

HOW ALABAMA'S UNREGULATED, UNMONITORED SCHOOL RESOURCE
OFFICER PROGRAM THREATENS THE STATE'S MOST VULNERABLE CHILDREN



HALL MONITORS WITH HANDCUFFS



ALABAMA APPLESEED
CENTER for LAW & JUSTICE

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Alabama Appleseed Center for Law and Justice is a non-profit, non-partisan 501(c)(3) organization founded in 1999 whose mission is to work to achieve justice and equity for all Alabamians. Alabama Appleseed is a member of the national Appleseed Network, which includes 18 Appleseed Centers across the U.S. and in Mexico City. Alabama Appleseed is also a member of the Sargent Shriver National Center on Poverty Law's Legal Impact Network, a collaborative of 36 advocacy organizations from across the country working with communities to end poverty and achieve racial justice at the federal, state, and local levels.

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Report Highlights

3.1 to 1 ➤ The disparity between referrals of African-American boys with disabilities to law enforcement as compared to the overall population of Alabama schoolchildren. African-American boys with disabilities were more likely than any other group to be referred to law enforcement in connection with conduct at school.

32 ➤ The number of Alabama school districts in which children of color were more likely to be referred to law enforcement than their white peers.

47 ➤ The number of Alabama school districts in which children with disabilities were more likely to be referred to law enforcement than their non-disabled peers.

16% ➤ The percentage of teachers we surveyed who had received any training or instruction about how to utilize school resource officers.

23% ➤ The percentage of teachers we surveyed who knew of a student in their school being arrested for what they perceived as an incident that could have been handled with school disciplinary procedures such as detention or suspension.

Zero ➤ The amount of specialized training Alabama school resource officers are required to get before taking on the delicate task of patrolling a school, almost always as the only armed individuals with arrest authority onsite.

Untracked and unknown ➤ The violations that prompt student referrals to law enforcement, and the outcomes of those referrals for the students involved.

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EXECUTIVE SUMMARY

Every day, police patrol Alabama schools, arresting children in connection with behaviors ranging from disrupting class to felonies like drug sales. In many cases, the arrests are made by school resource officers (SROs) who work exclusively within schools.

Most school resource officers in Alabama are sheriff's deputies or police officers, working on contract through local education agencies. In most instances, SROs are the only individuals on campus authorized to carry firearms and make arrests. They work closely with children, yet under current law¹ are not required to have special training in child development, adolescent behavioral management, or the special needs of disabled children.

Expectations about SROs' duties vary from district to district, leading to divergent outcomes. In some places, SROs are directed to involve themselves only in situations involving clear danger. In others, they are expected to intervene in minor school disciplinary matters. State law does not provide a clear definition or guidance about expectations, stating only that SROs must

be in good standing with the Alabama Peace Officer Standards and Training Commission (APOSTC), take a state-approved active shooter training, and pass an annual firearm requalification exam.² The law invites the Alabama State Department of Education to "promulgate any necessary rules ... including, but not limited to, rules providing additional qualifications for employment as school security personnel or school resource officers," but the Department has not added any special training requirements.

Alabama's bare-bones qualifications stand in stark contrast to the expectations of an SRO affiliated with the National Association of School Resource Officers (NASRO), a highly regarded professional organization. Based in Hoover, Alabama, NASRO trains school resource officers across the country. Its basic training runs 40 hours and includes instruction in teen brain science, cultural competence, and disability law, among other topics. Despite having ready access to this widely respected professional organization, the state of Alabama does not require SROs to receive the type of training NASRO offers.

Alabama's bare-bones qualifications stand in stark contrast to the expectations of a school resource officer affiliated with the National Association of School Resource Officers (NASRO), a highly regarded professional organization.

Some school districts voluntarily participate; many do not.

This report examines how Alabama's unregulated SRO program affects schoolchildren across the state.

For this first-of-its-kind research, Alabama Appleseed combed through data from the U.S. Department of Education's Office for Civil Rights (OCR) and requested information and public records from the Alabama State Department of Education, Office of the Governor, and more than two dozen school districts across the state. Though some agencies were helpful and cooperative, many declined to respond at all. Several informed us that the important records we sought, including basic information about school-based arrests and referrals to law enforcement, discipline policies, and formal agreements with the law enforcement agencies that provide SROs, did not even exist.

We also sought stories from families affected by SROs, and surveyed 32 educators in 15 Alabama school districts about their knowledge of and experience with SROs. Finally, we met with the executive director of the National Association of School Resource Officers (NASRO), who invited us to observe a portion of a December 2018 basic training course provided to new SROs at a large Alabama school district. While we stop short of endorsing NASRO, we believe that, to the extent that SROs are placed in schools, NASRO training or its equivalent should be a fundamental step in ensuring they under-

stand that policing a school is entirely different from policing any other beat.

Better training of school resource officers would go far, but there are other, equally critical steps the state should take to improve school safety. Among them:

- Thorough monitoring of school-based arrests and referrals to law enforcement;
- The implementation of memoranda of understanding (MOUs) between school districts and the law enforcement agencies that outline what SROs are expected to do and what they may not do;
- Training for both SROs *and* educators about the appropriate use of SRO services;
- Communication and collaboration among stakeholders ranging from educators to police to prosecutors to judges, to ensure that the outcomes of school-based policing reflect the best interests of children;
- The implementation of school codes of conduct that outline clear expectations and incremental, predictable consequences; and
- Investment in alternative mechanisms for improving school environments such as Positive Behavioral Interventions and Supports and School-Based Mental Health Collaboration.

SROs are law officers, not hall monitors with handcuffs. Arrests are not an appropriate substitute for school-based discipline — but in Alabama, the line is blurry. Normal teen behavior can easily fit the legal definitions of disorderly conduct, harassment, or even simple assault. In too many Alabama

schools, a combination of under-trained SROs, overcrowded classrooms, under-resourced teachers, and lack of clarity about when it is appropriate to involve SROs in student behavior create a potent and dangerous combination that can criminalize obnoxious but common misbehavior. This criminalization of students funnels young children into a school-to-prison pipeline that many will never escape.

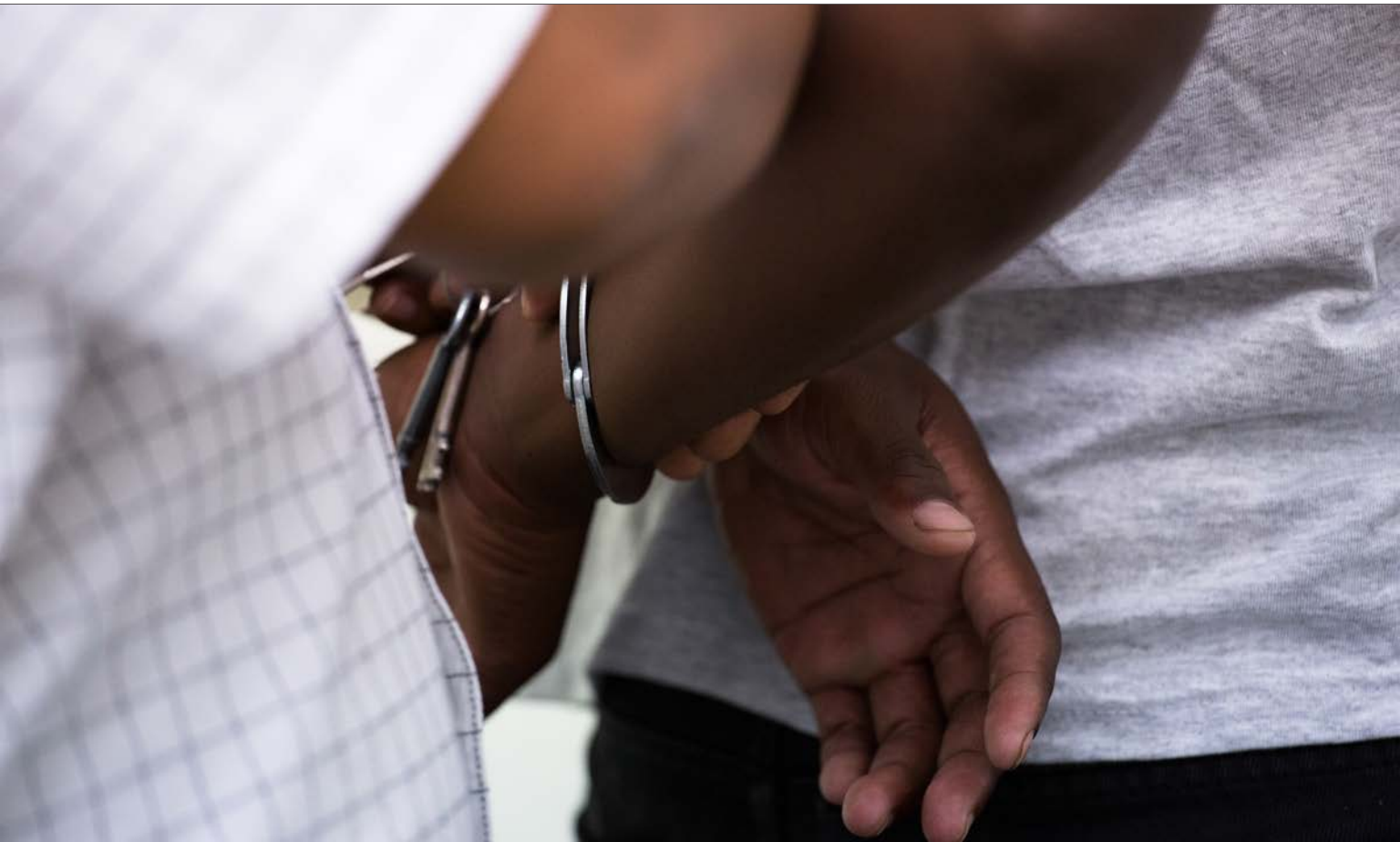
Research shows that the presence of SROs in schools correlates, at times, with drastic increases in the number of arrests in those schools.³ Disturbingly, many of those arrests are for misdemeanors like disorderly conduct, which in a school setting can look like shoving a desk aside and storming out of class or even just swearing. SROs are hired to protect students from harm, but “mission creep” can result in over-policing and over-arresting children for doing the things children do when they are upset, tired, hungry, frustrated, bored, or excited.⁴

