

P.A. 15-168 An Act Concerning Collaboration Between Boards of Education and School Resource Officers and The Collection and Reporting of Data on School-Based Arrests

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(Background Information for Policy Review Committee)

This Act requires a school board that assigns a sworn police officer to a school (i.e., school resource officer) to enter into a memorandum of understanding (MOU) with the local police department that defines the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline.

By previous law, each school board must submit to the Commissioner of Education an annual strategic school profile (SSP) with certain required data (e.g., student performance, school resources) for each of its schools and the district as a whole. This legislation adds to this requirement data on (1) in-school and out-of-school suspensions and expulsions and (2) school-based arrests.

As a separate reporting requirement, the State Department of Education (SDE) must disaggregate the new data the legislation requires by school, race, ethnicity, gender, age, disability status, English language learner (ELL) status, free and reduced price eligibility, offense type, and the number of arrests at each school. SDE must report annually to the State Board of Education on the disaggregation of the data and make the report available to the public on the Department website.

School-Based Arrests

The Act defines a "school-based arrest" as an arrest of a student for conduct on school property or at a school-sponsored event, which is a school activity conducted on or off school property regardless of when it takes place. The arrest must also be of a student enrolled in a school under the board of education responsible for submitting that student's information for the SSP.

Graduated Response Model

The Juvenile Justice Advisory Committee, which advises the Governor and the Office of Policy and Management on juvenile justice and delinquency prevention, developed a model MOU for use between districts and police departments. The graduated response model in its MOU contains guidelines on classroom intervention; school administrative intervention; assessment; service provision; and law enforcement intervention.

The effective date of this legislation is July 1, 2015.

Policy Implications

Many school districts have utilized school resource officers in their school to enhance school security and student safety. Many other districts are considering the placement of such personnel in their schools.

The Act defines a "school resource officer" as a sworn police officer of a local law enforcement agency who has been assigned to a school pursuant to an agreement between the local or regional board of education and the chief of police of a local law enforcement agency.

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School boards that assign a sworn police officer to a school (i.e., school resource officer) through a memorandum of understanding (MOU) with the local police department define the officer's role and responsibilities. The MOU needs to address daily interactions among students, school personnel, and police officers, and may include a graduated response model for student discipline. A memorandum of understanding between the board of education and the police department allows for clear communications of each party's expectations and responsibilities.

The memorandum of understanding clearly specifies the role of the SRO. That role includes, but is not limited to, the following:

- Act as a safety expert, help in the development of safety plans for schools;
- Investigate potential criminal acts;
- Secure buildings by operating metal detectors and/or other safety equipment;
- Provide assistance to school personnel in addressing student violence, drug and alcohol use and abuse, sexual assault, truancy and bullying issues;
- Educate students and faculty on safety measures and crime prevention, safe driving, and other issues; and
- Act as a liaison between the police department and administration.

The MOU can include the knowledge needed for the SROs. Such knowledge includes the confidentiality of student records, search and seizure standards on school campus, state and federal laws relating to special education students, child abuse reporting, school discipline procedures, board of education policies and regulations, and truancy and other school-related state laws.

The specific duties of the SROs should be included in the MOU. It is helpful to have these duties explicitly laid out in the agreement. Examples of such duties include SRO responsibilities with investigating criminal activity, interviewing students, conducting searches, counseling and educating students on law related matters such as the use of drugs and alcohol, and issues pertaining to school security and student safety.

The MOU can contain information pertaining to the number of SROs working in the district and the schools to which they are assigned. The manner of how the SRO's time will be structured can also be included in the MOU. Will the SRO be full or part time? Will there be shifts at designated schools? Will the police department be able to call in the SRO for general police duties in light of staffing issues or an off-campus emergency? How will the district be notified?

In writing the MOU it is important to make sure that the SRO remains an employee of the police department. Police department insurance covers specific liabilities and police officers have certain immunities under the law. The SRO has bargaining unit protections as part of the police department. However, the MOU must specify the structure of supervision while the police officer is in the school setting.

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Other items to be considered for inclusion in the MOU include the following:

1. Salary/fee structure.
2. Selection process for a school SRO.
3. Desired qualifications of the potential SRO.
4. Training to be provided by the police department to the SRO.
5. Specify that the SRO should be on a safety or school climate committee.
6. Clarification of issues pertaining to search and seizure.
7. Access to student records under the "school official" exception.
8. Chain of command issues:
 - a. Specify the SRO's direct supervisor.
 - b. The chain of command at the school.
 - c. Who may provide direction to or oversight of the SRO while at school.
 - d. Meetings, including frequency, between the SRO and school administrators.
9. Personnel issues:
 - a. Will school administration contribute to the SRO's police department evaluation?
 - b. Steps to be taken in the event of a personnel issue or performance problem with the assigned SRO.

