, Trauma in Schools: A Toolkit for Educators and School Administrators Implementing Trauma Supports in Schools, Transforming School Discipline Collaborative (last accessed Nov. 10, 2020). Available at <https://static1.squarespace.com/static/5871061e6b8f5b2a8ede8ff5/t/5f5014e19f357a52b866f8ba/1599083748081/Trauma+Toolkit+Final+FINAL.pdf>.

²⁸ Zinsser, K.M., Silver, H.C., Hussaini, Q., & Zulauf, C.A. (2019). Evaluation Report of the Implementation of Illinois Public Act 100-0105: Early childhood programs’ knowledge of and responses to the 2018 expulsion legislation. The University of Illinois at Chicago, Chicago, IL.

²⁹ Matthew A. Kraft et al., *The Effect of Teacher Coaching on Instruction and Achievement: A Meta-Analysis of the Causal Evidence*, Review of Educational Research (last accessed Dec. 4, 2019). Available at https://scholar.harvard.edu/files/mkraft/files/kraft_blazar_hogan_2017_teacher_coaching_meta_analysis_w_p.pdf

Research by Rutgers psychology professor Dr. Anne Gregory shows that professional development holds potential to eliminate racial disparity in discipline referrals.³⁰ Gregory recommends that meaningful professional development can impact school climate long-term if it is implemented system-wide, is rigorously enforced, and provides time for teachers to reflect on their instructional practices.³¹ In Gregory's study, teachers participated in the My Teaching Partner-Secondary (MTP-S) professional development program, which provides ongoing coaching and feedback.³² The model almost completely eliminated the racial discipline gap, which measured Black children being subject to exclusionary discipline at twice the rate of white children in control classrooms.³³

Perhaps hiring outside coaches seems like a financially unfeasible prospect for a budget-tied school. However, the Harvard study points out how many people can serve as a teacher coach, "including administrators, master teachers, curriculum designers, external experts, and other classroom teachers." The meta-analysis authors recommend that coaching should contain the following ingredients:

- Individualized
- Time-intensive
- Sustained over the course of a semester or year
- Context-specific
- Focused on discrete skills.³⁴

Such support can go far in improving both teacher morale and effectiveness and classroom management techniques. These improvements should reduce the incidence of punitive school discipline, reduce police or SRO calls, improve school climate, and increase student achievement.

Relationship Building Between Teachers and Students

Research shows that schools that emphasize relationship building can improve student compliance, communication, and potential for success. To enable schools to provide relationship building professional development at no cost, University of Virginia researchers, along with other collaborators, developed a resource called Creating Opportunities Through Relationships (COR).³⁵

³⁰ Anne Gregory et al., *Eliminating the Racial Disparity in Classroom Exclusionary Discipline*, *Journal of Applied Research on Children: Informing Policy for Children at Risk*: Vol. 5: Iss. 2, Article 12. (2014). Available at: <http://digitalcommons.library.tmc.edu/childrenatrisk/vol5/iss2/12>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Matthew A. Kraft et al., *The Effect of Teacher Coaching on Instruction and Achievement: A Meta-Analysis of the Causal Evidence*, *Review of Educational Research* (last accessed Dec. 4, 2019). Available at https://scholar.harvard.edu/files/mkraft/files/kraft_blazar_hogan_2017_teacher_coaching_meta_analysis_w_p.pdf.

³⁵ COR, *Creating Opportunities Through Relationships*, COR Classrooms (last accessed May 7, 2020). Available at <http://www.corclassrooms.org/>.

The program is free, delivered through five online modules, and designed to encourage engagement and learning.³⁶ Focusing on the pieces of a relationship and how they work together, COR covers:

- Building relationships,
- Awareness of beliefs,
- Strategies for promoting positive interactions in the classroom,
- Helping children feel capable and valued, and
- Promoting engagement in learning.³⁷

Programs such as COR are available to schools without a budget for other comprehensive school climate training. Promoting instruction through virtual learning opportunities means that even isolated rural schools or budget-limited programs can prioritize improving school climate by addressing relationship improvements between teachers and students. If a school decides to employ SROs, it should require the SROs to attend COR or other relationship-building training as well and to implement relationship building approaches in their work with students and teachers.

Tiered Interventions and Supports

Tiered interventions and supports, also known as Multi-tiered Systems of Support and Positive Behavioral Interventions and Supports (PBIS), is an evidence-based framework that provides proactive universal support and individually tailored support to address challenging behavior in schools. For instance, PBIS is divided into three different tiers of support:

- A. Tier I:** In Tier 1, schools initiate universal proactive supports that impact all students. PBIS summarizes its Tier 1 support approach:³⁸
 - a. Effectively teach appropriate behavior to all children.
 - b. Intervene early before unwanted behaviors escalate.
 - c. Use research-based, scientifically validated interventions whenever possible.
 - d. Monitor student progress.
 - e. Use data to make decisions.

- B. Tier 2:** Tier 2 supports target individually struggling students. The students may receive support in group settings of ten or more students. The continuously available targeted interventions of Tier 2 demonstrate positive impact on up to 67% of referred students.³⁹ All Tier 2 students receive:
 - a. Instruction on key social, emotional, and/or behavioral skills
 - b. Increased positive reinforcement and pre-correction
 - c. Academic support

³⁶ *Id.*

³⁷ *Id.*

³⁸ PBIS, *What is Tier 1 Support?*, Tier 1 (last accessed Dec. 4, 2019). Available at <https://www.pbis.org/pbis/tier-1>.

³⁹ PBIS, *What is Tier 2 Support?*, Tier 2 (last accessed Dec. 4, 2019). Available at <https://www.pbis.org/pbis/tier-2>.