Ensnaring children in the justice system for minor offenses perpetuates the school-to-prison pipeline, with long-term consequences that are bad for children, adults, and society. Children who are arrested in high school are twice as likely as their peers to drop out, and children who appear in

court during high school are four times as likely as their peers to drop out.⁵ Among children, frequent police stops can predict higher rates of delinquent behavior, and the younger a child is the first time they are stopped by police, “the greater the increase observed in subsequent behavior 6 mo[nths] later.”⁶ “Police stops,” one study found, are bad for “adolescents’ psychological well-being and may unintentionally increase their engagement in criminal behavior.”⁷ These facts alone should be enough to prompt careful consideration about the circumstances under which children are exposed to arrest.

With school safety on everyone’s mind in the wake of a series of high-profile school shootings in 2018, criticism of efforts to increase police presence in schools can seem like an attack on the premise that schoolchildren deserve the most protected environment we can possibly provide. But there is no tension between the twin goals of keeping children safe and insisting on evidence-based policies.

Schools serve all kinds of children, and the very best policies are those that keep *all* children safe. We should not tolerate a system that sets up a false choice between accountability and standards on the one hand and safety on the other. Our children deserve both.



Introduction

M was almost finished with seventh grade when the car hit him. He was 13 years old and already contending with ADHD. The accident landed him in a wheelchair for a summer. It also injured his head.

Even after his body had healed, his mother knew something was wrong.

“He went from being this loveable hyper child ... to this aggressive person who just gets mad in the blink of an eye and just totally transforms to somebody I have never seen before in my life,” M’s mother said.

It was more than a year before M was diagnosed with a traumatic brain injury (TBI), a condition that can cause cognitive delays, unpredictable mood swings, and other behavioral changes in teenagers.⁸

M seemed like a different child when he returned to school that fall. He got into fights. He mouthed off. He reacted badly to teachers

and authority figures. And repeatedly, while in school, he was referred to law enforcement and charged with minor offenses like harassment and disorderly conduct.

Juvenile court records⁹ indicate that M, who was 16 years old when he and his mother spoke with Alabama Appleseed, had never been in trouble with police before the car accident. But between August and April of his eighth-grade year, he racked up 12 different counts on seven different occasions.

Many of the incidents happened in or in connection with school. M was charged with harassment after he “cussed out” and brushed his shoulder against a school security officer who stopped M and his sister while they were walking to school and told them to go to school. He was charged with disorderly conduct after “being loud in the halls” and cursing at a school resource offi-

What is the School-to-Prison Pipeline?

The term “school-to-prison pipeline” is shorthand for a misguided and counterproductive system that pushes children out of public schools and seriously increases the likelihood that they will end up in the juvenile and adult justice systems.

The pipeline can begin when a child is referred to law enforcement for activity that occurs in a school setting. A teacher or administrator may witness the behavior and file a report, or the witness may be a school resource officer (SRO) — that is, one of the thousands of law officers throughout the country whose “beat” is a school.

Arrests can occur for any number of reasons, ranging from activities that anyone would recognize as illegal such as selling drugs, to things like fighting, talking back to a teacher, pulling a fire alarm, or scratching a name in a school desk surface. Applied in school to children engaged in ordinary but obnoxious behavior, laws meant to regulate adult behavior in real-world settings have become powerful agents of the school-to-prison pipeline, funneling children out of school and into disciplinary alternative schools and the juvenile justice system. From there, children find it hard to re-enter ordinary schools, and have trouble succeeding if they do.

M’s mother put it best when she said, “The school ... is where kids are being taught basically how to handle themselves in the real world. But now, they can’t have this learning period of making mistakes and learning from these mistakes, because you done added the criminal justice system in it and now they have to learn it being locked up and took away from their parents and their families.”

➤ Arrests can occur for any number of reasons including things like **FIGHTING, TALKING BACK TO A TEACHER, PULLING A FIRE ALARM, OR SCRATCHING A NAME IN A SCHOOL DESK SURFACE.**

cer. He swore at a different school resource officer who took away his durag, and was charged with disorderly conduct again. And he was charged with assault after starting a fight with another child. School resource officers in M’s district do not participate in special training programs through NASRO.

M’s mother was painfully aware that her son was struggling, and terrified about what it would mean for his future. Because he was receiving special education services due to his ADHD, M was entitled under the Individuals with Disabilities Education Act (IDEA) to certain accommodations when it came to school discipline. M’s mother recalled a conversation with the principal after M was referred to law enforcement during his second week of eighth grade. “‘I’m gonna get rid of him by any means necessary. Do you think he’s special because he received special ed services?’” the principal told her.

That’s when the school resource officers got involved. M was repeatedly criminally charged for misbehavior, leading to convictions that would permanently change the course of his life.

“I’m gonna say it, I’m poor. I don’t have no money just to put back for legal fees and things of that nature. So we had to get a court-appointed lawyer and she basically had him ... plead guilty to all the charges, even when we felt like he wasn’t guilty of it,” M’s mother said.

For three years after those arrests, M spent more time out of his mother’s custody than in it. He failed out of a boot camp, was sent to an inpatient correctional psychiatric facility three hours from home, and was in Alabama Department of Youth Services custody for months at a time.

Lacking reliable access to a car, his mother relied on letters to stay in touch with him

between visits. But his education suffered, and his ability to read and write, already delayed, was set back further. “A whole month, I did not see my son,” his mother said. “And I could barely understand what he was writing.”

For M, the experience was terrifying. Big for his age, he was the youngest child in one of the facilities he was sent to and was often attacked by other children. He bears a visible scar from a time he was cut during one such beating.

Emotional scars, too. The evaluation that revealed M’s traumatic brain injury also showed that he was depressed, and that he has post-traumatic stress disorder (PTSD). Its origins are unclear. At the age of five, M nearly lost his life after a dog attacked him. His father was murdered a few months after that. About six years later, he was hit by a car. Then he experienced trauma in custody.


M’s self-loathing and fear almost consumed him.

“He would tell me a couple of times when he got overwhelmed that he want to go with his dad. And it hurt, ‘cause they was fixing to lock him up because of school charges, and he was like, ‘Mom, you know what? I’m tired. I hurt you. And I’d just rather be with my dad,’” M’s mother said. “The last time he told me that, he had put a plastic bag on his face and tried to kill himself.”

M’s mother feels the school failed her son by criminalizing the behavior caused by his disabilities. “This is because adults made the decision to instead of handling whatever actions that he did within the school, y’all put the criminal system into it,” she said.

“The school is the school. This is where children are being educated. This is where kids are being taught basically how to handle themselves in the real world. But now, they

“The school ... is where kids are being taught basically how to handle themselves in the real world. **But now, they can’t have this learning period of making mistakes and learning from these mistakes,** because you done added the criminal justice system in it and now they have to learn it being locked up and took away from their parents and their families.”



