

PROBLEMS

PROBLEM 1: RESOURCE STARVATION

Virginia public schools – especially in low-wealth communities – do not have all of the resources they need to adequately prevent misbehavior and productively intervene when misbehavior occurs.³² In 2012, Virginia ranked 34th among the 50 states in total per pupil educational expenditures adjusted for regional cost differences, and was about \$2,000 per pupil below the national average.³³ According to the Joint Legislative Audit and Review Commission (JLARC), the auditing arm of the General Assembly, Virginia school systems spent \$10,148 per student in 2014, a 12.5% decline from the \$11,595 that schools spent per student in 2009, after adjusting for inflation.³⁴ In 2013-14, Virginia’s public schools had four and a half guidance counselors and librarians, combined, for every 1,000 students.³⁵ A November 2015 report from The Commonwealth Institute shows that:

“With education resources being cut nationwide, many educators are so caught up in trying to do more with less, and many are not aware that when they remove a student from the classroom, they may be unknowingly feeding the school-to-prison pipeline. We’ve got to make more educators aware and we’ve got to give them better tools and skills.” – Kevin Gilbert, Nat’l Educ. Ass’n Executive Comm., *NEA Today*, 1/5/15

Taking into account growing student enrollment, Virginia’s schools are missing over 11,000 positions, including 4,200 teachers. Also missing from Virginia’s schools are an additional 1,500 instructional staff, who should be assisting teachers in the classroom and helping students outside of it, and 5,500 support staff, who should be keeping the schools safe and running, getting students to and from class, and caring for student’s physical and behavioral health.³⁶

The impacts of such resource starvation are acutely problematic for two reasons. First, child poverty is increasing and widespread, and it is more expensive for schools to meet the needs of students living in poverty. From 2001 to 2013, the rates of children living in poverty and in low-income households in Virginia increased from 11% to 16% and from 29% to 35%, respectively.³⁷ See Figure 1. As child poverty increased, direct state aid per student, adjusted for inflation, decreased by 14.5% from 2009 to 2016.³⁸

Second, Virginia’s school divisions are inequitably funded. School divisions in wealthier cities and counties generally have significantly higher local contributions to total per pupil expenditures (PPE).³⁹ This additional funding can dwarf any small state and federal supplements high poverty localities receive. For example, see Figures 2 and 3 for a comparison of Arlington County Public Schools and Norfolk Public Schools.

As schools struggle to maintain reasonable class sizes, sufficient instructional resources, and adequate supports for students and teachers,⁴⁰ teachers and administrators are less able to prevent misbehavior and more likely to rely on school security personnel to manage behavior. In many schools with staffing shortages, security personnel are viewed as an “extra body” to be used as needed, rather than as someone to intervene only in serious safety matters.

Figure 1: Rate of child poverty in Virginia (2001 to 2013)

