

EXECUTIVE SUMMARY

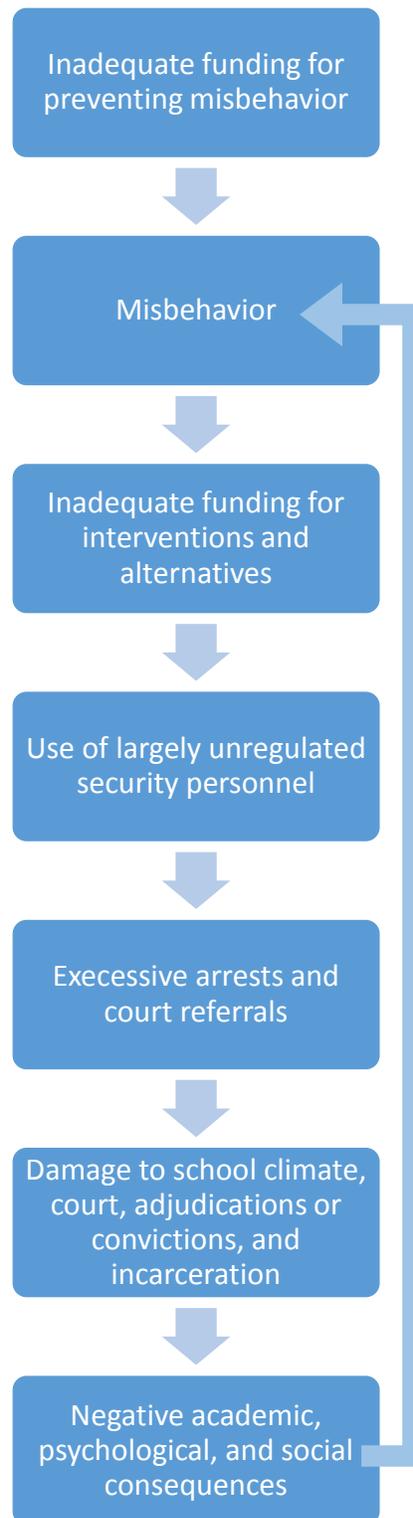
School security personnel are increasingly commonplace in Virginia’s public schools. There are two types. School resource officers (SROs) are certified law enforcement officers who are typically employed by local law enforcement agencies and assigned to provide coverage to public schools.³ School security officers (SSOs) are individuals employed by school divisions to maintain order and discipline in their assigned schools.⁴ To date, little analysis of school policing in the Commonwealth exists. This report aims to change that.

The pages that follow describe the problems with school policing in Virginia and then provide recommendations for reforms. The appendices include tools for lawmakers and policymakers, such as a model memorandum of understanding (MOU) that school divisions and law enforcement agencies can use to incorporate best practices. The goals of this report are two-fold: 1) to stress the acute need for reform and create a more nuanced understanding of specific problems related to school policing; and 2) to advance proven reforms.

Problems

Laws, policies, and practices related to school policing in Virginia are problematic for a variety of reasons. First, SROs and SSOs cost taxpayers tens of millions of dollars every year, notwithstanding little evidence that they improve school safety. Meanwhile, public schools, especially those in low-wealth communities,⁵ do not have the resources they need to adequately prevent student misbehavior and provide positive and productive interventions when misbehavior occurs.⁶

Additionally, SROs are not required to have any specialized training, and neither SROs nor SSOs are required to have experience working with youth. Moreover, their roles and responsibilities are blurry and vary from school-to-school and division-to-division. Finally, no state agency collects and publishes data about school-based searches, interrogations, uses of force, arrests, or court referrals.⁷



These omissions and design flaws, combined with the under-funding of public schools, have been a recipe for disaster. Virginia leads the nation in the rate of school-based referrals to law enforcement.⁸ African American students and students with disabilities are disproportionately referred.⁹ A referral to law enforcement alone may negatively impact students and school climate.