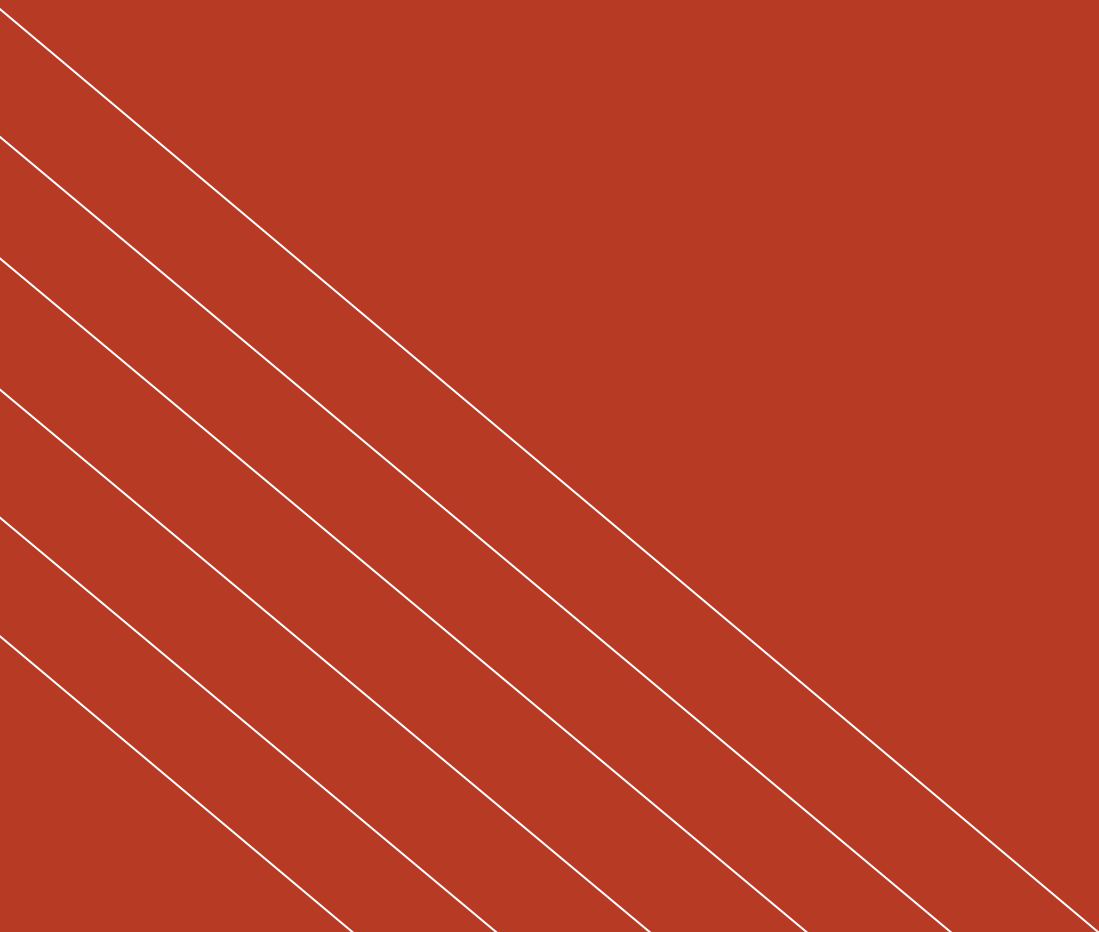
can’t have this learning period of making mistakes and learning from these mistakes, because you done added the criminal justice system in it and now they have to learn it being locked up and took away from their parents and their families.”

M’s experience, or some version of it, is all too common. Among the findings of this report is that in Alabama schools, African-American boys with disabilities like M are referred to law enforcement or arrested in school at 3.1 times the rate of the general population, making them more likely than any other subgroup to be subjected to this kind of treatment. Once in the school-to-prison pipeline, it’s hard for them to escape. This is bad for children, families, and society.

Educators need better tools to help children like M, who for reasons beyond their control struggle to succeed in Alabama schools. Instead, they are given police officers with no special training, who offer an easy solution that permanently affects these children’s lives. It’s time for Alabama to do things differently.

SCHOOL SAFETY

FEAR-DRIVEN PUBLIC POLICY DOES NOT KEEP CHILDREN SAFER



Facts and Fears

High-profile incidents of school shootings and violence are terrifying. But data show that schools are safe compared to other places. In 2016, the most recent year for which numbers¹⁰ are available, schools were the *least likely* location for violent victimizations by firearm, with only 0.4 percent of total violent victimizations involving firearms occurring in schools. Children and young adults ages 6-20 were more likely to be victims of violence in a residence than in any other location. In fact, 39.8 percent of all violent victimizations by firearm of individuals of those ages occurred in residences that year.

The second-most-dangerous place for children to be in 2016 was outside, with 37.8 percent of violent victimizations involving firearms against people ages 6-20 happening in outdoor locations. Schools ranked a distant last, with 1.3 percent of violent victimizations involving firearms happening there.

But statistical evidence showing that children are much safer in school than they are at home is no match for fear. Since at least the middle of last century, police have been placed in schools as a reaction to a range of fears and prejudices: white fear of desegregation in the 1960s; the notion that low-income youth of color were growing into “superpredators” in the 1990s; blind terror about school shooters starting with 1999’s mass shooting at Columbine High School in Colorado.

HOW WE GOT HERE: A HISTORY OF POLICE IN SCHOOLS

In 2015, the U.S. Department of Justice estimated that there are about 19,000 school

resource officers (SROs) patrolling schools across the United States.¹¹ That’s about one SRO for every seven schools.¹² During the 2013-14 school year, 195,219 students were arrested or referred to law enforcement across the United States, including 1,951 in Alabama.¹³

Some of the earliest school-based police were there to protect children of color in newly integrating school districts, where they faced hostility and physical violence from white residents and white children who took their parents’ racist attitudes with them to school.¹⁴ This intended function was quickly flipped on its head, as white resistance to desegregation continued and white parents and white-dominated police departments raised the specter of children of color as delinquents and troublemakers.

By the mid-1960s, black children who were attacked as they desegregated local schools were blamed for their own victimization. In South Boston in 1979, 10 black children were denied entry to a high school on the grounds that they were “potential troublemakers,” while white students rioted in the halls.¹⁵

Policing proliferated in low-income, predominantly African-American and Latinx districts throughout the 1970s and 1980s. In some instances, police actually posed as high school students and sought out children who would sell them drugs.¹⁶ Several large districts established full-time school police forces.¹⁷ Admissions to juvenile detention centers increased 600 percent from 1977-1986, leading the media and public to believe juvenile crime was out of control.¹⁸

Admissions to juvenile detention centers increased **600 percent** from 1977-1986, leading the media and public to believe juvenile crime was out of control.

“In fact, much of what young people were being detained for were minor offenses that were criminal only because of their status as juveniles,” the American Civil Liberties Union observed in a 2017 white paper on school policing.¹⁹

That problem extended to Alabama, where a 1987 study found that 74 percent of juvenile inmates were serving time for “status offenses” like truancy or curfew violations that are only offenses because the activity is unlawful for a child, or for violations of probation, misdemeanors, or minor felonies like third degree burglary or second degree theft.²⁰

The criminalization of student misbehavior did not abate. In the 1990s, it was fueled by talk of “superpredators,” described as “radically impulsive, brutally remorseless youngsters, including ever more preteenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders.”²¹ This discredited theory, whose creator would live to regret his role in fomenting panic and mass incarceration of young people, was used in the 1990s to defend harsh school discipline codes calling for suspensions and expulsions for minor violations like chewing gum or talking back.²²

In 1994, Congress created the federal Office of Community Oriented Policing Services (COPS) to encourage “preventive” policing through training and grants to local programs.²³ Four years later, Congress allocated COPS money specifically for police in schools, calling them School Resource Officers. Over the next two years, COPS would award \$30 million to 275 jurisdictions “to partner with school entities to address crime and disorder in schools.”²⁴ When two students murdered 12 students and a teacher, then killed themselves, in Columbine in 1999, Pres-

ident Bill Clinton described COPS grants as part of the solution to school violence.²⁵

The tragedy at Columbine was a pivotal moment in the history of police in schools. On a federal level, promises were made that SROs would focus on things like restorative justice and teaching children about conflict resolution, but “as with earlier iterations, the promise of positive support services eased the way for the expansion of policing powers, but the services never materialized. Instead, police, who were neither trained nor certified in counseling or social work, carried on with traditional policing models, addressing perceived rowdiness and disorder through arrests and surveillance of schoolchildren.”²⁶