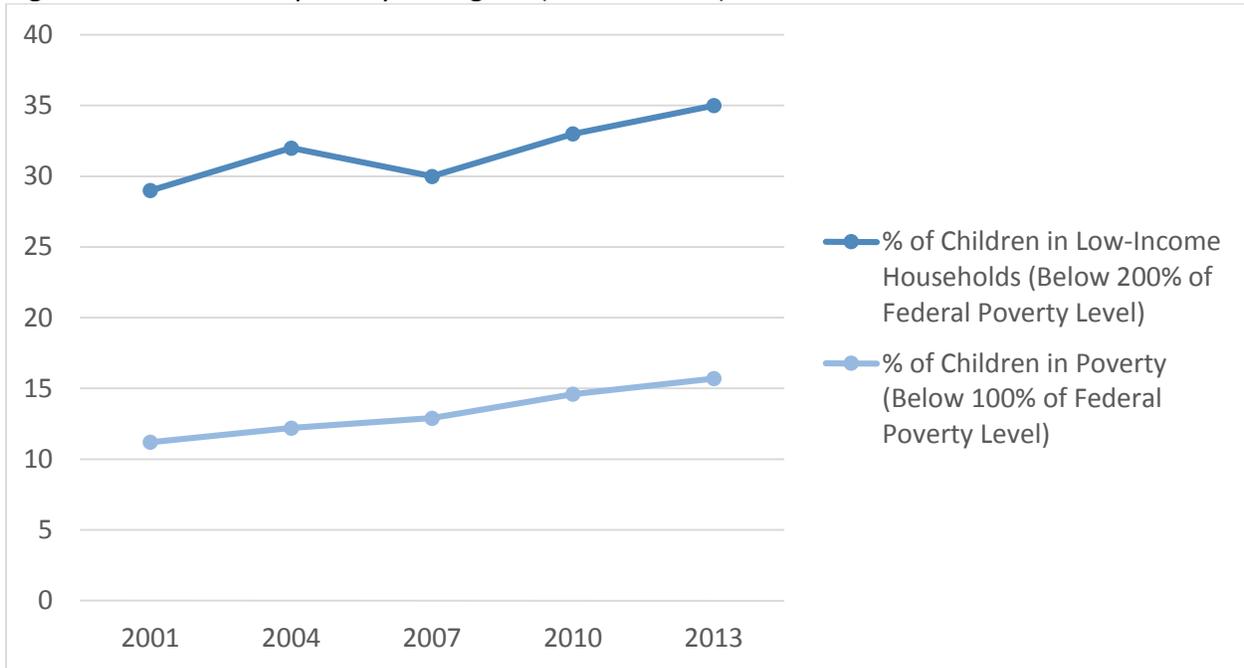


Figure 2: Per pupil expenditure (2013-14)⁴¹

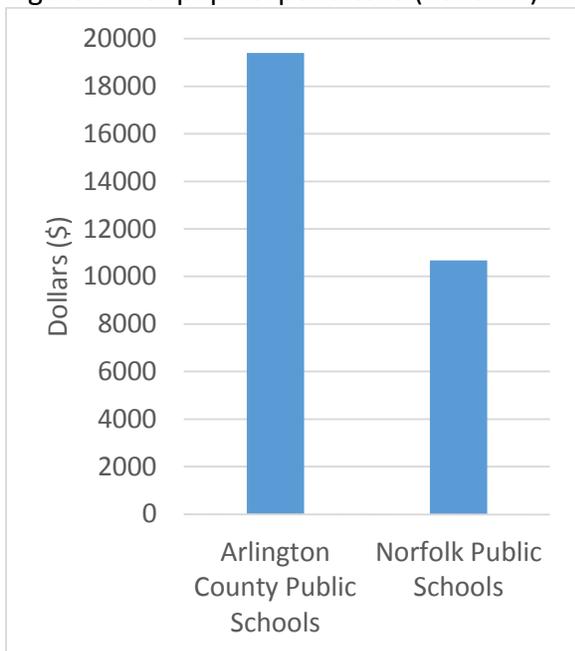
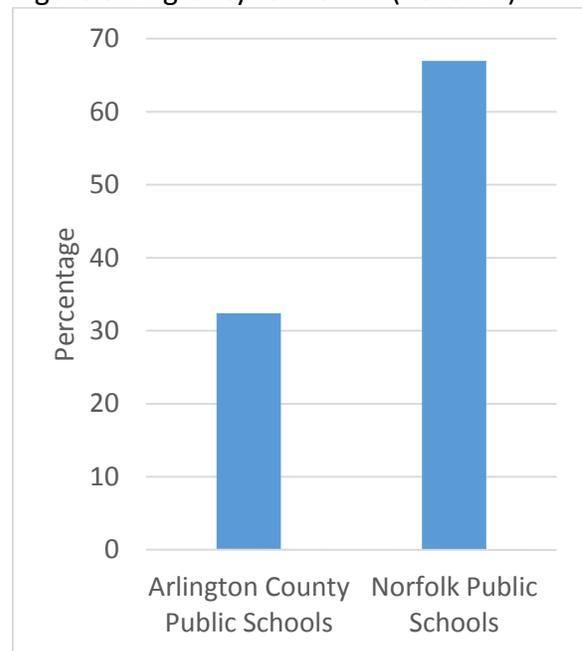


Figure 3: Eligibility for F&RL* (2013-14)⁴²



* F&RL = free and reduced-price lunch

PROBLEM 2: QUESTIONABLE RETURN ON INVESTMENT

In light of the funding crisis in public education, localities would be well-served to use their limited resources wisely. Nevertheless, tens of millions of local and state taxpayer dollars are being used every year to station security personnel in Virginia's public schools, even though little is known about their effectiveness in improving school safety or their harm to students, staff, and learning environments.

