



## **RECOMMENDATIONS REGARDING SCHOOL POLICING OCTOBER 27, 2015**

The extensive work of the Protection and Advocacy network representing youth with disabilities in public schools, has raised concerns about how school resource officers (SROs) may be used in school settings to manage non-violent student behavior.

NDRN makes the following recommendations:

We recommend that the U.S. Department of Education (ED) and the U. S. Department of Justice (DOJ) develop a guidance document on this important and timely topic as soon as possible, and enforce all relevant statutes, regulations, and policies so to prevent injury and the violation of student rights.

The guidance document should include the following:

- The role of School Resource Officers (SROs) should be limited to ensuring school safety in the manner expected of a sworn law enforcement officer. Local Education Agencies (LEAs) ( “school districts”) should assess whether SROs working in their districts are being used to enforce non-violent school code violations, manage student behavior (including the behavior of students with disabilities who have behavior plans), and other non – law enforcement tasks. If so, they should remove SROs from the school environment or alter their role accordingly.
- In any instance in which a SRO works in a school setting, the school districts should develop and publicize Memoranda of Understanding (MOU) with the relevant law enforcement agencies regarding the use of school based law enforcement. The purpose of the MOU is to make clear the role of the SRO in the school setting, and specifically to clarify that SROs may not be used enforce non-violent school code violations, manage student behavior (including the behavior of students with disabilities who have behavior plans), and other non – law enforcement tasks.
- LEA should publish all current Memoranda of Understanding (MOUs) with law enforcement agencies so that these are readily available to the public.
- All law enforcement officers working in and around schools must know how to appropriately interact with individuals with disabilities. This includes the need of all

sworn law enforcement officers to comply with Constitutional requirements, such as the Fourth Amendment and Miranda.

- All law enforcement officers working in and around schools must understand the developmental needs of children and youth, and how to interact with them successfully. Again, this includes the need of all sworn law enforcement officers to comply with Constitutional requirements in a manner that is developmentally appropriate for students of the age they will encounter in the course of their work.
- LEAs should track and publicly report what type of training these officers receive, and how often they receive it.
- State Education Agencies (SEAs) and LEAs should use reported data, including disaggregated data on school based arrests to guide school improvement plans and to highlight disparities (i.e. resources, discipline disparities). This data analysis should be used to ensure that LEAs are taking action to remedy disparities in school based arrests. Where they are not remedying disparities on their own, ED and DOJ should enforce the law using the full extent of their authority.
- If data on school based arrests is inaccurate or incomplete due to data sharing conflicts between agencies, LEAs should immediately develop MOUs to resolve any conflict.
- All LEAs must report accurate data to the Civil Rights Data Collection (CRDC) in a timely manner. ED should hold non-compliant districts accountable, including but not limited to, withholding administrative funds to grantees, and lowering scores when non-compliant districts compete for new federal education competitive grants. Competition scores should be increased for fully compliant districts. ED should report to the public when a sanction has been levied against a district for failing to report as required, in order to improve confidence in the reporting system. This compliance must include reporting of school based arrests and referrals to law enforcement.
- ED should produce guidance to address school districts' obligations under the I.D.E.A. to provide FAPE to students with disabilities effecting behavior. This guidance should include a description of the related services to be provided to students with such disabilities, including to those with the most challenging behavior, a review of the IDEA and Section 504 discipline requirements, and those modifications and services needed to provide equal opportunities, and prevent unnecessary segregation, in public schools under the ADA and Section 504.
- That ED and DOJ have made training both a priority and a core requirement of enforcement agreements and compliance reviews, by:

- Including implicit bias training requirements for schools and/or districts that are under consent decrees or that have significant disproportionality in discipline, referrals to juvenile justice, access to programs and/or resources.
- Requiring SEAs with schools and districts that have high levels of exclusionary discipline, or disproportionality in rates of exclusionary discipline, to provide the following training/professional development to school staff and SROs, at a frequency based on a quarterly review of discipline/school removal data and law enforcement referral data.
  - I.D.E.A. discipline policies and requirements
  - Crisis management
  - Data-driven, evidence-based prevention and responsive strategies (including such approaches as restorative justice and Positive Behavioral Interventions and Supports)
  - De-escalation strategies
  - Understanding and responding to the effects of trauma
  - Culturally responsive practices
  - Implicit bias
- That school districts identified as having elevated school-based arrest rates remove SROs from the school environment as soon as possible. If this is immediately impossible, a quality MOU must be developed immediately to guide their use, so as to ensure that SROs are not being used to address non-violent violations of the school code, and that these MOUs are made readily available to the public.
- ED should affix model MOUs to the guidance document.