Public awareness of and concern about how school-based policing fed the school-to-prison pipeline grew in the 2000s, but congressional inquiries and a 2005 decision to end designated federal funding for school police²⁷ could not compete with the terror inspired by school shootings and the public’s desire for orderly schools — even when “order” was enforced by police. By 2017, 42 percent of high schools had police on campus.²⁸

Then came Parkland. On February 14, 2018, a former student shot and killed 17 people at Marjory Stoneman Douglas High School in Parkland, Fla.²⁹ Soon after that came a spate of news articles paying tribute to school resource officers. Typical was a *New York Times* piece published three weeks after the Parkland shooting that opened with a description of an SRO in Auburn, Ala., who “freely dispenses hugs and smiles” but who also serves as the school’s primary defense against potential violent intruders.³⁰ This feature in the nation’s paper of record ran 38 paragraphs. Only five of them, all in the last quarter of the piece, mentioned the prob-

lem of “unnecessary arrests” for “low-level offenses” in schools staffed by SROs.³¹

THE PARKLAND EFFECT

Parkland was terrifying. But, as the dozens of Alabama students who were criminally charged with making terroristic threats in the aftermath of the shooting could testify, fear and panic do not beget thoughtful policy.³²

Under Alabama law, “intentionally or recklessly terrorizing another person ... causing a disruption of school activities” is considered a terroristic threat.³³ Resting on this law, SROs and other law enforcement made dozens of arrests, often of very young teens, even in instances where police determined there is no immediate threat to physical safety. Here were some of their circumstances:

- In March 2018, two 12-year-olds were arrested and put in juvenile detention facilities after making threats against Prattville High School and Prattville Intermediate School, even though law enforcement did not believe they had the ability to carry out the threat.³⁴

- In Sept. 2018, a 15-year-old Calera High School student was charged with making a terroristic threat which was determined not to be credible. The local police chief increased police presence at the school anyway.³⁵

- That same month, a 13-year-old Montgomery child was arrested for making a bomb threat which police found unsubstantiated.

Reflecting an attitude common in the months after Parkland, Montgomery’s school superintendent described the felony charge, which could affect the rest of that child’s life, as a suitable response to the prank.

“We are grateful to MPD for not only their quick response to the report, but to their rapid arrest of the suspect,” she told reporters. “We have to help everyone understand that reporting a bomb threat, or any false information about a criminal event at a school is not a joke. It doesn’t matter if you are a student or an adult. You will be caught and arrested.”³⁶

Alabama Appleseed staff members have beloved children in Alabama public schools. We take school safety seriously and have as much a stake in it as anyone could. And yet — as the authors of a July 2018 editorial in *The Gadsden Times* wondered — “How big a hammer should be brought down when a person who hasn’t fully matured does something utterly stupid and completely disruptive — but ultimately harmless? ... [D]oes it need to be a felony and should it carry the ‘terrorist’ label?”³⁷



ALABAMA SCHOOL RESOURCE OFFICERS

Rules, Requirements and Realities

In Alabama, law enforcement who are under an agreement with the local board of education and are assigned to a public school are classified as school resource officers (SROs).³⁸ But the term does not mean the same thing to everyone.

NASRO'S DEFINITION

The National Association of School Resource Officers (NASRO), a respected professional organization for SROs, “divides the school resource officer (SRO) responsibilities into three areas: teacher, informal counselor and law enforcement officer.”³⁹

NASRO's basic training for new SROs runs 40 hours and covers teen brain development, cultural competence (that is, training to help the SRO interact effectively in a school environment, which is very different from a typical police “beat”), disability law, and other subjects to help officers adapt to the specialized school environment and the needs of the children they are hired and sworn to protect.⁴⁰

NASRO describes as “essential” the development of “a clear and concise memorandum of understanding (MOU) signed by the heads of both the law enforcement agency and the educational institution.”⁴¹ At a minimum, NASRO says, these agreements must specify that all SROs:

“be carefully selected law enforcement officers who have received specialized SRO training in the use of police powers and authority in a school environment”;

“clearly define the roles of the SRO to include those of law enforcement officer, teacher, [and] informal counselor”; and

“prohibit SROs from becoming involved in formal school discipline situations that are the responsibility of school administrators.”⁴²

In its position statement on SRO involvement on school discipline, NASRO further states that SROs need special training regarding children with special needs and advises that SROs should use restraints like handcuffs “only in a case that requires the physical arrest of a student for referral to the criminal justice system.”⁴³

ALABAMA LAW

Alabama law includes two definitions of SROs.

One code section says, “The term ‘school resource officer’ as used in this section means an Alabama Peace Officers’ Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.”⁴⁴ The law is silent on what it means by “specifically selected and specially trained for the school setting.” Instead, employment conditions of SROs are left to the local districts.⁴⁵

A different code section defines a school resource officer as “a person who is certified by the Alabama Peace Officers’ Standards and Training Commission as a law enforcement officer, whose certification is in good standing, and who has successfully completed active shooter training approved by the

Alabama State Law Enforcement Agency.”⁴⁶ (In order to achieve a certification as a law enforcement officer from the Alabama Peace Officers’ Standards and Training Commission, the trainee must complete 520 hours of basic training. Of these 520 hours, six hours are in juvenile procedure, of which only three encompass juvenile laws, detainment and detention procedures.)⁴⁷

In 2019, Alabama’s legislature passed a new law permitting law enforcement officers with at least 20 years’ experience and who retired in good standing to be hired as SROs or school security personnel with the power to carry a firearm while on duty, if they complete an approved active shooter training, pass an annual firearm requalification exam, and also carry a non-lethal weapon they are trained to use.⁴⁸

The State Department of Education is directed to “promulgate any necessary rules to provide for the implementation of this section including, but not limited to, rules providing additional qualifications for employment as school security personnel or school resource officers.”⁴⁹ However, no requirements for additional special training or certification have been set out. At this time, there are no continuing education requirements specifically for SROs in Alabama.⁵⁰

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are **no continuing
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specifically for SROs
in Alabama.



KNOWN UNKNOWNNS

What We Can't Find Out About SROs in Alabama

Despite the enormous power SROs wield and the huge impact a single arrest can have on a child's life, little data is collected about SRO interactions with children. Parents, for example, have no reliable way to research matters including the number of disciplinary incidents involving SROs, the numbers of students arrested by SROs, or the background of the SRO in their children's schools.

STATE SECRETS

The Alabama State Department of Education releases an annual School Incident Report (SIR), purportedly tracking 32 incident types ranging from homicide to possession of an unauthorized electronic communication device. An incident is considered "reported to law enforcement" "if the School Resource Officer or some other appropriate individual takes some official action such as filing a report, filing an affidavit, making an arrest, or if local law enforcement is called in whether an arrest is made or not."⁵¹ The state department of education admonishes that "reports should include **all incidents** that result in an SDE-defined disciplinary action and occur ... twenty-four hours a day, 365 days a year."⁵² "An official report made to law enforcement" constitutes an SDE-defined disciplinary action,⁵³ but guidelines are unclear as to whether events that occur off campus but result in "SDE-defined disciplinary action" are to be included in School Incident Reports.⁵⁴

Many offenses purportedly tracked by

the School Incident Report (such as "drugs, possession," "drugs, sale," and "drugs, use,") do not match up with offenses defined in Alabama's criminal code. This makes it difficult to discern what charges may have resulted from a law enforcement referral. Terroristic threats, which constitute a large portion of the most publicized student arrests even though many of them are simply frustrated outbursts by students who are found to have no means of carrying them out, do not have their own category. While the vast majority of student misbehavior likely does not constitute illegal activity, and this report does not seek to blur lines between behavior that should be handled by educators and that which might legitimately call for law enforcement involvement, it is nonetheless troubling that the School Incident Report does not indicate the putative criminal offense that prompted a report to law enforcement. It also does not track the race, sex, or disability status of children referred to law enforcement, nor does it illuminate what happens to them after they are referred to law enforcement.

Beyond those deficiencies, the data are also, frankly, unbelievable. According to summary data from the 2017-18 School Incident Report, there were 38 bomb threat incidents involving 44 participants, leading to one referral to law enforcement, and 74 incidents of drug sales involving 103 participants, leading to six referrals to law enforcement.⁵⁵

The Alabama State Department of Education denied a request for a list of school districts that employ SROs on the grounds that it would endanger student safety — even though many school districts publish information on their websites that includes the names and contact information for SROs.

It is hard to believe that of 44 children making bomb threats, only one was referred to law enforcement, or that of 103 children caught selling drugs at school, only six were referred to law enforcement.