There are two common types of security personnel patrolling Virginia's public schools: school resource officers and school security officers. Additionally, in a survey about safety practices in all Virginia schools during the 2013-14 school year, 44 schools reported having "other" types of security personnel – presumably private security officers –⁴³ working full-time.⁴⁴

School Resource Officers

School resource officers (SROs) are defined in state law as "certified law-enforcement officer[s] hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools."⁴⁵ SROs are employed by local sheriffs' departments or police departments.⁴⁶ Most SROs serve one school,⁴⁷ and most high schools and middle schools have SRO coverage.⁴⁸

The number of SRO positions in Virginia has approximately doubled over the last 15 years. In 2000, there were 427 SRO positions in Virginia.⁴⁹ Then, in 2004, there were 530 SRO positions.⁵⁰ A 2013 fiscal impact statement from the Virginia Department of Planning and Budget (DPB) noted that 935 schools had either a part-time or full-time SRO. In responses to a survey of all schools for the 2013-14 school year, 630 schools reported having a full-time SRO.⁵¹

SROs come with a steep price tag. According to the DPB, "the estimated first year cost of a new full-time SRO is \$128,000, including salary, benefits, operating costs, and equipment (e.g., weapons, uniforms, radios, and vehicles). The second year and ongoing costs will be an estimated \$69,000 per position. In addition, the cost to train each new participant is estimated at \$225." Therefore, the average cost of a new SRO for the first five years is \$404,225. In 2013,

"Despite their popularity, few studies are available which have reliably evaluated the effectiveness of SROs ... Most existing SRO research does not tell us if these hoped-for benefits are achieved." – U.S. Dept. of Justice, *Assigning Police Officers to Schools*, Apr. 2010, p. 7

"[A] police officer's regular presence at a school significantly increases the odds that school officials will refer students to law enforcement for various offenses, including seemingly minor offenses. This finding has serious implications as lawmakers and school officials continue to deliberate over whether to use their limited resource to hire more law enforcement officers to patrol school grounds." – Dr. Jason Nance, Univ. of Florida, *Students, Police, and the School-to-Prison Pipeline*

the DPB estimated that adding 1,046 full-time SROs in Virginia would cost taxpayers \$133,900,000 for the first year alone, with an ongoing annual cost of \$72,200,000.⁵²

Among the full-time SRO positions at the 630 schools in 2013-14:

- 50% were funded by a law enforcement agency;
 - 10% were funded by a school division;
 - 24% were funded by a combination of a law enforcement agency and school division; and
 - 2% were funded by other sources.⁵³
- * 15% of respondents did not know the source of funding for SROs.

Every year, local and state government spend tens of millions of dollars on SROs even though there has never been a comprehensive, methodologically sound study of SROs in the Commonwealth.⁵⁴ Moreover, national research about SROs is limited and conflicting, and much of it lacks methodological rigor.⁵⁵ Some existing research suggests that SROs:⁵⁶

- Increase the likelihood of students being arrested and referred to the justice system, especially for lower level offenses;⁵⁷
- Contribute to racial disparities in school discipline;⁵⁸
- Do not reduce crime rates in schools;⁵⁹ and
- Increase misbehavior and disorder by disrupting the learning environment, producing alienation and mistrust among students, creating adversarial relationships, and undermining the legitimacy of school staff.⁶⁰

Additionally, stories from across the country of students being injured and traumatized by excessive force appear with increasing frequency.⁶¹ In fact, individuals, organizations, and media outlets across the country are calling into questions the presence of SROs in the first place.⁶²

On the other hand, some studies suggest that SROs can have a positive impacts, including reducing more serious school violence;⁶³ making the majority of students and parents feel safer;⁶⁴ and increasing orderliness and crime reporting.⁶⁵ However, as one study from the U.S. Department of Justice notes, “Typically, studies that report positive results from SRO programs rely on participants’ perceptions of the effectiveness of the program rather than on objective

“School Resource Officers: Safety Priority or Part of the Problem?” – *U.S. News & World Report*, 1/30/15

“Do Cops in Schools Do More Harm Than Good?” – *Time*, 10/29/15

“Police in Schools: Keeping Kids Safe, or Arresting Them for No Good Reason?” – *The Washington Post*, 11/8/15

“Police in Schools: Why Are They There?” – *CNN*, 10/30/15

“What Happens When Police Become School Disciplinarians?” – *PBS NewsHour*, 10/28/15

