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### **Article Summary: Making School Resource Officers a Resource**

The use of “school resource officers,” or “SROs”—roughly defined as law enforcement officers who have been stationed in a school—increased from the mid-1990s through the mid-2000s, and there are currently 19,000-20,000 SROs employed through local police departments and sheriff’s offices. Not every school that employs an SRO has the officer on campus full time. In some districts, an SRO may rotate through multiple campuses. In the 2009-2010 school year, 43 percent of public schools reported having one or more security guards, security personnel, SROs, or other law enforcement officers at their school at least once a week. SROs are much more common in large schools (79.3% in schools with enrollments over 1,000 students), schools with large minority populations (41.3% in schools where more than had the students belong to minority groups), and in urban schools (39.7%).

Federal law offers two definitions of SROs, both of which include the role of “train[ing] students in conflict resolution, restorative justice, and crime ... awareness.” Yet although conflict resolution and restorative justice are part of SROs’ defined roles, most SROs continue to serve as little more than security and law enforcement officers, with an eye toward subduing armed threats. This may cause little surprise in an era in which gun violence in schools and other public places is frequently in the news. Unfortunately, this focus on mass catastrophes has led to another mass catastrophe: the diversion of students away from schools and into the prison pipeline.

Concern about police on school campuses exists within a broader concern about the disproportionate punishment of minority students, most of all black boys, and students with disabilities. SROs appear to disproportionately punish minority students and students with disabilities, and unlike most teacher-initiated punishments, punishment by an SRO can carry with it criminal charges or, at the very least, treatment like a criminal, such as the use of handcuffs and other restraints that many states prohibit being used on students. Teachers’ and administrators’ disproportionate punishment of minorities and students with disabilities is already a pervasive problem in U.S. schools. SROs’ power to refer students for criminal charges adds an extra layer of criminalization to punishments like suspensions and expulsions, making it ever more likely that students will enter the school-to-prison pipeline. Yet the interplay between these two categories – students of color and students with disabilities – is complex. Students in predominantly minority schools are less likely to receive special education services, regardless of race or ethnicity. However, there are some notable differences for black and Hispanic students in terms of rates of punishments like suspension and expulsion. In school districts with larger black populations, there are lower rates of use of special education services and higher rates of school punishment and police contact with students. In school districts with larger Hispanic populations, there are also lower rates of special education, but also significantly lower rates of school punishment and police contact.

The federal government, which provides seed funding for many SROs, is well aware of issues of disproportionate punishment in schools, and its 2015 Community Oriented Policing Services (COPS) funding guidelines specifically call out and address this danger:

The placement of law enforcement officers in school carries a risk of contributing to a “school-to-prison pipeline” process where students are arrested or cited for minor, nonviolent

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behavioral violations and then diverted to the juvenile court system. This pipeline wastes community resources and can lead to academic failure and greater recidivism rates for these students.

In part to counter these concerns, the federal government requires that SROs funded through the COPS program “will not be responsible for requests to resolve routine discipline problems involving students.” This is a good basic principle, since these kinds of interventions by SROs often lead to escalating student misbehavior and increasing the punishments given to students, either by the school in the form of suspension or expulsion or by the state in the form of criminal charges and convictions. While schools now seek to promote inclusion, especially in the disability context, the criminalization of student conduct encourages exclusion – suspending and expelling students for actions that would not have received such harsh punishments in earlier eras, and even treating students with disabilities in ways that run counter to their required treatment under federal law.

Today, there are a number of state-based SRO organizations and two large national organizations that provide SRO training, the National Association of School Safety & Law Enforcement Officials (NASSLEO) and the National Association of School Resource Officers (NASRO). NASRO emphasizes three areas in its basic training course for SROs: (i) functioning as a police officer in the school setting, (ii) working as a resource and problem solver, and (iii) developing teaching skills. NASRO calls this the “Triad Concept” of the SRO as a law enforcement officer, informal counselor, and educator. This recognition of SROs’ potential as problem-solvers and educators – perhaps roles less familiar to law enforcement officers – is salutary, but given the concerns described above, even greater attention to these latter two roles is necessary.

This article looks at real-world scenarios in which SROs have responded to misbehavior by students with disabilities by escalating tensions and treating students like criminals, even charging them with crimes for their reactions to SRO intervention. It then discusses different types of conflict resolution and alternative dispute resolution programs already found in schools – such as restorative justice and mediation (including IDEA-supported mediation, peer mediation, and truancy mediation) – as well as the ways in which student behavioral plans are supposed to be used to address behaviors related to disabilities. SROs are probably not well-suited to serve as neutrals in these programs, but they can, as envisioned by the federal definitions, serve as trainers and boosters for conflict resolution programs in schools. They might also participate in community or individual dialogues with students and families, further encouraging conflict resolution outside of the criminal-justice context.