Asked about how these disparities might come to exist, an attorney who represents several Alabama school districts explained to Appleseed that many districts do not track arrests of students at their schools or in connection with conduct that occurred at school or school-sponsored events. The attorney acknowledged this information is required to be collected for purposes of generating the School Incident Report, but said that the form used to feed information to the report is confusing. The attorney acknowledged that information is not accurately reported. When districts this attorney represents are asked for data by the U.S. Department of Education's Office for Civil Rights, the districts hire specialists to write custom software to collect it.

For all these reasons, data from the School Incident Report were deemed unreliable and not used in this report.

Other information that would have been helpful in understanding the landscape in Alabama schools was also not available. The Alabama State Department of Education denied a request for a list of school districts that employ SROs on the grounds that it would endanger student safety — even though many school districts publish information on

their websites that includes the names and contact information for their SROs.

A request for a list of districts participating in the Sentry Program that allows administrators in schools without SROs to maintain a firearm in a secure location on campus was also denied. Even a request for a yes or no answer as to whether any districts were participating in that program was denied on security grounds.

LOCAL INFORMATION

Alabama Appleseed sent records requests to 29 school districts around the state, asking for a variety of documents and data regarding SROs and school discipline. A sample copy of the letter is reproduced here.



March 1, 2018

Dr. Wayne Vickers, Superintendent
Alabaster City Schools
1953 Municipal Way, Ste. 200
Alabaster, AL 35007

Re: Open Records Request

Dear Dr. Vickers,

Pursuant to Alabama Open Records Law, Ala. Code § 36-12-40 to § 36-12-41, I request that you produce and permit inspection of the following documents¹ within 14 days of receipt of this request.²

Specifically, I am requesting the following information:

1. Records showing the number of School Resource Officers³ deployed on each campus.
2. All agreement(s) or memoranda of understanding between your district and any police or sheriffs' departments or other law enforcement agencies providing School Resource Officers to the district, outlining roles, responsibilities, expectations, authorities, and/or supervision of police officers on district campuses.
3. All policies governing the use of force, response to resistance and duty weapons, including but not limited to any applicable use of force continuum;
4. All policies, practices, procedures, rules, or orders concerning the use of School Resource Officers on district campuses, including:

¹ The term "documents" is to be construed in its broadest sense to include anything upon which information is recorded, including information that exists in electronic or digital form only.

² See Ala. Code § 36-12-41 ("Every citizen has a right to inspect and take a copy of any public writing of this state . . ."); § 36-12-40 ("Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it, . . ."); cf. Ala. Code § 41-13-1 (defining "public records" to "include all written . . . books, papers, letters, [and] documents . . . made or received in pursuance of the law by the public officers of the state, counties, municipalities, and other subdivisions of government in the transactions of public businesses and shall also include any record authorized to be made by any law of this state belonging or pertaining to any court of record").

³ Unless otherwise noted, "School Resource Officer" herein refers to any police officer, sheriff's deputy, or other individual deployed under Ala. Code § 16-1-44.1.

- a. All policies or procedures governing use or deployment of School Resource Officers on district campuses;
 - b. All agreements or memoranda of understanding between the district and any police or sheriff department or other law enforcement agency providing School Resources Officers to the district, outlining roles, responsibilities, expectations, authorities, and/or supervision of School Resource Officers on district campuses.
5. Total number of criminal citations issued by School Resource Officers, by campus and offense type, disaggregated by students':
- a. Grade level;
 - b. Race/ethnicity;
 - c. Gender;
 - d. Special education status; and
 - e. Eligibility for free and/or reduced-price lunch
6. Total number of arrests made by School Resource Officers, by campus and reason for arrest, disaggregated by students':
- a. Grade level;
 - b. Race/ethnicity;
 - c. Gender;
 - d. Special education status; and
 - e. Eligibility for free and/or reduced-price lunch
7. Total number of use-of-force incidents involving School Resource Officers, by campus and reason for use of force, disaggregated by:
- a. Type of force used;
 - b. Campus/location of the incident; and
 - c. Student characteristics, including:
 - i. Age (or date of birth);
 - ii. Grade level;
 - iii. Race/ethnicity;
 - iv. Gender;
 - v. Special education status; and
 - vi. Eligibility for free and/or reduced-price lunch
8. Any officer-level records regarding use of force by School Resource Officers, disaggregated by:
- a. Officer characteristics, including:
 - i. Race/ethnicity;
 - ii. Gender; and
 - iii. Hire date
 - b. Type of force used;
 - c. Reason for use of force;
 - d. Campus/location of incident;
 - e. Student characteristics for each incident, including:
 - i. Age (or date of birth);
 - ii. Grade level;
 - iii. Race/ethnicity; and
 - iv. Gender

9. Total expenditures by the district related to School Resource Officers (dollar amount per school year or fiscal year).
10. The total number of school counselors deployed on each campus, and whether they are there part-time or full-time.
11. District policy regarding corporal punishment, including information about student behavior that may give rise to corporal punishment, who decides that it is the appropriate punishment in any given instance, whether there are any subgroups of students who are categorically exempt from such punishment, who is designated to carry it out, and what training is in place to ensure the safety of both personnel and students.
12. Incident reports regarding each instance of corporal punishment, disaggregated by students':
- a. Grade level;
 - b. Race/ethnicity;
 - c. Gender;
 - d. Special education status; and
 - e. Eligibility for free and/or reduced-price lunch
13. The number of students on each campus, disaggregated by students':
- a. Grade level;
 - b. Race/ethnicity;
 - c. Gender;
 - d. Special education status; and
 - e. Eligibility for free and/or reduced-price lunch

If this request is denied in whole or in part, Appleseed asks that you justify all denials, deletions, or redactions within 14 days of your receipt of this letter by reference to specific exemptions of the Open Records Act. Appleseed expects you to release all segregable portions of otherwise exempt material, and reserves the right to challenge a decision to withhold any requested information. If the cost of producing these documents is going to exceed \$50, please contact me ahead of time with an estimate.

Responsive documents should be sent to the following address:

Alabama Appleseed Center for Law and Justice
 Attn: Leah Nelson
 P.O. Box 4864
 Montgomery, AL 36103-4864

Thank you in advance for your prompt attention to this request.

Sincerely,

Leah Nelson
 Researcher

Alabama Appleseed
 309 N. Hull Street | Montgomery | Alabama | 36104
 o: 334.263.0086 | f: 334.263.0270
 www.alabamaappleseed.org

Alabama Appleseed sent a **records request letter** to 29 school districts around the state. Pages 2 and 3 of the document are shown here.

RECORDS REQUEST

Alabama Appleseed sent records requests to **29 school districts around the state**, asking for a variety of documents and data regarding SROs and school discipline. An “x” in the chart below means the district sent responsive documents or data, and “n/a” means they specified that the question does not apply because of specific circumstances in their district. *Additional information on district responses can be found in the appendix.*

These Alabama school districts ➔ replied to records requests.

The districts below did NOT reply to records requests.

Auburn City
Baldwin County
Bessemer City
Birmingham City
Chickasaw City
Cleburne County
Dothan City
Hoover City
Huntsville City
Jefferson County
Madison County
Mobile County
Montgomery County
Opelika City
Pike Road City
Saraland City
Tuscaloosa City
Tuscaloosa County
Vestavia Hills City

DISTRICT	SROs per Campus	MOU	Use of Force Policy	Policies and Procedures	Total Criminal Citations	Total Arrests	Total Use of Force Incidents	Officer Records	Expenditures	School Counselors per Campus	Corporal Punishment Policy	Corporal Punishment Incident Reports	Student DemoInfo
Alabaster City	x	x							x	x	x		x
Autauga County	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	x	x		x
Elmore County						partial							
Homewood City	x	x		x					x	x	x		x
Houston County	x								x	x	x		x
Lee County											x		
Madison City											x		
Mountain Brook City	x									x	x		x
Satsuma City	x	x	x	x	x	x	x	x	x	n/a	x	n/a	x
Shelby County		x		x		x			x	x	x		x

SHELBY COUNTY

Shelby County, which has the highest median income in the state⁵⁶ and has a higher white population than the state on average,⁵⁷ provided a thorough response to Appleseed’s request. Its memoranda of understanding only covered administrative and financial matters, but the district also provided a document called “Shelby County Schools Law Enforcement Duties and Responsibilities” that lays out its expectations in detail. SROs in Shelby County are directed to focus on positive relationships, investigation of criminal activities, safety plans, and answer-

ing student questions. They are to “[r]efrain completely from functioning as a school disciplinarian. The School Resource Officer is not to be involved in the enforcement of disciplinary infractions that do not constitute violations of the law.”