- C. **Tier 3:** Tier 3 provides intense, individual support to struggling students. Students exhibiting dangerous, classroom-disrupting behaviors should receive this level of intense support. An Individualized Education Program (IEP) with emphasis on inclusive practices can be included as an intervention at this level. In early childhood programs, inclusion specialists may provide individual support. Only 1-5% of a school's students typically need Tier 3 supports. Students received a formal Functional Behavior Assessment to determine the causes and appropriate interventions for problematic behavior. Students receive wraparound supports imbedded in appropriate cultural context.⁴⁰

Early childhood programs in Illinois use the Pyramid Model, a tiered intervention resource based on evidence-based research that supports social and emotional development in children from birth to age five.⁴¹ Schools can receive funding through the Illinois Preschool Development Grant to implement the program.⁴²

Tiered interventions and supports work best in conjunction with a school and community-partnered behavioral health team. A behavioral health team consists of members such as: school and community mental health professionals, school administrators, teachers, SROs, school nurses, IEP team members, doctors, case managers, probation officers, and other court or rehabilitation contacts. The behavioral health team should meet regularly to develop student intervention plans, coordinate needed interventions, and follow up with the student and their family. Bringing diverse skills and roles together allows the behavioral health team to effectively implement Tier 3 individual supports and identify supports that would be helpful for the broader school population.

Restorative Justice

When schools need to implement discipline, they should do so with a restorative justice approach. Authors Katherine Evans and Dorothy Vandering define restorative justice in education as “facilitating learning communities that nurture the capacity of people to engage with one another and their environment in a manner that supports and respects the inherent dignity and worth of all.”⁴³

TSDC's “The Restorative Approach and its Strategies” administrator guide defines how a restorative justice mindset includes restorative practice tools, which are “a set of tools that allow one to practice Restorative Justice—from various types of circles, to specific language choices, to how we include people in spaces to resolve conflict.”⁴⁴

⁴⁰ PBIS, *What is Tier 3 Support?*, Tier 3 (last accessed Dec. 4, 2019). Available at <https://www.pbis.org/pbis/tier-3>.

⁴¹ Governor's Office of Early Childhood Development, Pyramid Model. Available at <https://www2.illinois.gov/sites/OECD/Pages/Pyramid-Model.aspx>.

⁴² Illinois State Board of Education, Preschool Development Grant—Expansion Grant Resources. Available at <https://www.isbe.net/Pages/Preschool-Development-Grant-Expansion-Grant-Resources.aspx>.

⁴³ Katherine Evans and Dorothy Vandering, *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools*, Good Books (2016).

⁴⁴ Chicago Lawyers' Committee for Civil Rights Under Law, *The Restorative Approach and its Strategies*, Transforming School Discipline Collaborative (2016). Available at https://drive.google.com/file/d/0B8d8PTyuz_W_RVR4cVRDemNMNUU/view.

The guide points to goals of such an approach as restoring: effective communication, respect, empathy, understanding of perspective, security, self-confidence, self-respect, and dignity.⁴⁵ The guide summarizes that “overall, the purpose of the process is to restore someone’s sense of belonging within the school or classroom community.”⁴⁶ For detailed guidance on implementing a restorative approach, see the guide.⁴⁷ It outlines not only goals of restorative justice in education, but a foundational framework, mindset, language, and strategies for implementation.⁴⁸

Community Engagement

A positive school environment welcomes the voices of all community members connected to the school. Whether deciding on policies regarding student interaction with law enforcement, creating programs that support students and families, or formulating teacher hiring practices, students, staff, and parents should have a say in schoolwide decisions.

Parent engagement is particularly crucial to a school’s success. TSDC’s guide, “Strategies for Parent Engagement,” recommends these core practices to strengthen connections with parents:

- Create a welcoming environment.
- Encourage parents to visit the school and confer with teachers.
- Involve parents in school decision-making.
- Communicate with parents frequently and in their first language.
- Translate community meetings into parents’ first languages.
- Listen to parents to gain perspective on their lives.
- Create volunteer and paid roles for parents to support students.
- Create spaces for parent meetings and education.⁴⁹

The guide describes strategies that author Communities Organizing for Family Issues (COFI) has used to successfully engage parents in implementing restorative justice programs and transformative school climates.⁵⁰ It highlights COFI’s parent leadership development program, which the organization has brought to dozens of schools in the Chicago area.⁵¹ The guide also highlights parent peace centers that train parents to mediate school conflicts.⁵²

Practices that welcome the voices of students and parents in school decision-making create a more equitable learning experience. Evans and Vandering point out that “another way to consider justice and equity in schools is to ensure that all members of the community can participate fully in school related events and activities.”⁵³ Thus, a restorative approach invites all community members

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Communities Organizing for Family Issues (COFI), *Strategies for Parent Engagement*, Transforming School Discipline Collaborative (2016). Available at <https://www.transformschooldiscipline.org/tsdc-toolkit#anchor-admin-guides>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ Katherine Evans and Dorothy Vandering, *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools*, Good Books (2016).

to the table when making important decisions about school discipline practices. In this context, an equitable school community allows participation by diverse members of the student body and staff, including special education students, cafeteria workers, custodial workers, and others who often may not have a voice in school decisions.⁵⁴

Community engagement also welcomes complaints and gives an outlet for parents, students, and staff to share negative experiences. Whether these experiences come at the hands of SROs, teachers, or administrators, members of a school community should know where to file a complaint. A structured system for complaints should be put in place to ensure that the voices of those affected are heard. The complaint system should also outline the school's response to complaints, to prevent matters from being dismissed without review or carefully considered action.

Action Steps to Enhance School Safety by Improving School Climate

1. Implement SEL gradually, aiming for your state's SEL standards and CASEL's 5 core competencies.
2. Bring educational coaches, school social workers, and Infant/Early Childhood Mental Health Consultants (I/ECMHCs) in to partner with each teacher.
3. Provide universal and individually tailored support with multiple levels of tiered support.
4. Implement restorative justice.
5. Encourage community engagement.