To effect these changes, schools must alter SROs’ mandates, often memorialized in Memorandums of Understanding between schools and local law enforcement agencies, to encourage dispute resolution and deemphasize the criminalization of student conduct. SROs’ training must also put a greater emphasis on school-wide programs and policies that promote conflict resolution within the schools, as well as better policies within schools to ensure that SROs are aware of and abiding by students’ behavior plans. Only by taking these steps will SROs truly become the resource for schools that they were meant to be.

## The CADRE Continuum and ADR Programs in Schools

There are a wide variety of programs in schools that could fall under the category of “dispute resolution.” Those familiar with the CADRE Continuum and its emphasis on upstream solutions will be well aware of the many intervention points in a potential conflict:

<b>CADRE Continuum of Dispute Resolution Processes &amp; Practices</b>																		
Stages of Conflict	Stage I			Stage II			Stage III			Stage IV			Stage V					
Levels of Intervention	Prevention			Disagreement			Conflict			Procedural Safeguards			Legal Review					
Assistance/ Intervention Options	Parent Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Meeting	Mediation under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance						Third-Party Intervention											
	Decision Making by Parties						Decision Making by Third-Party											
	Interest-Based						Rights-Based											
	Informal & Flexible						Formal & Fixed											

While the “procedural safeguards” and “legal review” stages of the Continuum may only apply in the IDEA context, the earlier stages of the Continuum illustrate a broader focus in intervening in potential disputes and providing support to students and families. This kind of broad focus is useful to have in suggesting ways SROs can reorient their roles to reduce criminalization of student conduct in schools. At what points could SROs tap into resources like Parent Groups or a Special Education Director to make sure that problematic behavior by students with disabilities is addressed appropriately?

There are a number of popular conflict resolution programs that could be implemented in schools, including forms of non-IDEA related mediation, such as truancy mediation or peer mediation, and forms of restorative justice, like restorative justice circles and victim offender mediation. Some of these programs might be more responsive to the needs of particular students or particular types of misbehavior than others.

One factor of vital importance to address is who should be a party in conversations or dispute resolution procedures. Generally, given their ability to recommend charges against students, SROs would be a poor choice to act as neutrals. However, they might be a helpful participant in group dialogues or as coordinators for other forms of conflict resolution.

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### **Discussion Scenarios**

*Depending on time, I would like the group to discuss one or all three of the following scenarios. For each scenario, assume that your proposed intervention could fall anywhere along the continuum, from preventative measures like greater communication between parent groups and SROs, to school-wide ADR programs, to litigation. Does the kind of intervention you would recommend differ based on the level of schooling – elementary, middle, or secondary? Does it differ based on the nature or severity of a student’s disability? Does it differ based on the kind of behavior being presented by the student?*

#### **Scenario One: “LaChastity”**

LaChastity is an 18-year-old, female, African-American high school student in Texas. She has a disability that causes behavioral issues, and she has a behavior plan in place with her school. One day, her teacher calls in the SRO after she cannot get LaChastity to stop talking in class. The SRO claims that LaChastity became violent and tried to strike him as he removed her from class. LaChastity claims that the officer put her in a takedown and pulled his Taser on her. The local police department issued disorderly-conduct and resisting-arrest charges and refused to drop them after LaChastity’s school, pointing out that the behavior plan had not been followed by the SRO, asked that they do so. The District Attorney eventually dropped the resisting arrest charge.

#### **Scenario Two: “Kayleb”**

Kayleb is an 11-year-old, male, African-American middle school student in Virginia. He has autism. One day at school, he kicks a trash can and receives a disorderly conduct charge from the school’s resource officer. A couple of weeks later, Kayleb refuses a request to remain in class while other students are allowed to leave, and the same SRO is sent to take Kayleb to the principal’s office. A scuffle ensues, during which Kayleb is handcuffed by the SRO. He is left handcuffed, allegedly for over three hours, before being charged with felony assault against a police officer and disorderly conduct. His case is still pending in juvenile court.

#### **Scenario Three: “Sammy”**

Sammy is an 8-year-old, male elementary school student in Kentucky. He has post-traumatic stress disorder and attention deficit hyperactive disorder. After failing to follow a teacher’s directions in class, Sammy is sent to the vice principal’s office. Sammy starts crying and tries to leave the office to use the restroom. His mother is called. He calms down after talking to her for a few minutes. After the phone call Sammy is escorted to the restroom and back by the school resource officer. When they return to the vice-principal’s office, Sammy refuses to sit down as requested by the SRO and is put in handcuffs for about 15 minutes. Sammy is so small that he is handcuffed over his biceps with his arms pulled behind his back. The SRO tells Sammy, “It’s your decision to behave this way. If you want the handcuffs off, you’re going to have to behave and ask me nicely.” The SRO claims Sammy tried to hit him and that’s why he was handcuffed. No charges were filed against Sammy.