Shelby County also included an evaluation form for SROs that appears to be meant for administrators and asks, among other things, if the survey-taker clearly understands the roles and responsibilities of the SRO. It was the only county to provide a breakdown of arrests including demographic data about the students arrested. Records

showed 17 arrests during the 2017-18 school year, all of high school students, for violations including alcohol use, possession of alcohol, possession of marijuana, possession of pills, marijuana use, and drug possession.

CITY OF SATSUMA

Satsuma City Schools provided a detailed memorandum of understanding. Resource officers there must have “specialized training to work with youth at a school site. Such training may consist of university coursework for potential SRO candidates, law enforcement course work addressing working with youth at a school site, professional training in such areas, or training and experience in connection with other recognized school/youth law enforcement programs (e.g. D.A.R.E.).”

Among other things, Satsuma’s SROs are expected to educate students about law enforcement issues, establish rapport with students, be available for parent-teacher conferences as needed, make arrests and referrals to social services as appropriate, and provide “police counseling” when requested.

They are instructed to maintain a “quarterly activities report” (the contents of this report are not described).

Three requirements in particular stand out:

- In Satsuma, SROs must “follow and conform to all school district policies and procedures that do not conflict with policies and procedures of the City of Satsuma Police Department.”

- “The SRO shall not act as a school disciplinarian. ... [and] shall become familiar with district/school disciplinary codes and standards.”

- “The SRO is not to be used to regularly assigned lunchroom duties, as hall monitors, or other monitoring duties.”

ELMORE COUNTY

A supervising detective with the Wetumpka Police Department hand-delivered data for schools in Wetumpka, which are part of the Elmore County school district and

are patrolled by SROs from the Wetumpka Police Department. He said that the SROs who report to him do not initiate arrests without being instructed to do so by school personnel. Even if they arrest and take a juvenile to the police station, they typically do not charge them without instruction from school personnel. The exception would be serious misconduct personally observed by the SRO — for instance, a fight where blood was drawn.

Despite Training, Disparities Exist

Relevant training and clear expectations are a commendable start, but they are not the final word on an SRO program’s effectiveness or equitability. Despite Satsuma’s clearly worded memorandum of understanding, U.S. Department of Education data⁵⁸ show that students of color there were 3.3 times as likely as white students to be referred to law enforcement during the 2015-16 school year, and disabled students were 2.2 times as likely as their non-disabled peers to be referred to law enforcement that year.

In Shelby County, students with disabilities were 3.9 times as likely as their non-disabled peers to be referred to law enforcement that year. And in Hoover, which not only has a clear memorandum of understanding but also has all of its SROs to participate in NASRO training,⁵⁹ students of color were 1.6 times as likely to be referred to law enforcement as their white peers.

Students with disabilities were **3.9 times as likely** as their non-disabled peers to be referred to law enforcement in Shelby County despite SRO training and transparency.

BY THE NUMBERS

CHILDREN OF COLOR AND CHILDREN WITH DISABILITIES
DISPROPORTIONATELY LIKELY TO BE ARRESTED

Out of Balance

Here in Alabama, like elsewhere in the United States, children of color and children with disabilities are disproportionately likely to be arrested in school.

CHILDREN OF COLOR

In Alabama, people of color are over-policed. This is particularly true of African Americans, who at 27 percent of the state population⁶⁰ comprise the overwhelming majority of the state's non-white population.

In 2016, for instance, African Americans were more than twice as likely as white people to be arrested for six of the 20 charges for which the most Alabamians were arrested in 2016. That includes several offenses like disorderly conduct that hinge on the perception and inclinations of the police officer making the arrest. It also includes marijuana possession, for which African Americans were more than 4 times as likely as white people to be arrested despite longstanding and robust research showing the two races use marijuana at roughly equal rates.⁶¹

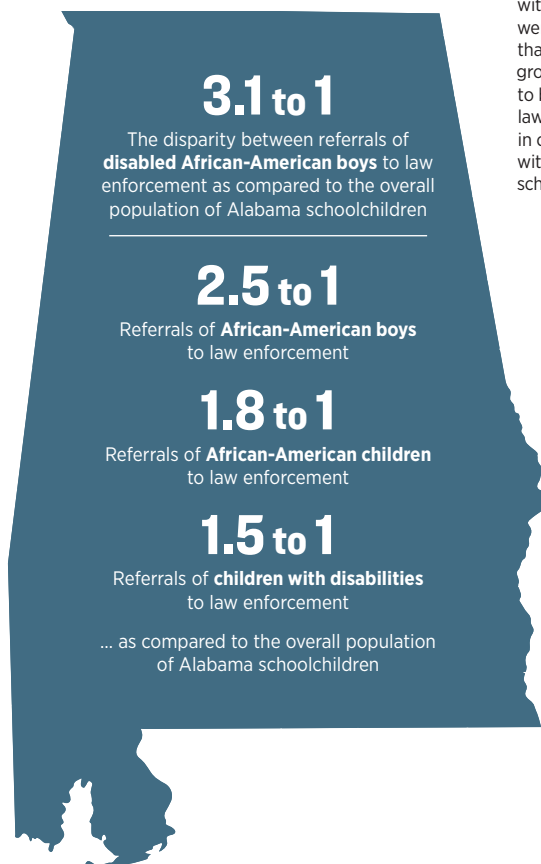
African Americans are also overrepresented in Alabama's jails and prisons. While black people comprise about 27% of the state's overall population, the jail and prison populations are 54% black.⁶²

African-American schoolchildren are not spared. Alabama public schools are 56.9 percent white and 33.5 percent African-American.⁶³ During the 2013-14 school year, 74.4 percent of school-related arrests and 61.3 percent of referrals to law enforcement were imposed upon by African-American children.⁶⁴ This is particularly troubling

in light of research showing that “students of different races and ethnicities are treated differently at the administrative level, with students of color being more likely to receive more serious consequences for the same infraction.”⁶⁵ In other words, authorities in school hold children of color to a different and seemingly higher standard of behavior than white children. The consequences of disparate treatment can last a lifetime.

STATEWIDE NUMBERS

In 2013, African-American boys with disabilities were more likely than any other group in Alabama to be referred to law enforcement in connection with conduct at school.¹²⁴



CHILDREN WITH DISABILITIES

Children with disabilities are also vulnerable to increased referrals to SROs.

The NASRO Basic School Resource Officer Course Manual says it well. “Students with disabilities can often react unpredictably when they become agitated or stressed. It may be at this point that an SRO is called. An SRO’s interactions with these students before, during, and after an incident can significantly impact the direction the students’ behavior takes.”⁶⁶ These “unpredictable” reactions don’t necessarily need to result in referrals, but, absent training and guidelines for special education specialists, classroom teachers, and SROs, that is all too often the result.

The U.S. Department of Justice agrees. “The approximately 19,000 school resource officers (“SROs”) in schools across the United States have a powerful role. SROs can partner with schools to help maintain a safe and positive school environment — when their role is clearly defined and they are trained to perform it properly. However, children — particularly children with disabili-

ties — risk experiencing lasting and severe consequences if SROs unnecessarily criminalize school-related misbehavior by taking a disproportionate law enforcement response to minor disciplinary infractions.”⁶⁷

Unfortunately, SROs often lack the training for the disciplinary scenarios that may arise from children with behavioral issues. According to the U.S. Department of Justice, the Americans with Disabilities Act (ADA) applies to SROs’ interactions with children with disabilities and “requires SROs to make reasonable modifications in their procedures when necessary.”⁶⁸

Data from the U.S. Department of Education indicate that this is not happening enough in Alabama. In 2013 in Alabama, the most recent year for which statewide data are available, children with disabilities were 1.5 times as likely as the overall population to be referred to law enforcement in connection with conduct at school.⁶⁹ Disabled black boys were more likely than any other group to be referred to law enforcement or arrested in school that year.⁷⁰

In a statement of interest filed in a case in Kentucky involving two young boys under



A child with special needs was thrown to the ground and handcuffed for disagreeing with her teacher.

the age of ten with disabilities, the Department of Justice emphasized that school resource officers should not handle routine disciplinary incidents that school officials could properly address.⁷¹ SROs can partner with schools to help maintain a safe and positive school environment when their role is clearly defined and they are trained to perform it properly. However, if SROs do not observe appropriate limits on their role and responsibility, they risk “criminaliz[ing] school-related misbehavior and risk lasting and severe consequences for children, particularly children with disabilities.”⁷²

The Alabama Disabilities Advocacy Program (ADAP) provides legal services to Alabamians with disabilities. Their clients include disabled children served under the Individuals with Disabilities Education Act (IDEA) and children eligible for accommodations under Section 504 of the Rehabilitation Act of 1973, which applies to children with “physical or mental impairments that substantially limit a major life function” but do not have one of the 13 disabilities that entitle them to an Individualized Education Plan (IEP) under IDEA.⁷³

ADAP frequently receives calls from parents whose children’s educations have been disrupted by SROs. Their stories, anonymized to protect their privacy, provide a glimpse into the ways SRO contact can make difficult situations worse and disrupt the lives of children with special needs.