⁵⁴ *Id.*

IV. School-Based Interactions With Law Enforcement

After initiating programs that improve school climate, schools will inevitably still face questions about the role of law enforcement on campus and how teachers, administrators and staff should interact with police. When a school or district has decided to maintain SRO presence on campus, developing clear guidelines may help to mitigate the risk of harm.

Defining an SRO's Role

First, it is helpful to define the SRO's intended role on campus. National standards leave an SRO's official job description broad and open to interpretation, requiring additional refinement by a local school or district. The National Association of School Resource Officers (NASRO) promotes a "triad model" for SRO duties, with the SRO serving as "educator, informal counselor, and law enforcement officer."⁵⁵ Federal law also references this triad model. The authorizing legislation for the Community Oriented Policing Services (COPS) program (42 U.S.C. §3796dd-8) defines a school resource officer as:

What is an SRO?

"A career law enforcement officer...assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

- (A) to address crime and disorder problems, gangs, and drug activities [in school];
- (B) to develop or expand crime prevention efforts for students;
- (C) to educate likely school-age victims in crime prevention and safety;
- (D) to develop or expand community justice initiatives for students;
- (E) to train students in conflict resolution, restorative justice, and crime awareness;
- (F) to assist in the identification of physical changes in the environment that may reduce crime
- (G) to assist in developing school policy that addresses crime and to recommend procedural changes."

The specifics of an SRO's authority within a campus depends on state law as well as procedures outlined by the individual school district. In any school that has an early childhood program, it should be understood that there should be no intervention of an SRO with a child from birth through second grade.⁵⁶ Rather, appropriate staff, such as an Infant/Early Childhood Mental

⁵⁵ NASRO, *To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools* (2012). Available at <https://nasro.org/cms/wp-content/uploads/2013/11/NASRO-To-Protect-and-Educate-nosecurity.pdf>.

⁵⁶ This prohibition is aligned with the prohibition of suspension and expulsion of children of this age in the Chicago Public Schools Code of Conduct as well as Illinois Public Act 100-0105 (eff. Jan. 1, 2018). Available at

Health Consultant, special education staff, or an inclusion specialist should be consulted and provide any intervention for behavioral concerns.

To avoid confusion and inappropriate assertion of force by SROs, discipline and law enforcement procedures for each campus should be written and distributed to all school employees. The following ten steps provide a guide for reducing the risk of harm caused by SROs or police in a school setting.

1. Write and Implement an MOU

Schools must develop expectations and protocols for working with law enforcement, formalized in a joint Memorandum of Understanding (MOU) that outlines differing roles and responsibilities of school administrators and police. The MOU, established between the school district and law enforcement agency, should be signed, implemented, and distributed to all school employees.

To develop the MOU, school leaders should determine the areas in a school that could most likely give rise to SRO involvement. The Council of State Governments Juvenile Justice Center recommends that school leaders ask these questions to evaluate an SRO's potential use on campus.⁵⁷

- What crimes or safety and disorder problems could benefit from police involvement?
- What police led intervention programs could be helpful?
- How might an SRO support “positive student decision making, good citizenship, and other youth development goals”?
- What programs would promote positive police interaction?

Professors Elizabeth Shaver and Janet Decker suggest the following specifics on what an MOU should contain and how the document should evolve over time.

A written MOU should clearly outline the appropriate division of responsibility between school discipline and behavior interventions, to be conducted by school personnel, and law enforcement activities, to be conducted by SROs. The MOU must make clear that school discipline or behavior modification is not part of the SRO's responsibilities. Importantly, the MOU must be a “living document” that the parties use to govern the everyday activities at school, not a pro forma document that gets filed away and forgotten. Indeed, an August 2015 report authored by the National Association of State Boards of Education noted that best practice

<https://www.cps.edu/about/policies/student-code-of-conduct-policy/> and <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0105&GA=100>.

⁵⁷ Emily Morgan et al., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*, New York: The Council of State Governments Justice Center (2014). Available at http://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

is to have a clear definition of the respective roles of the SRO and other school personnel such that the SRO acts in matters that affect school safety, not ordinary school discipline.⁵⁸

The COPS office of the U.S. Department of Justice offers advice for writing compelling MOUs, including what functions should be outlined on an MOU.⁵⁹ COPS explains that an MOU clarifies the financial relationship between school and police department, defines roles, outlines officer training protocols, and recommends desired levels of community engagement.⁶⁰ COPS advises that the writing of an MOU should be a “collaborative process that includes stakeholders from education, law enforcement, and the wider community.”⁶¹ COPS provides an MOU checklist, based on NASRO’s Standards and Best Practices for School Resource Officer Programs to guide schools and police departments in developing MOUs, including the following criteria:⁶²

- Mission
- SRO roles and responsibilities
- SRO supervision and evaluation
- SRO selection
- Training
- Engagement with the community
- Information sharing
- Tracking SRO activity with data
- Expenses
- MOU review and revision
- Signatures

In addition to putting in place an MOU, it is vital that all school staff are aware of the MOU and its requirements. Researchers Lisa H. Thureau and Johanna Wald found that “most SROs were barely aware that MOUs existed, and rarely referred to them, much less used them as a guide.”⁶³ Therefore, an administrative liaison (whose role is detailed in Step 3) must take responsibility for ensuring that the SRO knows the MOU provisions and that all school employees abide by the MOU to avoid overuse of SROs with negative student consequences.

⁵⁸ Elizabeth A. Shaver and Janet R. Decker, *Handcuffing a Third Grader? Interactions Between School Resource Officers and Students with Disabilities*, Utah Law Review: Vol. 2017: No. 2, Article 1 (2017). Available at <http://dc.law.utah.edu/ulr/vol2017/iss2/1>.

⁵⁹ John Rosiak, *How to Write a Compelling Memorandum of Understanding for Your School Resource Officer Program*, Community Policing Dispatch, Vol 12, Issue 7 (August 2019). Available at <https://cops.usdoj.gov/html/dispatch/08-2019/mou.html>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Lisa H. Thureau and Johanna Wald, *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L. Sch. L. Rev. 977 (2010).