“Why Are Police Disciplining Students?” – *The Atlantic*, 10/29/15

“Debate on Armed Police in Schools: Needed for Kid Safety or Part of the Student-to-Prison Pipeline?” – *Democracy Now*, 1/16/13

evidence.”⁶⁶ The DCJS has similarly concluded: “Most studies examining the effectiveness of SROs in schools are based on perceptions of SRO effectiveness, rather than on actual measures of crime and violence at schools.”⁶⁷

“SROs in and of themselves do not create a safe environment.”
– New MOU in Henrico County

School Security Officers

School security officers (SSOs) are defined by state law as individuals who are:

employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.⁶⁸

During the 2013-14 school year, about 17% of schools had at least one full-time SSO. This percentage has remained relatively steady over the past seven school years, with a high of 19% in 2007-08,⁶⁹ and a low of 15% in 2012-13.⁷⁰ Some schools have two or even three SSOs.⁷¹ In 2007, the DCJS estimated that there were 1,100 SSOs across the Commonwealth.⁷²

SSOs are employed and funded solely by local school divisions.⁷³ Their pay varies greatly – from approximately \$11/hour to \$30/hour – based on their school division and level of experience. For example:

- In Hampton City Public Schools, SSOs are paid \$11.22 to \$17.85 per hour.⁷⁴
- In Newport News Public Schools, SSOs are paid \$12.16 to \$21.22 per hour.⁷⁵ (The division has 63 SSOs, in addition to SROs at each secondary school.⁷⁶)
- In Chesterfield County Public Schools, SSOs are paid \$13.19 to \$22.52 per hour.⁷⁷
- In Culpeper County Public Schools, SSOs are paid \$14.03 to \$23.28 per hour.⁷⁸
- In Fairfax County Public Schools, SSOs are paid \$17.56 to \$30.99 per hour.⁷⁹
- In Arlington Public Schools, SSOs are paid \$18.79 to \$30.44 per hour.⁸⁰

SSOs are often paid more per hour than bus drivers, custodians, cafeteria workers, registrars, office assistants, and general education instructional assistants.

There has never been a study on the effectiveness or impact of SSOs in Virginia. The closest attempt at studying the effectiveness occurred in 2001, after the General Assembly requested that the Virginia State Crime Commission examine the role, responsibilities, training, and authority of SSOs and “school safety specialists.” The Commission’s report provided an overview of SSOs and made five recommendations, but no conclusions about effectiveness.⁸¹

PROBLEM 3: INADEQUATE QUALIFICATIONS

The *only* statewide requirement to become an SRO is being a certified law enforcement officer.

To become an SSO in Virginia, one must:

- Undergo a criminal background check;
- Possess a high school diploma, GED, or equivalent;
- Be at least 21 years of age;
- Possess a valid driver's license, if required by the job;
- Be certified through the Virginia DCJS SSO Certificate Program;⁸² and
- Be hired by the local school board.⁸³

To “have any hope in succeeding ... it has to be the right officer that’s placed in this position” – Maurice Canady, Exec. Dir., Nat. Ass’n of SROs, *U.S. News & World Report*, 1/30/15

In a study of SROs in 16 Massachusetts school districts, researchers found that, in the opinion of police chiefs, the “ability to work well with children” was a critical consideration in selecting SROs.⁸⁴ In Virginia, unless mandated by local policies, neither SROs nor SSOs *must* have *any* prior experience working with children and youth.

PROBLEM 4: UNCLEAR ROLES & RESPONSIBILITIES

According to the DCJS, SROs’ duties are supposed to, but are not required to, include:

- Law enforcement officer – *e.g.*, investigating, documenting, and reporting crimes, and attending court sessions;
- Law-related educator – *e.g.*, providing in-service training for school staff and conducting parent presentations and programs;
- Community liaison – *e.g.*, establishing collaborative relationships with parents and community resources; and
- Role model – *e.g.*, being approachable for students who have issues and concerns.⁸⁵

“If you have police on your campus, you need to be clear what it is you’re asking them to do.” – Catherine Lhamon, U.S. Asst. Sec’y of Educ. for Civ. Rights, The Center for Public Integrity, 4/10/15

The state statute that codifies the DCJS SROs Grants Program and Fund states that SROs “shall be employed to help ensure safety, to prevent truancy and violence in schools, and *to enforce school board rules and codes of student conduct.*”⁸⁶ The mandate to enforce school rules conflicts with recommendations from the National Association of School Resource Officers (NASRO) and the U.S. Departments of Education and Justice, which both recommend that SROs *not* be involved in enforcing school rules.