A CHILD WITH SPECIAL NEEDS IS HANDCUFFED

In one instance, ADAP learned of a 15-year-old girl being treated for a mental illness who had a behavior plan put in place after observations

and meetings about what would work best for her to function well within the school environment. One day in spring 2018, the school was being evacuated for a drill and the student attempted to go back inside to retrieve an item. She was told she could not and continued to make the request to a teacher.

Her requests turned into demands, and her language was inappropriate. An SRO inserted himself into the disagreement, escalating the situation. He eventually took her to the ground, put her in handcuffs, and transported her to juvenile court. She received several charges for the incident despite it all arising from a heated conversation with a teacher on school grounds.

The district at issue does not have specific procedures for involving an SRO in a conflict. According to ADAP, SROs there make it clear to the school that their presence on campus is a courtesy to the schools and that they will follow their own policies and procedures.

At the beginning of the 2018-19 school year, this same child was beginning her year at a new school. Unfortunately, the same officer had been transferred to the new school. His immediate reaction upon seeing her was to ask why this child was being allowed in the school. Eventually, an incident took place in

“The approximately 19,000 school resource officers (“SROs”) in schools across the United States have a powerful role. SROs can partner with schools to help maintain a safe and positive school environment — **when their role is clearly defined and they are trained to perform it properly.** However, children — particularly children with disabilities — risk experiencing lasting and severe consequences if SROs unnecessarily criminalize school-related misbehavior by taking a disproportionate law enforcement response to minor disciplinary infractions.”

the hall when the student stepped in to yell at another student for threatening her sister.

According to ADAP, the volume intensified, and the officer removed this student from the hallway and demanded she exit the building completely. The student then received a code violation and faces a disciplinary hearing for exiting the building — despite having been forced to do so by the officer. The student’s file reflects no statement about the incident from the officer. In this instance, the SRO’s lack of understanding of school rules and behavior plans and his unwillingness to communicate with school administration about particular incidents is creating a more volatile environment for students.

DISTRICT-BY-DISTRICT

In addition to the 2013 state-level data available on the Office for Civil Rights website, Alabama Appleseed analyzed district-level data showing referrals to law enforcement in Alabama for the 2015-16 school year. Our findings were striking:

- Children of color were more likely to be referred to law enforcement than their white peers in 32 school districts in Alabama.
- In ten of those districts, children of color were more than twice as likely as white children to be referred to law enforcement.

- The most significant disparity was in the city of Hartselle, where children of color were 5.4 times as likely as white children to be referred to law enforcement.

The disparities in referrals to law enforcement for children with disabilities were even more extreme than those for children of color. We found that:

- Children with disabilities were more likely than their non-disabled peers to be referred to law enforcement in 47 Alabama school districts.
- In 34 districts, children were more than twice as likely as non-disabled peers to be referred to law enforcement. In fully 11 districts, they were more than 5 times as likely to be referred to law enforcement.
- The most extreme disparity in referrals of children with disabilities was in Dale County, where they were 11 times as likely as non-disabled peers to be referred to law enforcement.

Children of Color

REFERRALS TO LAW ENFORCEMENT | 2015-2016 SCHOOL YEAR

DISTRICT	Total Student Population	Referrals to Law Enforcement	Children of Color within School District	Referrals to Law Enforcement Who Were Children of Color	Disparity in Referrals
Hartselle City	3049	4	9.3%	50.0%	5.4
Satsuma City	1265	8	15.2%	50.0%	3.3
Athens City	3893	4	34.9%	100%	2.9
Colbert County	2604	4	19.5%	50.0%	2.6
Jasper City	2696	10	24.9%	60.0%	2.4
Limestone County	8663	16	16.4%	37.5%	2.3
Alexander City	3040	2	45.5%	100%	2.2
Clay County	2348	4	23.2%	50.0%	2.2
Pelham City	2945	6	32.2%	66.7%	2.1
Cleburne County	2618	11	8.5%	18.2%	2.1
St. Clair County	8949	39	13.1%	25.6%	2
Fort Payne City	3200	8	26.5%	50.0%	1.9
Demopolis City	2271	2	56.6%	100%	1.8
Chilton County	7711	32	20.5%	34.4%	1.7
Oneonta City	1481	12	19.7%	33.3%	1.7
Russellville City	2688	13	31.5%	53.9%	1.7
Tallassee City	1890	14	29.8%	50.0%	1.7
Hoover City	14479	64	39.5%	64.1%	1.6
Baldwin County	30599	81	22.4%	37.0%	1.6
Alabaster City	6089	17	30.8%	47.1%	1.5
Autauga County	9381	26	31.0%	46.2%	1.5
Opelika City	4258	2	67.0%	100%	1.5
Tallapoosa County	2941	25	29.8%	44.0%	1.5
Chickasaw City	1064	2	74.3%	100%	1.3
Mobile County	56524	419	56.2%	72.1%	1.3
Muscle Shoals City	2900	12	25.1%	33.3%	1.3
Boaz City	2326	10	32.6%	40.0%	1.2
Talladega City	2054	9	67.4%	77.8%	1.2
Coosa County	1006	4	47.2%	50.0%	1.1
Dallas County	3259	43	77.1%	83.7%	1.1
Lanett City	870	2	88.9%	100%	1.1
Montgomery County	30508	82	86.0%	97.6%	1.1

Children of color were more likely to be referred to law enforcement than their white peers in 32 school districts in Alabama. In ten of those districts, children of color were more than twice as likely as white children to be referred to law enforcement. The most significant disparity was in the city of Hartselle, where children of color were 5.4 times as likely as white children to be referred to law enforcement.

32

THE NUMBER OF ALABAMA SCHOOL DISTRICTS in which children of color were more likely to be referred to law enforcement than their white peers.

Children with Disabilities

REFERRALS TO LAW ENFORCEMENT | 2015-2016 SCHOOL YEAR

Children with disabilities were more likely than their non-disabled peers to be referred to law enforcement in 47 Alabama school districts. In 34 of those, children with disabilities were more than twice as likely as non-disabled peers to be referred to law enforcement. In 11 districts, the disparity was greater than 5:1.