2. Train SROs to Work in Schools

Currently, many SROs receive little to no training related to working in the school environment or working with juveniles. Although an increasing number of states are mandating SRO training through legislation, few states require NASRO's recommended 40 hours of training.

In 2019, an Illinois law providing training requirements for SROs took effect.⁶⁴ The law requires the Illinois Law Enforcement Training Standards Board to develop an SRO training course for statewide use, though the law does not specify the minimum number of training hours each SRO must obtain.⁶⁵ Beginning in 2021, SROs must obtain a certificate of completion, or approved waiver, indicating completion of training or substituting prior training and experience, within a year of assignment to a school.⁶⁶

In its 40-hour training, NASRO offers school specific context like suggestions on how to work with special education students and information on school law.

The NASRO training course includes instruction on:

- Function of police in schools
- Working with special education students
- School law requirements
- Teen brain and de-escalation techniques
- Mentoring and informal counseling
- Guest speaking and instruction techniques, and
- Classroom management techniques.⁶⁷

A good SRO training program should go beyond the functions of law enforcement to give officers insight into the unique setting in which they will work. **Bringing law enforcement tactics suited for the street into the halls of a school can cause harm.** Instead, officers should receive SEL training alongside instruction on child and teen psychology and child development. When an SRO realizes the developmental states and stages of a child's brain, it enables the SRO to respond with empathy and compassion. Implementing de-escalation techniques (described in Step 4) can calm the child, teacher, and classroom and serve the goal of restoring classroom order without funneling more children into the juvenile justice system. Further, developmentally, culturally, and linguistically appropriate law enforcement techniques establish the officer as a trusted ally and mentor for the student population, not just as a uniformed official who inspires fear.

⁶⁴ Public Act 100-0984 (eff. Jan. 1, 2019) (codified as 50 Ill. Comp. Stat. Ann. 705/10.22; 105 ILCS 5/10-20.68).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ NASRO, *Basic SRO Course, Training Courses* (last accessed Dec. 3, 2019). Available at <https://nasro.org/training/training-courses/>.

3. Establish an Administrative Liaison

The school should also designate a school employee—usually an assistant principal—who knows the students and has access to their school records, including any relevant special education records, to serve as an administrative liaison. The administrative liaison relationship with the SRO and educators should be formalized in the MOU so that all parties involved understand the proper authority for classroom response. The administrative liaison should help ensure SROs function within the MOU and do not overstep the boundaries of the MOU. The administrative liaison should receive detailed education on school law in order to determine when law enforcement authority overrides administrative authority in a school as well as when it is acceptable to refuse law enforcement requests. The administrative liaison should attend all campus safety training with the SRO in order to anticipate the SRO’s response to a problematic situation.

Before the school calls an SRO or police officer to respond to a student behavior concern, the administrative liaison:

1. Receives notification of any intent to call for SRO or police service;
2. Looks up the student’s behavior intervention plan where applicable. A behavior intervention plan is “a concrete plan of action for reducing problem behaviors, dictated by the particular needs of the student exhibiting the behaviors,” implemented based on the results of a functional behavior assessment (FBA);⁶⁸
3. Directs the de-escalation, behavioral, or disciplinary response to the student’s behavior;
4. Calls in campus mental health support when warranted to offer a joint response to the student behavior incident;
5. Approves the notification only if students are involved in behavior that poses a serious safety risk to that student, other students, or to school staff, and the other measures were deemed inadequate to address the situation;
6. Informs the SRO of necessary behavioral and education context, subject to student privacy laws and considerations, before the SRO responds to any call; and
7. Monitors SRO or law enforcement response for compliance with the MOU and school policy.

4. Implement Universal De-Escalation Techniques

A universal de-escalation protocol should be used with all students. Universal de-escalation techniques will promote a positive school climate, furthering the goals of steps to prevent classroom disruptions and SRO involvement outlined in the first section.

Crisis Prevention Institute (CPI), a company which trains educators in nonviolent crisis intervention says, “Your response to defensive behavior is often the key to avoiding a physical confrontation with someone who has lost control of their behavior.”⁶⁹

⁶⁸ Perry A. Zirkel, *Case Law for Functional Behavior Assessments and Behavior Intervention Plans: An Empirical Analysis*, 35 Seattle U. L. Rev. 175 (2011).

⁶⁹ CPI, *CPI’S Top 10 De-escalation Tips*, CPI (2016). Available at https://www.crisisprevention.com/CPI/media/Media/download/PDF_DT.pdf.

CPI issued a list of their “Top 10 De-escalation Tips”:

1. **Be empathetic.** Don’t judge.
2. **Respect personal space.** CPI recommends standing 1.5 to 3 feet from an escalating person.
3. **Maintain non-threatening non-verbal cues.** Keep facial expressions and hand gestures neutral or calm.
4. **Don’t overreact.** Stay calm and professional even when student behavior escalates.
5. **Identify the student’s feelings.** Try to understand what is causing the student to react this way. Respond with words that validate what the student is feeling.
6. **Ignore challenges to your authority.** Focus on the escalating behavior and ignore personal insults.
7. **Set limits.** Let the student know that the classroom has boundaries protecting physical and emotional safety. CPI recommends clear, simple, and enforceable limits.
8. **Be flexible.** If student behavior does not threaten physical or emotional safety, is it negotiable? Consider which school rules are most important and focus energy on enforcing those.
9. **Invite silence.** Allow space for silent reflection to calm both the educator and the escalating student. Silence allows for reflecting on the best choice for moving forward.
10. **Allow time.** Don’t expect an immediate answer to questions or requests to redirect behavior. Give an escalating student time to process and think about a response. If an escalating student feels rushed, it can increase stress and certain behaviors.⁷⁰

If an SRO is called for a behavior problem involving a student with a traumatic past, the SRO should be aware of the student’s adverse experiences and potential triggers. For instance, a student who has been sexually abused may respond violently to a stranger’s touch. The SRO should take caution when interacting with or attempting to restrain the student. However, student privacy (detailed in Step 6) and practical concerns may prevent the SRO from being aware of students who have experienced traumatic events. Using universal de-escalation techniques, with enhanced efficacy if accompanied by a school mental health professional, SROs will be able to respond with trauma-informed techniques appropriate for trauma-impacted students without compromising student privacy.