According to the DCJS, typical SSO tasks include:

- Patrolling school buildings and grounds to ensure compliance with school rules and regulations;
- Greeting visitors to ensure compliance with established visitor procedures;
- Reporting any out-of-the-ordinary incidents or conditions;
- Reporting school conduct violations and crimes in accordance with school policies and state laws;
- Taking authorized action to protect persons and property; and
- Participating in school safety and crisis response planning and action.⁸⁷

There are no state statutes or regulations that require or prohibit any activities by SROs, except that by definition, they provide “law-enforcement and security services.”⁸⁸ Unless prohibited by local policies, SROs are allowed, by omission, to intervene in minor, non-criminal violations of school rules, such as arresting elementary school students for disorderly conduct. Moreover, unless required by local policies, SROs do not have to be a law-related educator, community liaison, or role model.⁸⁹

Likewise, the only statewide parameters for SSOs are implicitly established in the statutory definition of SSOs, which requires them to maintain order and discipline, prevent crime, investigate violations of school board policies, detain students violating the law or school board policies, and generally ensure the safety, security, and welfare of individuals on school property.⁹⁰ Thus, there are no consistent limitations on when SSOs may refer students to court, disrupt learning, or detain students for minor violations of school board policies, such as possessing a cell phone or interrupting class.⁹¹

PROBLEM 5: INADEQUATE TRAINING

There are no statewide training requirements for SROs, except for positions funded by the “Virginia SRO Incentive Grants Fund.” Grant-funded SROs must complete DCJS-approved SRO Basic Training within the first four months of the grant cycle.⁹²

In order to become an SSO, one must be certified through the DCJS Certificate Program.⁹³ The compulsory minimum training consists of a 32-hour course developed and approved by the DCJS. The training includes the role and responsibility of SSOs, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.⁹⁴ SSO certification is valid for two years.

Within those two years, SSOs are required to receive 16 hours of school security-related training

“You’d better have some additional training for [SROs], and you’d better make sure it’s the right person, or you’re going to wind up potentially giving your department a black eye.” – Maurice Canady, Exec. Dir., NASRO, *The Atlantic*, 11/5/15

and have their point of contact submit a recertification application and accompanying documentation to the DCJS.⁹⁵

Since summer 2015, the DCJS has begun offering an expanded curriculum for SROs and SSOs that includes the following topics over four days:⁹⁶

- Hot Topics and Recent Legislation
- Role of School Administrators, the Emergency Manager, and Other School Leaders in School Safety
- Role of SROs and SSOs in School Safety
- School Safety Audit Components
- Addressing Bullying in Schools
- Crisis Planning
- Suicide Prevention
- How the Teen Brain Works
- Recognizing & Responding Effectively to Youth with Mental Health Issues and Traumatized Youth
- Asserting Authority Effectively with Teens
- Search and Seizure
- Community Demographics & Implications for Officers (Risk & Predictive Factors)
- Cultural Factors Affecting Teens' Behaviors
- Juvenile Justice for Law Enforcement
- School Safety Trends (Gangs, Human Trafficking, Drugs, etc.)
- Connecting Youth to Youth-Serving Community-Based Programs
- Effective Strategies for School-Based Policing
- Legal Issues in Schools
- Suspicious Activity and Behavior Reporting
- Cultural Awareness

PROBLEM 6: EXCESSIVE REFERRALS TO LAW ENFORCEMENT

State law requires principals to immediately report to local enforcement over 40 acts if they occur on school property or at a school-sponsored activity.⁹⁷ School and law enforcement personnel report that this requirement is incredibly burdensome, undercuts the exercise of their professional judgment in handling minor offenses, and can be distracting from the work of maintaining safety and order in the schools.