Policy #5142.4, "School Resource Officer," appendices pertains to this topic. In addition, a sample "Memorandum of Understanding" also follows. Note that the budget implementer bill, passed in the Special Session of the General Assembly amended P.A. 15-168. It eliminated entering into a MOU with the State Police and it requires, rather than allows a MOU to include a graduated response model for student discipline. In addition, it defines a school resource officer as a sworn police officer of a local law enforcement agency. The original language of PA 15-168 included State Police and did not require a graduated response model.

A Memorandum of Understanding...

- * Outlines the details of an agreement.
- * Between two or more parties.
- * Intend to work together toward a common goal.
- * Abbreviated and referred to as an MOU.
- * Less complex and detailed than a contract, which provides a framework.

A sample policy to consider.

Students

Safety

School Resource Officer

In order to make schools more orderly, safer and secure, the district [will] [may] employ police officers to deliver security services as school resources officers (SROs).

The utilization of school resource officers in district schools is to accomplish the following goals:

- To provide a safe learning environment and help reduce school violence.
- To improve school/law enforcement collaboration.
- To improve perceptions and relations among students, staff and law enforcement officials.
- To collaborate with designated members of the school and District staff and with local law enforcement, fire service, public safety and emergency management agencies, and parents/guardians in the development of school safety/crisis plans.

Alternative language:

It is understood and agreed that the Board of Education and the Police Department officials share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the schools:

1. To foster educational programs and activities that will increase student's knowledge of and respect for the law and the function of law enforcement agencies;
2. To encourage SROs to attend extra-curricular activities held at schools, when possible;
3. To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and/or use of weapons on campus, the sale and/or distribution of controlled substances, and riots;
4. To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school; and
5. To cooperate with law enforcement officials in their investigations of criminal offenses which occur off campus.
6. To be involved in the development of District and school safety/crisis plans.

Students

Safety

School Resource Officer (continued)

Duties include, but are not limited to:

1. The observation and reporting of any unlawful act;
2. The prevention of theft or misappropriation of any item of value;
3. The control of access to premises being protected;
4. The maintenance of order and safety at public activities;
5. Protection of district property, students, staff and persons and property on or about district property or while attending district-sponsored activities.

Optional Language:

6. [Investigating and documenting specific incidents;]
7. [Assistance in identifying, intervening and communicating with at-risk students;]
8. [Provision of crime prevention education;]
9. [Promotion of a positive student attitude towards law enforcement;]
10. [Operating as a liaison between the community and the District.]

The Superintendent of Schools will develop administrative regulations as necessary to implement this policy.

Alternative language:

The Board will work in cooperation with the law enforcement agency/police department in the placement of school resource officers in its high/middle/elementary schools. The objectives and qualifications of resource officers will be determined by the police department and shall be subject to approval by the Board.

The Board shall enter into a Memorandum of Understanding (MOU) with the local police department that defines the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline.

(cf. 5114 – Suspension/Expulsion; Student Due Process)

(cf. 5131 – Student Conduct)

(cf. 5131.2 – Assault)

(cf. 5131.21 – Terrorist Acts/Threats)

(cf. 5131.4 – School Grounds Disturbances)

(cf. 5131.41 – In-School Disturbances)

(cf. 5131.5 – Vandalism)

Students

Safety

School Resource Officer (continued)

- (cf. 5131.6 – Drugs, Tobacco, Alcohol)
- (cf. 5131.61 – Inhalant Abuse)
- (cf. 5131.612 – Surrender of Physical Evidenced Obtained from Students)
- (cf. 5131.7 – Weapons and Dangerous Instruments)
- (cf. 5131.8 – Off School Grounds Misconduct)
- (cf. 5131.9 – Gang Activity or Association)
- (cf. 5141.6 – Crisis Management)
- (cf. 5142 – Safety)
- (cf. 5144 – Use of Physical Force)
- (cf. 5145.11 – Questioning and Apprehension)
- (cf. 5145.12 – Search and Seizure)
- (cf. 5145.121 – Vehicle Searches on School Grounds)

Legal Reference: Connecticut General Statutes
4-176e through 4-180a. Contested Cases. Notice. Record.
10-220 Duties of boards of education.
10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, and PA 98-139.
53a-3 Definitions.
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
PA 15-168 An Act Concerning Collaboration Between Boards of Education and School Resource Officers and the Collection and Reporting of Data on School-Based Arrests
PA 94-221 An Act Concerning School Discipline and Safety.
GOALS 2000: Educate America Act, Pub. L. 103-227.
18 U.S.C. 921 Definitions.
Title III - Amendments to the Individuals with Disabilities Education Act.
Sec. 314 (Local Control Over Violence)
Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.
P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

Policy adopted:

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