

For Safe and Supportive Schools, Limit School Police Officers' Role to School Security

Testimony to the Senate Committee on Violence in Schools and School Security

As the Legislature considers proposals regarding police officers in schools, we urge the Legislature to take steps to ensure that schools are safe and supportive, students are successful, minor misbehavior does not lead to student arrests, and Texas' leadership on smart school discipline policies continues. To improve the effectiveness of school police officers and minimize unintended consequences of their presence on campus, we recommend that the Legislature limit the role of school police officers to school security; require officers at small and medium-sized school districts to undergo training similar to their counterparts in large districts; and collect the data necessary to better understand school policing in Texas.

We applaud Texas legislators for the work you have done over the last decade to reform and improve school discipline and policing practices. Much of that work aimed to undo the ineffective and harmful policies put in place across the nation in the 1990s. As school violence peaked in 1993 and fears of a "juvenile super predator" washed across the nation, states and schools adopted zero tolerance policies, and the number of police officers patrolling school hallways began increasing drastically.ⁱ

In the decades since then, research has identified the harm and consequences of the zero tolerance discipline policies and the use of police in our schools.¹ **To ensure our schools are safe and supportive, behavior**

ⁱ In the 1970s, only 1 percent of schools reported having police on campus. That number rose to 22 percent in the late 1990s and to 40 percent in 2007-2008. See Texas School Safety Center's Brief History of School-Based Law Enforcement. <https://txssc.txstate.edu/topics/law-enforcement/articles/brief-history>

improves, and students succeed in the classroom, we must not roll back the smart discipline policies that have been put in place in Texas. Instead, the Legislature should build on those reforms by limiting the role of school police and expanding training for officers in our schools.

When the role of school police officers is vague or not clearly limited to school security and law enforcement, they wind up getting called to address code of conduct and other minor misbehavior issues. In the absence of a clearly defined role, this sort of “mission creep” occurs in part because school police officers are often left with little to do within traditional law enforcement roles. While there have been horrific shootings at schools such as Santa Fe High School, thankfully the day-to-day reality is that violence is not common in schools. In fact, schools are some of the safest places for our youth to be.

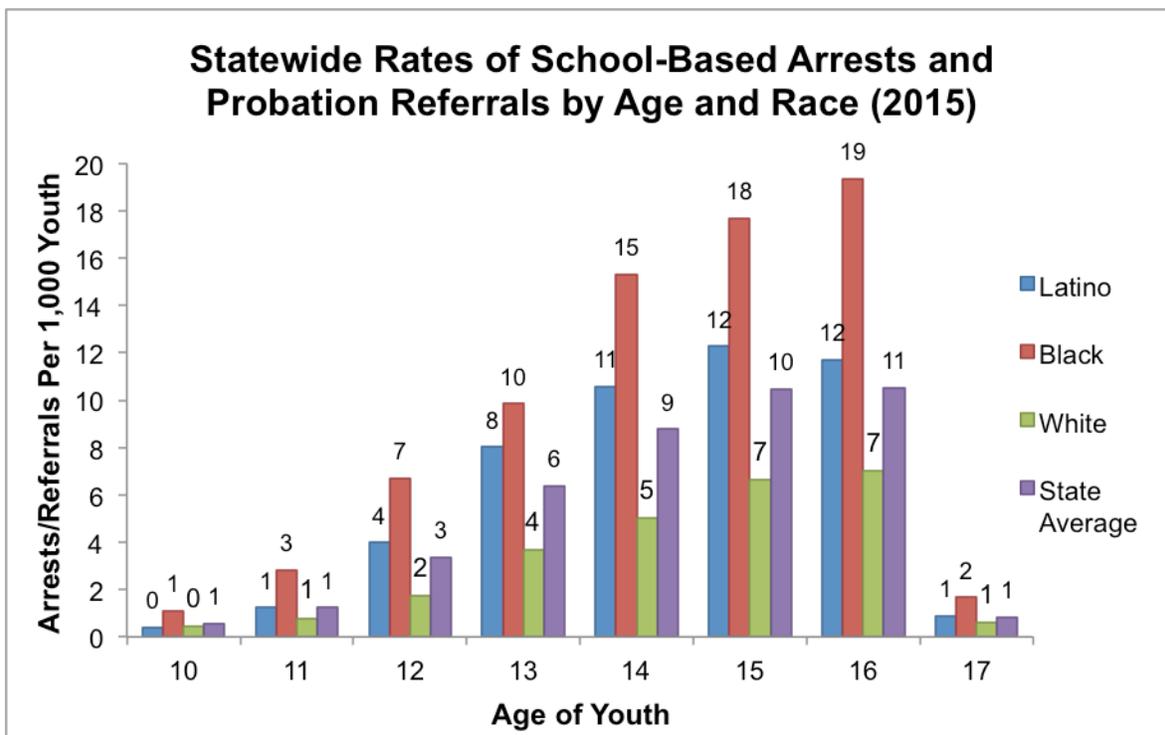
An expansive or undefined role can be difficult for school police officers, placing them in compromising situations. Police officers are trained to enforce the law, not to back up teachers that are frustrated by uncooperative children. **When school police are called upon to intervene in these situations -- such as a student not putting away his cell phone -- they are expected to use their law enforcement authority and training for non-law enforcement scenarios.** That can escalate into an unnecessary physical confrontation, leading to a viral video, a lawsuit, or other repercussions.