“Virginia parents send their children to school to learn, not to end up in the juvenile justice system.” – Brian Coy, Gov. Terry McAuliffe’s spokesman, *The Center for Public Integrity*, 5/14/15

Additionally, school personnel have unlimited discretion to refer students to law enforcement for all other offenses. Consequently, law enforcement officers are frequently called upon to discipline students. Referral to law enforcement is defined by the U.S. Department of Education’s Civil Rights Data Collection (CRDC) as “an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken.”⁹⁸ According to the most recent CRDC data

“When I was in high school in the '90s, if you got in a fight, you got suspended, your parent got called in, you had to spend time talking to the counselor. Now, you’re facing assault charges.” – Donald Coleman, Chair, Richmond School Board, *Richmond Times-Dispatch*, 4/10/15

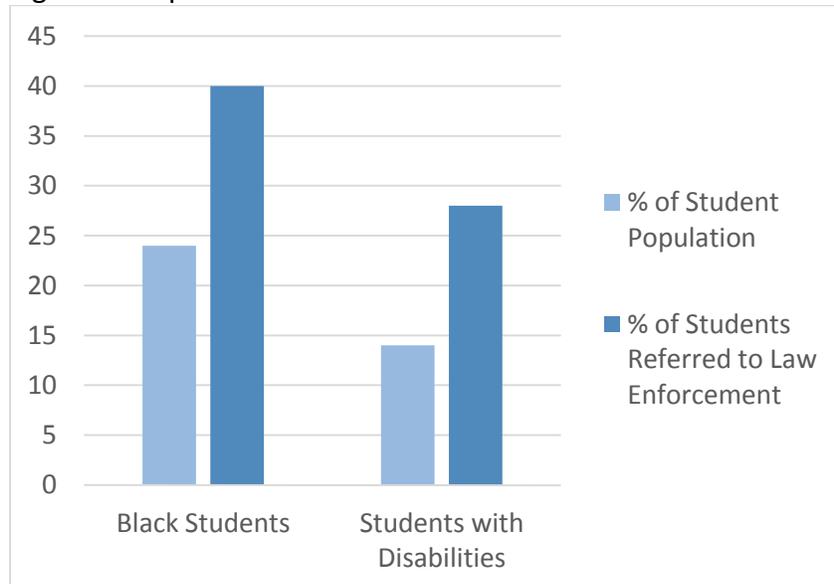
(2011-12), 17,863 Virginia public school students were referred to law enforcement, giving the Commonwealth the highest rate of school-based referrals to law enforcement in the nation.⁹⁹ Fortunately, according to JoAnn Burkholder, the Director of Student Services in the VDOE, reported that school-based referrals to law enforcement declined to 13,134 in 2012-13 and 11,576 in 2013-14.¹⁰⁰



PROBLEM 7: RACE & DISABILITY DISPARITIES

African American students and students with disabilities are disproportionately referred to law enforcement in Virginia. In 2011-12, African American students were 24% of the total population, but 40% of students referred to law enforcement. Students with disabilities were 14% of the total population, but 28% of students referred to law enforcement.¹⁰¹ Studies have consistently provided no evidence that African American students are engaging in more frequent or more severe misbehavior that could warrant such disparities.¹⁰² See Figure 4.

Figure 4: Disparities in school-based referrals to law enforcement



“The disproportionate use of school discipline on African-Americans and students with disabilities is totally unacceptable here in Virginia ... We cannot have our schools viewed as hostile environments where children are branded as criminals.” – Gov. Terry McAuliffe, *The Roanoke Times*, 10/30/15

“The law enforcement referrals are clearly excessive, and the gaps, the disproportionate impact on minorities and special needs students with disabilities is unacceptable.” – Anne Holton, Va. Sec’y of Educ., *The Center for Public Integrity*, 10/14/15

PROBLEM 8: UNNECESSARY SCHOOL-BASED ARRESTS & COURT REFERRALS

Unless restricted by local policy, SROs and school staff, including SSOs, have unlimited discretion to file complaints for all delinquent acts, no matter how minor, irrespective of the student's age, and regardless of mitigating factors. This unbridled power results in school-based court referrals for minor offenses. For example:

- From September 2014 to January 2015 in Henrico County, 38% of school-based complaints were for “disorderly conduct.” Notably, African American students were 37% of the division’s population, but were subjected to 77% of school-based complaints.
- In 2013-14 in Richmond City, 22% of school-based complaints were for “disorderly conduct.”
- In 2013-14 in Chesterfield County, 14% of school-based complaints were for “disorderly conduct.” Notably, African American students were 26% of the division’s population, but were subjected to 54% of school-based complaints; and 117 complaints were filed against students age 12 and younger.¹⁰³