For non-violent episodes of student misbehavior, the administrative liaison should dispatch a school based mental health professional before calling an SRO (and as mentioned previously, an SRO should not be involved in a situation involving a child age zero through second grade). Depending on the training required by the state, an SRO may not understand how to deescalate a student experiencing strong emotions. A counselor or school psychologist should provide a better fit for episodes of non-violent student behavior. Even in a violent behavior response, an

⁷⁰ *Id.*

administrative liaison should dispatch a mental health professional along with an SRO for the best trauma-informed response.

5. Do Not Use SROs for Routine Discipline

To avoid negative student encounters with school police, teachers should minimize police involvement in routine student discipline. An SRO's responsibility does not include routine student discipline, as federal guidance makes clear.⁷¹ An August 2015 report authored by the National Association of State Boards of Education noted that best practice is to define the roles of the SRO and other school personnel so that the SRO can act on matters that affect school safety, while teachers and school administration take care of ordinary school discipline.⁷² In fact, involving SROs in routine classroom discipline leads to unfortunate incidents where students can be harmed, and school and community climate is negatively impacted. Long months of both a teacher and SRO building trust with students can diminish with one negative SRO incident.

Do not call the SRO unless student behavior endangers themselves or others, and in no instance should an SRO be involved in a situation with a child aged zero to second grade. Teachers and school officials should not call an SRO for a minor offense that can be handled with school discipline. When students are involved in behavior that poses a serious safety risk to themselves, other students, or school staff and if other school-based interventions are inadequate to respond to the situation, it may become appropriate to call an SRO. To help teachers evaluate when to call an SRO, the Council of State Governments Justice Center researchers came up the following broad descriptors for appropriate SRO involvement. SROs should:

- “[E]nforce the law for serious offenses and investigate or assist in the investigation of criminal offenses and threats to safety occurring on campus;”
- Receive “guidance for using their broad discretion when responding to school-based incidents;”
- Use alternatives to arrests whenever possible; and
- Not enforce school codes of conduct for violations that may also be considered minor offenses but can be appropriately addressed through the school’s disciplinary process.⁷³

Even the term “criminal offenses” can be too broad to mandate SRO involvement. For instance, a fist fight that could be (and historically was) handled by school administration could be classified as battery, which is “criminal behavior.” Taking a step back and considering what behaviors pose a serious threat to campus safety is a valuable exercise during the MOU formulation process. If the student’s behavior falls into a less threatening category, calling an SRO may do more

⁷¹ U.S. Department of Justice Office of Community Oriented Policing Services, (2017), *Memorandum of Understanding Fact Sheet*. Available at https://cops.usdoj.gov/pdf/2017AwardDocs/chp/MOU_Fact_Sheet.pdf.

⁷² Gretta Colombi & David Osher, *Advancing School Discipline Reform*, EDUC. LEADERS REP. 10, (Aug. 2015). Available at <https://perma.cc/82W4-D75D>.

⁷³ Emily Morgan et al., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*, New York: The Council of State Governments Justice Center (2014). Available at http://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

harm than good. An SRO is trained to respond as a law enforcement officer, and that often physical and punitive response may escalate a student's behavioral consequences unnecessarily.

Viral videos have circulated of SROs responding with excessive force to non-criminal student behavior. In many of those situations, such as a student who refused to put her phone away in class or a five-year-old pulling books off a shelf, the SRO should never have been called for a non-violent disciplinary matter, thus limiting the potential for use of excessive force. In order to prevent such an episode from occurring on your campus, do not involve SROs in routine school discipline.

Instead, schools should look to the companion resource to this toolkit, TSDC's [Model Code of Conduct](#), for best discipline practices that shift away from exclusionary discipline and toward student-centered, preventative policies. The Model Code of Conduct includes a template and self-assessment checklist to help school leaders evaluate discipline practices and growth opportunities in school climate.

6. Think Before Disclosing Student Information

SROs do not automatically have access to student records. How much information an SRO may access depends on the SRO's role in the school. A U.S. Department of Education resource on protecting study privacy says that, "In order for a school to disclose personally identifiable information (PII) from education records to an SRO, the SRO must be considered a 'school official' under FERPA in accordance with § 99.31(a)(1)(i)(B) concerning outsourcing."⁷⁴ A school must obtain consent to disclose a student's PII to school law enforcement unless the officers meet FERPA's school official exception or another FERPA exception to consent.⁷⁵

For the SRO to be considered a school official, the school must have control over the SRO's use of education records. Even when entitled to PII under the school official exception, "SROs may only use the PII from education records for the purposes for which the disclosure was made, e.g., to promote school safety and the physical security of the students."⁷⁶ SROs who have records access as school officials are bound by FERPA's redisclosure laws.⁷⁷ An SRO who is considered a school official cannot disclose PII from education records to other law enforcement officers who are not acting as school officials without parent consent unless one of the exceptions to FERPA's consent requirement applies.⁷⁸

One exception covers directory information, such as a student's home address and phone number. The U.S. Department of Education says that this directory information exception includes, but is not limited to, the following student information:

- Name

⁷⁴ US Dept. of Education, *Does FERPA Distinguish Between School Resource Officers (SROs) and Other Local Police Officers Who Work in a School?*, Protecting Student Privacy (last accessed Dec. 4, 2019). Available at <https://studentprivacy.ed.gov/faq/does-ferpa-distinguish-between-school-resource-officers-sros-and-other-local-police-officers-who>.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