An overreliance on school police results in arrests and youth becoming involved in the justice system for minor misbehavior and code of conduct violations that should be handled in the classroom. The data suggest that schools already over-rely on practices that shuttle students into the justice system for school behavior: based on our analysis of Texas Juvenile Justice Department data, at least 28 percent of all arrests and referrals to the juvenile justice in 2015 were for school-based behavior.² The data do not include 17- and 18-year-old students because they are referred to the adult justice system rather than the juvenile system. Because there is not uniform data collection around school policing practices, the number of arrests at school that land 17- and 18-year-old students in the adult criminal justice system are unclear. Before the Texas Legislature reined in the use of ticketing students at school in 2013 and truancy in 2015³, police issued 300,000 Class C misdemeanor tickets each year for things like “Disruption of Class” (a criminal offense then found in the Education Code), disorderly conduct, and truancy. In one example from before those reforms, a ticket was issued to a student for “disrupting class” when putting on perfume after a bully told her she smelled bad.⁴

When the role of school police expands beyond school security and law enforcement, students with disabilities and students of color are at particular risk. Open records requests to individual school districts by Texas Appleseed make clear that students with disabilities are being funneled into the criminal justice system for school misbehavior at high rates.⁵ While many school districts and school district police departments do

not collect arrest data by special education status, those that could show that 24 percent of students arrested at school were enrolled in special education even though they make up only 9 percent of student enrollment.⁶

Even though research shows that Black and Latino youth do not misbehave in school at greater rates than White youth⁷, officers arrest Black and Latino youth for school-based behavior at much higher rates.⁸ Suggesting one of the reasons for the disparities, national research shows adults perceive Black youth to be older and less innocent than white youth.⁹ While 10-, 11-, and 12-year-olds are arrested at much lower rates than older youth in Texas schools, 12-year-old black students are arrested at the same rate as 15- and 16-year-old white students.¹⁰



(Dangerous Discipline 2016)

Policy Recommendations

To ensure that schools are safe and supportive, students are successful, minor misbehavior does not lead to student arrests, and Texas' leadership on smart school discipline policies continues, we recommend the following:

1. Limit the role of school police officers to school security

The role of school-based police officers should be limited to school security tasks, and those roles made clear to teachers, administrators, students, parents, and the officers.