“Schools cannot divest themselves of responsibility for the nondiscriminatory administration of school safety measures and student discipline by relying on school resource officers ... security guards or other ... law enforcement personnel.”
– U.S. Departments of Education and Justice, *Dear Colleague Letter*, 1/8/14

Court-involvement is often unnecessary and harmful for youth, their families, their communities, and the Commonwealth. First, students often face excessive dual punishment – they are suspended from school *and* sent to court for the same underlying offense. Additionally, students who become court-involved often must miss school to attend meetings with probation officers and court dates. They also face a risk of destructive potential legal consequences, including:¹⁰⁴

- Financial hardship from court costs;¹⁰⁵
- Out-of-home placement (*e.g.*, detention center or juvenile prison);¹⁰⁶
- Enhanced punishments in sentencing in adult circuit court;¹⁰⁷
- Exclusion from school or reassignment to alternative education;¹⁰⁸
- Negative impact on college admissions applications;¹⁰⁹
- Restrictions on certain types of employment (*e.g.*, providing care to children, the elderly, or people with disabilities);¹¹⁰
- Ineligibility to become a foster or adoptive parent;¹¹¹
- Ineligibility for public housing;¹¹²
- Family eviction from public housing;¹¹³

“Charging the kids ought to be the last thing we’re doing instead of the first or second.” – Tyrone Nelson, Vice-Chair, Henrico County Bd. of Supervisors, *Richmond Times-Dispatch*, 5/30/15

- Denial or loss of a driver's license;¹¹⁴
- Ineligibility to possess a firearm;¹¹⁵
- Registration as a sex offender;¹¹⁶ and
- Public access to their records.¹¹⁷

Students who are incarcerated encounter additional possible harms. While in detention centers, correctional centers, jails, or prisons, they experience:



- Physical and emotional detachment and decreased societal, familial, and peer ties;
- Socialization with negative peer influences;
- Falling further behind educationally; and
- Risk of violence, abuse, and other forms of mistreatment.¹¹⁸

Upon release, they face increased risks of:

- Academic failure;
- Worsened mental health issues and risk of self-harm;
- Recidivism;
- Economic strain and psychological duress on family members; and
- Reduced success in the labor market and increased financial hardship.¹¹⁹

“Once you’re in the system, the likelihood you’re going to stay in that system is great.”
 – Brian Moran, Va. Sec. of Pub. Safety, The Center for Public Integrity, 10/14/15

PROBLEM 9: LACK OF DATA, ACCOUNTABILITY, & TRANSPARENCY

From accreditation ratings to report cards, students, teachers, schools, and divisions are constantly under a microscope. The VDOE collects and publishes data about enrollment, test scores, advanced program participation, promotion and retention, suspensions and expulsions, dropouts, graduation rates, staffing, funding, and a whole host of other areas.¹²⁰ The DCJS, which administers trainings for SROs and SSOs and houses the Virginia Center for School and Campus Safety,¹²¹ collects and publishes data about crisis and emergency planning, threat assessments, bullying, gang activity, and other school safety metrics. Every year, the VDOE publishes a “Discipline, Crime, and Violence Annual Report,”¹²² and the DCJS publishes its “School Safety Audit Survey Results.”¹²³ However, to date, neither the VDOE nor the DCJS, nor any other state entity, has published any data about school-based uses of force, arrests, or court referrals.¹²⁴ Few, if any, localities, publish such data either.

The primary problems with the absence of data are that schools, divisions, law enforcement agencies, the VDOE, and the DCJS cannot objectively identify: a) individuals who deserve praise, need more training and supervision, or who should be replaced; or b) policies and practices that need to be replicated, modified, eliminated, or replaced.

To make matters worse, students and parents typically are not:

- Involved in the formation of, or even Informed of, any policies or regulations related to SROs and SSOs;
- Involved in selecting or providing feedback about security personnel; or
- Provided a complaint or grievance process specific to SROs and SSOs.



Students and parents are, therefore, more likely to become confused and frustrated, officers are not always held accountable when necessary, and school divisions and law enforcement agencies do not benefit from the collective wisdom.

No Student and Parent Involvement

- Ignorance
- Miscommunication and confusion
- Frustration and animosity

vs.

Student and Parent Involvement

- Understanding
- Buy-in and support
- Collective wisdom