- Address and telephone
- Date and place of birth
- Major field of study
- Activities
- Dates of enrollment.⁷⁹

School officials do not have to obtain parental consent to release directory information if the school has given prior notice to parents that specific types of directory information may be disclosed and parents had the opportunity to notify the school in writing if they objected to a student’s directory information disclosure.⁸⁰ A general notice to parents about disclosure of information in a school directory, which received no parental objection, may suffice to allow school officials to disclose directory information to SROs.⁸¹

Another FERPA exception allows disclosure of any student record without parental consent to school officials with a legitimate educational interest in the student’s records. Under FERPA “the school must include in its annual notification to parents the specific criteria for determining who is a school official and what constitutes a legitimate educational interest.”⁸² According to COPS, if an SRO is defined in the annual notification as a school official with a legitimate educational interest, other education officials can disclose student information to the SRO.⁸³ However, the SRO as a school official may not redisclose student information to other non-educator law enforcement officers.⁸⁴

If the SRO is not listed as a school official under annual notification requirements, education officials such as the counselor can only disclose student information to the SRO with parental consent.⁸⁵ Without parental consent, the school counselor or other educators or school officials must wait for a subpoena or court order to disclose information to the SRO.⁸⁶ Even in the face of a subpoena, the school must make a “reasonable effort” to notify parents of the subpoena before releasing the student records.⁸⁷

7. Make an SRO Aware of a Student’s IEP

A teacher who must call an SRO for a student with a disability should make sure that the SRO is aware of the student’s Individualized Education Program (IEP). An SRO may not otherwise be aware of a student’s IEP and behavior intervention plan (BIP). Privacy concerns can prevent

⁷⁹ US Dept. of Justice, *School Resource Officers Navigating Information Sharing*, Community Policing Dispatch (June 2013). Available at https://cops.usdoj.gov/html/dispatch/06-2013/SROs_and_Information_Sharing.asp.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

SROs from accessing BIPs, and SROs' lack of special education knowledge means they are not usually consulted in the development of a BIP. In some situations, the SRO may not have time to consult the student's IEP before responding to the incident.

SROs responding with force to students with IEPs have prompted lawsuits. Upset parents have claimed infringement of constitutional rights, suing over an SRO's use of excessive force, unreasonable seizure, and false arrest. State law claims include negligent intentional infliction of emotional distress. Other plaintiffs claim violations of federal law such as the Rehabilitation Act of 1973 or the Americans with Disabilities Act.⁸⁸ While qualified immunity has protected many SROs in lawsuits to date, that protection is diminishing as federal law establishes the boundaries of SRO authority.

While an SRO is not legally obligated to abide by a student's BIP, parents may not understand this distinction between school discipline and law enforcement. To clarify SRO potential involvement in behavior incidents of BIP-protected students, schools should take proactive steps at the beginning of the school year, or at any point that a student is identified for special education services. Shaver and Decker suggest that the school should request a parent's signature on a FERPA document allowing the school's ability to disclose student information to the SRO, asserting that this consent would allow the school to share the student's BIP with the SRO.⁸⁹ Shaver and Decker recommend underlining at which point an SRO may be called for student behavior, as specified in the MOU, on the parental consent form.⁹⁰ Such information can serve to promote effective communication with parents and prevent misunderstandings.⁹¹

The court in *S.R. v. Kenton County Sheriff's Office* (a lawsuit over a Kentucky SRO handcuffing two elementary students with disabilities) asked some useful questions that we can apply in a proactive setting.⁹² Schools should ask about these issues before allowing SROs to respond to disciplinary calls for students with disabilities:

Questions for SROs Responding to Students with Disabilities:

1. What is the exact nature of the child's disabilities?
2. What behavior can be expected to result from the child's disability?
3. In a school setting, what is the appropriate way to deal with children who are acting out because of disabilities?
4. What is the district policy for SROs interacting with children with disabilities?
5. What training did the SRO receive for response to students with disabilities?
6. Was the SRO training given by the Sheriff's Office or by the school district?

⁸⁸ Elizabeth Shaver and Janet Decker, *BIP or SRO? Which Takes Precedence When a Student with Disabilities Exhibits Aggressive Behavior?*, 2015 ELA Annual Conference (Nov. 5, 2015). Available at <https://educationlaw.org/images/conference-pdfs/2015-Papers/b4-1%20%202015.pdf>.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *S.R. v. Kenton Cty. Sheriff's Office*, 302 F. Supp. 3d 821 (E.D. Ky. 2017).

In a law review article analyzing the *Kenton County* case, Professors Decker and Shaver make the following recommendation for handling disciplinary issues for students with a BIP:⁹³

Thus, when a student experiences ‘disability-related difficulties complying with directives from [a] teacher,’ as did the male plaintiff in the *Kenton County Case*, school personnel should convene the student’s IEP team to consider behavioral supports in the classroom, not permit an SRO to handcuff the student and lecture him about good behavior.⁹⁴

8. Evaluate Implicit Bias Before Calling an SRO

An educator should consider the possible influence of implicit bias on overreaction to classroom behavior before calling an SRO. An educator should ask whether they are reacting reasonably to an actual threat to classroom safety or if they are reacting with bias. Research shows that many teachers hold conscious or unconscious biases that influence their reactions to students of color and students with disabilities. The 2016 Yale Child Study Center found that implicit biases impact teachers’ interactions with even young preschool students as the study investigated early educators’ implicit biases regarding sex and race related to their behavior expectations and recommendations of preschool expulsions and suspensions.⁹⁵ Researchers found that teacher bias and likelihood to utilize suspension as discipline depended on the race of the teacher.⁹⁶

From this study and others, we learn that teachers seem to consider minority students as more disruptive than their white, non-disabled peers. Youth research institute Child Trends found that overall rates of suspension and expulsion are decreasing but that black students are suspended at twice the rate of white and Hispanic students.⁹⁷

Further, students with disabilities are more than twice as likely to be suspended as their non-disabled classmates.⁹⁸ A 2018 Office of Civil Rights report found students with disabilities represented 12 percent of total students but 26 percent of students who were disciplined with an

⁹³ Elizabeth A. Shaver and Janet R. Decker, *Handcuffing a Third Grader? Interactions Between School Resource Officers and Students with Disabilities*, Utah Law Review: Vol. 2017: No. 2, Article 1 (2017). Available at <http://dc.law.utah.edu/ulr/vol2017/iss2/1>.