The National Association of School Resource Officers agrees and recommends a "memorandum of understanding (MOU), signed by the heads of both the law enforcement agency and the educational institution. NASRO recommends that the MOU...[p]rohibit SROs from becoming involved in formal school discipline situations that are the responsibility of school administrators." [Emphasis added.]

2. To help ensure fidelity to their defined role and to improve the effectiveness of school police officers, expand youth-specific training requirements to police in all schools across Texas

Under current state law, only school resource officers and school police serving in school districts with at least 30,000 students are required to take 16 of hours of training specific to the population they come in contact with daily: youth. The training is available through the Texas Commission on Law Enforcement or The National Association of School Resource Officers.¹¹

The Texas Legislature should require all school police officers working in our schools to be trained in youth development, positive behavior supports, etc.

All Texas Peace Officers are already required to complete at least 40 hours of continuing education programs once every 24 months. The 16 hours of training required for police in schools can be used to meet those requirements and creates no additional costs or training requirements.

3. Improve tracking and data collection regarding police interactions with students

Currently there are no requirements in Texas for the collection and publication of data related to school policing activities. Neither schools, school district police departments, nor SROs report the number of officers stationed at schools or in districts, or interactions with students like school-based arrests, use of force incidents, or citations/complaints. It is impossible to understand school policing in Texas without mandatory, standardized data collection.

The Texas Legislature should require schools to track policing activities through the Texas Education Agency PEIMS data system in the same manner other school discipline actions are tracked, posting key data on the TEA web site so that parents and lawmakers can better understand policing practices in schools.

¹ Chongmin Na & Denise C. Gottfredson (2011): Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors, *Justice Quarterly*, DOI:10.1080/07418825.2011.615754; Hirschfield, Paul J, *Schools and Crime* (January 2018). *Annual Review of Criminology*, Vol. 1, pp. 149-169, 2018. Available at SSRN: <https://ssrn.com/abstract=3120428> or <http://dx.doi.org/10.1146/annurev-criminol-032317-092358>; American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations. *American Psychologist*, 63(9), 852-862. <http://dx.doi.org/10.1037/0003-066X.63.9.852>

² Texans Care for Children, Texas Appleseed (2016). *Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students*. <https://txchildren.org/posts/?offset=1482272261301>

³ SB 393, 83rd R.S., by West. Enacted Sept. 1, 2013; SB 1114, 83rd R.S, by Whitmire. Enacted Sept. 1 2013; HB 2398, 84th R.S. by White. Enacted Sept. 1, 2015.

⁴ Thompson, L.M. (Dec 14, 1016) *In Texas, the School-to-Prison Pipeline is Still Going Strong*. Texas Observer. <https://www.texasobserver.org/the-school-to-prison-pipeline/>

⁵ Texans Care for Children, Texas Appleseed (2016). *Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students*. <https://txchildren.org/posts/?offset=1482272261301>

⁶ Ibid.

⁷ Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P. M., Booth, E. A. (2011). *Breaking schools' rules: A statewide study on how school discipline relates to students' success and juvenile justice involvement*. Center for State Governments Justice Policy Center. <https://csgjusticecenter.org/youth/breaking-schools-rules-report/>

⁸ Dangerous Discipline.

⁹ "The Essence of Innocence: Consequences of Dehumanizing Black Children," *Journal of Personality and Social Psychology*, published online Feb. 24, 2014; Phillip Atiba Goff, PhD, and Matthew Christian Jackson, PhD; University of California, Los Angeles; Brooke Allison, PhD, and Lewis Di Leone, PhD, National Center for Post-Traumatic Stress Disorder, Boston; Carmen Marie Culotta, PhD, Pennsylvania State University; and Natalie Ann DiTomaso, JD, University of Pennsylvania. <http://www.apa.org/news/press/releases/2014/03/black-boys-older.aspx>.

¹⁰ Dangerous Discipline

¹¹ Tex. Occupations Code. Stat. § 1701.263 (2015)