Students are also being funneled from the school system to the already over-burdened justice system, often for typical adolescent misbehavior, such as “disorderly conduct” and truancy, which should be handled by school officials. Merely having to go to court may cause a student to feel alienated and stigmatized. Court involvement exacerbates a student’s risk of dropping out. Students who are adjudicated delinquent or criminally convicted may face incarceration or other out-of-home placements, the financial hardship of court costs, school exclusion, and a plethora of potentially lifelong collateral consequences that may negatively impact opportunities related to post-secondary education, employment, civic participation, and housing. Ultimately, criminalizing student behavior makes schools less safe and damages communities.

Recommendations

The recommendations in this report are based upon guidance from researchers, government agencies, lawmakers and policymakers, judges, civil rights and education justice organizations, and others.¹⁰ Most of the recommendations are focused on changes on the state level that will expeditiously usher in positive changes and create more consistency across divisions, thereby minimizing unfair geographic disparities. For example, the Virginia General Assembly should:

- Provide adequate resources for localities to implement proven and developmentally appropriate strategies for improving school climate, preventing student misbehavior, and productively intervening when misbehavior occurs;
- Clarify that SROs are responsible for enforcing criminal laws and intervening in serious threats to physical safety, not for routine school discipline issues or enforcing codes of student conduct;
- Require comprehensive, on-going training for SROs and SSOs;
- Remove misdemeanors and non-crimes from the list of school-based acts that must be reported to law enforcement;
- Eliminate school-based “disorderly conduct” charges against students;
- End the mandatory participation of Commonwealth’s Attorneys in truancy cases; and
- Require MOUs between school divisions and law enforcement agencies providing SROs.

Also on the state level, the Virginia Department of Education (VDOE), in collaboration with the Virginia Department of Criminal Justice Services (DCJS), should:

- Annually collect and make publicly available disaggregated data on school-based referrals to law enforcement, arrests, and delinquency and criminal complaints;

- Revise its regulations to include school policing data in accreditation standards and school performance report cards; and
- Issue a comprehensive model MOU.

Finally, local school divisions and law enforcement agencies should adopt the reforms described in this report, regardless of whether they are mandated by the state. For example, localities can and should adopt, in time for the start of the 2016-17 school year, an MOU that clarifies the roles of security personnel, requires comprehensive training for SROs, prohibits arrests and complaints for minor misbehavior, increases stakeholder involvement, expands data collection and publication, and incorporates other improvements described in this report.

Caveats

This report comes with three important caveats. First, it is not an indictment of law enforcement officers or school security personnel. As is the case in any profession, there are individuals who act responsibly and effectively, and there are others who need improvement. Some officers build positive relationships with and serve as valuable resources for students and staff, respect the authority of educators and the educational mission of schools, help create a feeling of physical and emotional safety, and only use force, arrests, and court referrals as very last resorts. Others do not. The changes described herein will help ensure that all officers are like the best officers.

As a second caveat, schools are not islands unto themselves and do not exist in a vacuum. Schools and law enforcement officers should not and cannot be solely responsible for student behavior and school safety. Parents, communities, and other systems serving young people (*e.g.*, child welfare, mental health, juvenile justice, etc.) share in the obligation.

Third, none of the recommendations in this report are silver bullets. School security is a complex issue that requires delicate balancing. How can lawmakers and policymakers *both* promote school safety *and* positive school climate; *both* provide protections for students *and* not tie the hands of security personnel; *both* ensure meaningful consequences for misbehavior *and* no unnecessary court involvement; *both* provide statewide consistency *and* allow for local flexibility? The recommendations in this report contemplate these competing concerns and are designed to strike an appropriate balance. If adopted, they will help ensure that school policing laws, policies, and practices are fair to students and consistent with both positive youth development and school culture, all while still allowing security personnel to carry out their purposes more effectively. They will also improve school safety and academic achievement, and if adopted comprehensively, they will make Virginia a national leader and model for keeping students in classrooms and out of courtrooms.