⁹⁴ *Id.*

⁹⁵ Walter S. Gilliam et al., *Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?*, Yale Child Study Center (September 28, 2016). Available at <https://medicine.yale.edu/childstudy/zipgler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief%20final%209%2026%20276766%205379%20v1.pdf>. See also Zinsser, K.M., Silver, H.C., Hussaini, Q., & Zulauf, C.A. (2019). Evaluation Report of the Implementation of Illinois Public Act 100-0105: Early childhood programs’ knowledge of and responses to the 2018 expulsion legislation. The University of Illinois at Chicago, Chicago, IL.

⁹⁶ *Id.*

⁹⁷ Kristen Harper et al., *Black Students and Students with Disabilities Remain More Likely to Receive Out-of-School Suspensions, Despite Overall Declines*, Child Trends (Apr. 29, 2019). Available at <https://www.childtrends.org/publications/black-students-disabilities-out-of-school-suspensions>.

⁹⁸ *Id.*

out-of-school suspension.⁹⁹ Suspension triples a student’s chances of entering the juvenile justice system within the next year.¹⁰⁰ The US Commission on Civil Rights’ briefing on the school to prison pipeline points out that “students with disabilities who are served by the Individuals with Disabilities Education Act (IDEA) constitute 12 percent of the overall student population, yet represent 28 percent of students arrested or referred to law enforcement.”¹⁰¹ These startling statistics should give educators pause before they act on an impulse to call an SRO or take other punitive measures, which might be influenced by bias. Implicit bias can also be countered by hiring more teachers of color.

While it may be difficult to evaluate bias in the middle of an emotionally charged classroom discipline scene, working on awareness and improvement of implicit bias provides a backdrop of understanding to guide classroom discipline. The Anti-Defamation League’s Personal Self-Assessment of Anti-Bias Behavior worksheet provides a simple way to start evaluating where each educator stands with implicit bias.¹⁰²

Adapted from TSDC’s Model Code of Conduct, here are some questions to ask when facing an exclusionary discipline decision that might be influenced by implicit bias:

Checklist Before Implementing Exclusionary Discipline

1. What interventions have been attempted?
2. What data were collected about implementation efforts and results?
3. Did you try more than one intervention?
4. How long were interventions attempted and were the interventions implemented as planned?
5. What data was collected to document outcomes and changes in programming as a result of reviewing the data?
6. If the administrator determines that there were no other appropriate and available interventions, how is that documented?
7. Does the student “pose a threat to school safety”?
8. Does the student pose a “disruption to other students’ learning”?
9. Does the student “substantially disrupt, impede, or interfere with the operation of the school”?

⁹⁹ USDE Office for Civil Rights, *School Climate and Safety*, New Release for 2018: 2015-2016 Civil Rights Data Collection (April 2018, revised May 2019). Available at <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

¹⁰⁰ Tony Fabelo, et al., *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, Justice Center The Council of State Governments & Public Policy Research Institute (July 2011). Available at <https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking-Schools-Rules-Report-Final.pdf>.

¹⁰¹ Catherine E. Lhamon et al., *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*, US Commission on Civil Rights (July 23, 2019). Available at <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.

¹⁰² Anti-Defamation League, *Personal Self-Assessment of Anti-Bias Behavior* (2007). Available at <https://www.adl.org/sites/default/files/documents/assets/pdf/education-outreach/Personal-Self-Assessment-of-Anti-Bias-Behavior.pdf>.

Racial Equity Tools, a site dedicated to improving racial equity, shares research on implicit bias, including the finding that “individual neural associations can be changed through specific practices” of mitigating bias.¹⁰³ This means that individuals can change their brains by making intentional efforts to reduce bias. Individual bias-lessening exercises can unite across educators in a school to promote more equitable discipline practices.

One such promising technique for mitigating bias and bringing stress-relief, mindfulness exercises take only a few minutes of focused attention during a break from a busy classroom. With consistent practice, mindfulness exercises can set up a culture that minimizes bias toward children of color and children with disabilities. Research published in *Psychology of Consciousness* explains that even brief mindfulness meditation reduces discrimination.¹⁰⁴ Mindfulness exercises, such as the ten-minute audio recording used in the study, can be introduced during professional development and then be performed by individual teachers as a way to reset and bring calm to moments of quiet between classes.

10. Do Not Question Students Alone

While students have diminished constitutional rights in a school environment, they still have some legal protection against interrogation. The Fifth Amendment to the US Constitution forbids compelling a suspect from testifying against himself. This provision was clarified in the famous *Miranda v. Arizona* case, where we get the Miranda warning indicating the right to silence and to an attorney. In a school setting, a student’s Miranda rights depend on who is questioning the student. A law review article by Seattle University School of Law professor Paul Holland clarifies this issue:¹⁰⁵

A principal, acting alone and without invoking or outwardly benefiting from the authority of any law enforcement officer may question a student without complying with Miranda’s requirements. A student’s answers to such questions will be admissible at subsequent juvenile or criminal proceedings. On the other hand, a police officer who acts in traditional law-enforcement mode—for example arranging for a student to be removed from class, handcuffed, and placed in a closed office alone with the officer—must advise the student of her rights before questioning the student. If the officer fails to do so, any statements made by the student will not be admissible in juvenile or criminal proceedings.¹⁰⁶

New Jersey v. T.L.O., a case about searching a high school student, gave school officials acting in an educational capacity (part of the SRO’s triad model) greater latitude to infringe on a student’s Fourth Amendment rights. The same logic would extend school officials’ ability to infringe on

¹⁰³ Racial Equity Tools, *Implicit Bias, Act* (last accessed Dec. 3, 2019). Available at <https://www.racialequitytools.org/home>.

¹⁰⁴ Adam Lueke and Bryan Gibson, *Brief Mindfulness Meditation Reduces Discrimination*, *Psychology of Consciousness: Theory, Research, and Practice* (Feb. 2, 2011). Available at https://www.researchgate.net/publication/294276984_Brief_Mindfulness_Meditation_Reduces_Discrimination.

¹⁰⁵ Paul Holland, *Schooling Miranda: Policing Interrogation in the Twenty-First Century Schoolhouse*, 52 *Loy. L. Rev.* 39, 40–41 (2006).

¹⁰⁶ *Id.*

students Fifth Amendment rights, including the student's right to remain silent during questioning and right to an attorney.¹⁰⁷

However, Illinois law limits school interrogations following a tragic 2017 episode which involved school police using intimidating interrogation techniques on a teen before contacting his parents. The teen, Corey Walgren, left school after the stressful interrogation and committed suicide. Since that tragedy, Corey's parents campaigned for reform in school interrogation techniques. Corey's Law passed in 2019 and requires school police to attempt notification of parents before questioning students under 18 in connection with an alleged crime. The law also requires schools to make a reasonable effort to have parents or guardians or school personnel with the student during an interrogation.¹⁰⁸

11. Invite SROs to Interact Positively with Students

Part of the NASRO triad of SRO responsibility proscribes SROs functioning to secure campuses, educate students about law-related issues, and mentor students. Teachers may want to consider inviting SROs into the classroom to educate students on law-related matters. Classroom presentations by SROs could increase SRO-student interaction so that the SRO might become more familiar with students in a non-disciplinary setting. SROs may have the expertise to teach classes on subjects such as: bullying, gang violence, dating and domestic violence including sex crimes, driving safety including drinking and driving, underage drinking, drug abuse, peer pressure, Internet safety, constitutional protections, and victims' rights.¹⁰⁹

Perhaps more importantly, SROs should have the opportunity to interact with their students in a positive, pro-social, and non-law related capacity under appropriate supervision. SROs who engage in recreational activities, such as sports, with students have built encouraging relationships. Some school districts encourage their SROs to participate in recreational activities with students, including coaching teams, helping with extracurricular fitness classes, or joining in a fishing club.¹¹⁰

¹⁰⁷ *Id.*

¹⁰⁸ 105 Ill. Comp. Stat. Ann. 5/22-85.

¹⁰⁹ NASRO, *To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools* (2012), Available at <https://nasro.org/cms/wp-content/uploads/2013/11/NASRO-To-Protect-and-Educate-nosecurity.pdf>.

¹¹⁰ Saint Paul, Minnesota, *School Resource Officers and School Patrol* (last accessed Dec. 4, 2019). Available at <https://www.stpaul.gov/departments/police/administration-office-chief/community-engagement-division/community-SRO>.

V. School-Safety Training

When a school decides to remove SROs from campus, attention should be given to secondary security forces. Whether unarmed security officers or city police are used to respond to incidents of violence, schools must carefully think through protocols to avoid repeating the negative consequences that led them to remove school police.

Unarmed security guards present several advantages over school police. Security guards lack the ability to swiftly sweep students into the criminal justice system. They are less likely to violate students' Fourth Amendment rights. Also, they lack access to gang databases and other police systems that can imperil students. However, schools and districts that invite security guards into roles once occupied by police, without focusing on an overhaul of school discipline, are not realizing the benefits to students and community of comprehensive school climate interventions.

Many schools that have reduced or eliminated school police have filled those positions with both armed and unarmed security guards. Private security guards bring their own complex impacts into a school because they may lack training on working with students, and they lack a formal MOU to restrain their actions. Therefore, it is important that any security guard be held to the same standards outlined in Section IV. Schools should limit security to what is necessary for needs of community and not use any security officer for school discipline. School security guards should be trained on the fundamental principles underlying a positive school climate, including training on issues of restorative justice, trauma-informed responses, and implicit bias. Emphasis should be placed on replacing police with staff whose primary training relates to school-based crisis interventions, relationship-building with students, and child and adolescent mental health, such as school-based mental health professionals.

VI. Conclusion

Teachers and school administration must address the realities of protecting students physically and emotionally, with or without police officers in schools. Further, communities seek equitable, restorative school environments that build positive relationships instead of funneling students into the criminal justice system. Increasingly, it is apparent that SROs are unlikely to be compatible with these goals. Through careful attention to building a positive school climate, and engaging in efforts to increase effective classroom management through teacher coaching and community engagement, administrators can create an environment that diminishes the need for school police or school discipline.

However, when behavior challenges present, schools can choose non-punitive responses such as de-escalation techniques and restorative justice. In instances where a school or district has decided to retain SROs, they may be able to reduce negative impact on individual students and the school climate by adhering to MOU guidelines, laws that protect student privacy and safety, and de-escalation techniques. Combining forces with a school-based mental health professional should enhance these efforts. Though it is not optimal for school culture to have police officers on campus, following the guidelines outlined in this toolkit may allow for positive interactions between students, teachers, and SROs that seek to keep children physically and emotionally safe. Once a school or district decides to remove an SRO from campus, strategies for promoting a positive school climate and restorative interventions can maintain the safety, well-being, and opportunities of all students.

Action Steps to Harm Reduction When Working with School Police

1. Write an MOU.
2. Train SROs to work in school.
3. Establish an Administrative Liaison.
4. Implement universal de-escalation techniques.
5. Do not involve SROs in routine discipline.
6. Think before disclosing student information.
7. Make an SRO aware of a student's IEP.
8. Evaluate implicit bias before calling an SRO.
9. Do not question students alone.
10. Invite SROs to interact positively with students.