47

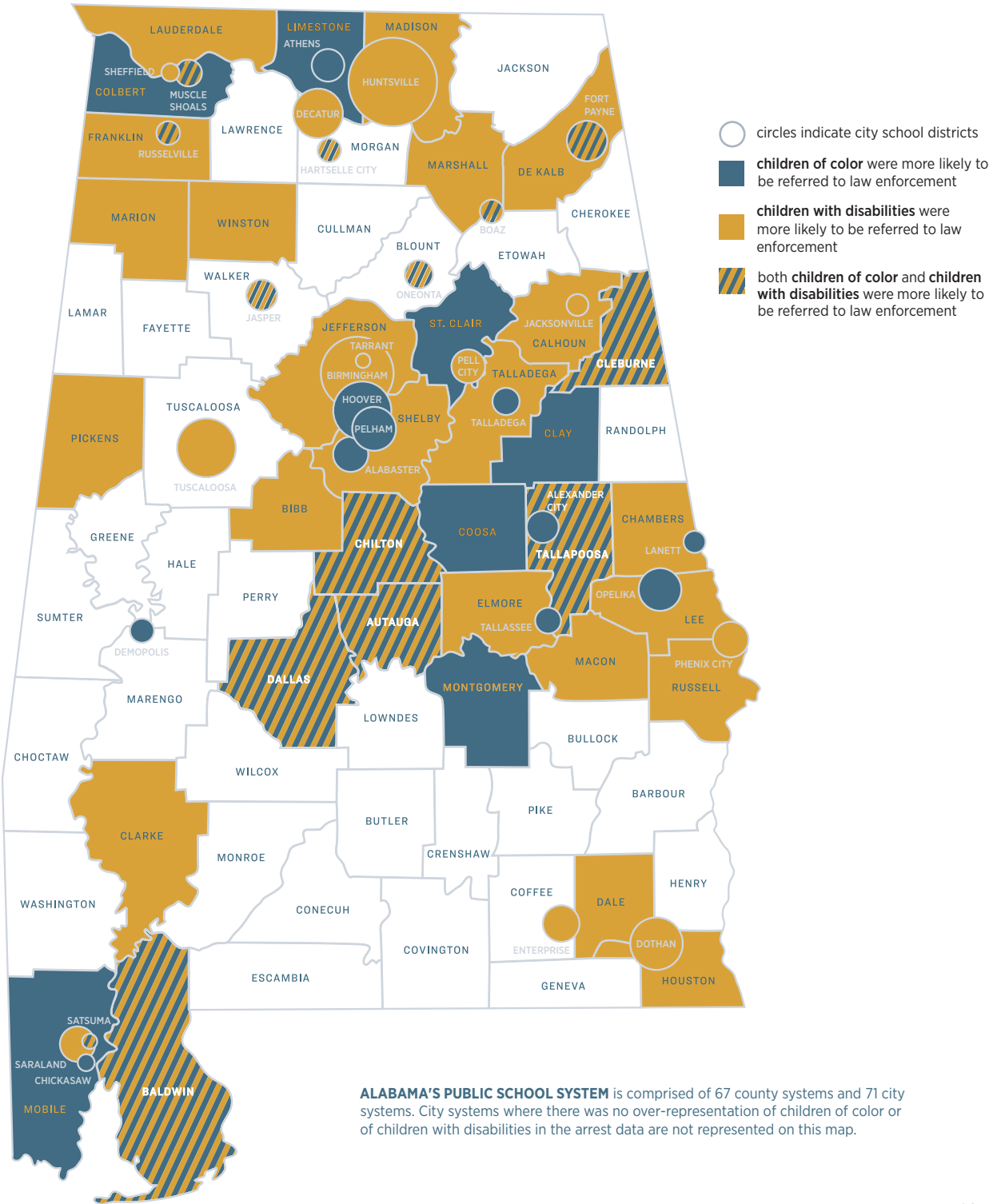
THE NUMBER OF ALABAMA SCHOOL DISTRICTS in which children with disabilities were more likely to be referred to law enforcement than their non-disabled peers.

DISTRICT	Total Student Population	Referrals to Law Enforcement	Disabled Students within School District	Students Referred to Law Enforcement Agency Who Were Disabled	Disparity in Referrals
Dale County	3092	2	9.1%	100%	11
Marion County	3315	2	10.3%	100%	9.7
Sheffield City	1054	2	10.7%	100%	9.3
Enterprise City	7212	2	11.3%	100%	8.9
Jacksonville City	1504	2	11.2%	100%	8.9
Fort Payne City	3200	8	6.4%	50%	7.8
Huntsville City	23863	130	10.2%	76.2%	7.5
Franklin County	3582	4	15.3%	100%	6.5
Houston County	6333	32	13.1%	81.3%	6.2
Russellville City	2688	13	7.7%	46.2%	6
Boaz City	2326	10	7.4%	40.0%	5.4
Pickens County	2544	4	10.0%	50.0%	5
Saraland City	2959	2	20.4%	100%	4.9
Chambers County	3412	12	14.2%	66.7%	4.7
Oneonta City	1481	12	7.7%	33.3%	4.3
Hartselle City	3049	4	12.0%	50.0%	4.2
Winston County	2388	6	16.3%	66.7%	4.1
Lauderdale County	8495	4	12.3%	50.0%	4
Shelby County	20087	114	10.5%	40.4%	3.9
Dothan City	9616	4	13.7%	50.0%	3.7
Dekalb County	8863	16	17.3%	62.5%	3.6
Muscle Shoals City	2900	12	9.9%	33.3%	3.4
Birmingham City	24232	47	10.8%	34.0%	3.2
Pell City	4025	6	10.5%	33.3%	3.2

DISTRICT	Total Student Population	Referrals to Law Enforcement	Disabled Students within School District	Students Referred to Law Enforcement Agency Who Were Disabled	Disparity in Referrals
Bibb County	3347	8	17.0%	50.0%	2.9
Elmore County	11725	14	14.8%	42.9%	2.9
Decatur City	8703	60	14.9%	40.0%	2.7
Russell County	3514	19	11.9%	31.6%	2.7
Cleburne County	2618	11	7.3%	18.2%	2.5
Baldwin County	30599	81	14.2%	34.6%	2.4
Tarrant City	1216	12	13.7%	33.3%	2.4
Autauga County	9381	26	11.8%	26.9%	2.3
Clarke County	2780	17	10.4%	23.5%	2.3
Satsuma City	1265	8	11.5%	25.0%	2.2
Lee County	9597	99	17.7%	35.4%	2
Tuscaloosa City	10438	38	12.9%	26.3%	2
Talladega County	7908	22	14.5%	27.3%	1.9
Tallapoosa County	2941	25	16.9%	32.0%	1.9
Calhoun County	9053	88	17.1%	25.0%	1.5
Phenix City	7031	16	8.4%	12.5%	1.5
Dallas County	3259	43	14.8%	20.9%	1.4
Jasper City	2696	10	14.0%	20.0%	1.4
Marshall County	5671	23	13.2%	17.4%	1.3
Chilton County	7711	32	9.7%	12.5%	1.3
Jefferson County	36204	70	15.6%	20.0%	1.3
Macon County	2144	2	5.1%	6.0%	1.2
Madison County	19532	177	24.8%	29.9%	1.2

Referrals to Law Enforcement by School District

Children of color and children with disabilities are disproportionately referred to law enforcement. Each referral threatens to ensnare them in a school-to-prison pipeline many will never escape.



Educator Perspectives

Research on SROs would not be complete without input from teachers. After all, besides schoolchildren, teachers are the people most deeply affected by policies and practices in school settings. Given the enormous expectations, demands, and challenges on Alabama's public school teachers, it is understandable that they might resort to an SRO to help with classroom management and disciplinary matters. But the results of the survey make clear that teachers are often left out of the loop when it comes to information and understanding on the proper role of SROs and how to make wise use of this resources. Teachers deserve better.

In Alabama, school resource officers are embedded in schools, but they answer to the law enforcement chain of command. Conversations with both educators and law enforcement officers suggested that teachers are not uniformly made aware of this fact, leading to awkward interactions that do not serve the best interests of schoolchildren.

To learn more about teacher experiences with SROs, we surveyed 32 Alabama public school teachers from 15 school districts, including the cities of Alabaster, Birmingham, Huntsville, Leeds, Selma, Talladega, and Tarrant, and the counties of Baldwin, Bullock, Elmore, Hale, Jefferson, Montgomery, Perry, and Shelby. The survey was developed with input from current and former educators.

Survey-takers included first-year teachers and veterans with decades of experience. The median was six years of experience and the mean (average) was nine years of experience. Half of our survey-takers worked in high schools, a quarter worked in middle schools, and the remainder worked in elementary, alternative, or a mixture of settings. All but four worked in traditional public schools; two worked in magnet schools, and two worked in alternative settings.

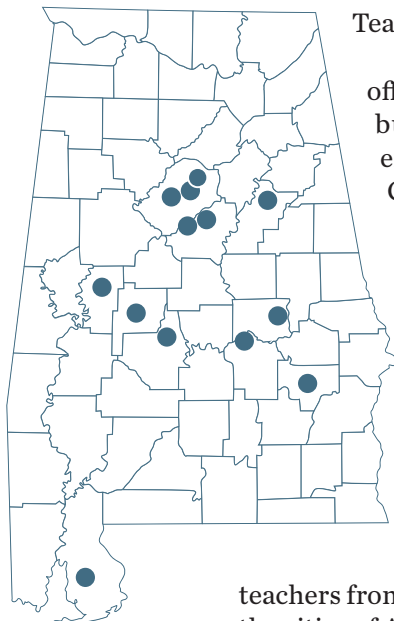
The majority of teachers surveyed — 26 — worked in school districts that employed SROs. Three worked in districts without SROs, and three did not know if their districts employed SROs.

FINDINGS AND DISCUSSION

#1 Teachers are unsure about the appropriate role of SROs, and most have never received training or instruction about how to utilize SROs. Only five of the 32 teachers surveyed had received training about when to call on SROs. Of those, two were trained before the start of school, one was trained during the first month of school, and two were trained at some other point during the school year. Only seven of the 32 reported having the roles, duties, and boundaries of the SRO clearly described to them by the district or an administrator. Only two were aware of a written policy or memorandum of understanding instructing faculty and staff as to the appropriate role of SROs.

#2 Teachers are not aware of a reporting system or procedure for documenting SRO contact with students such as searches, arrests, or use of physical force or restraint. The Alabama State

32 Alabama public school teachers from 15 school districts were surveyed.



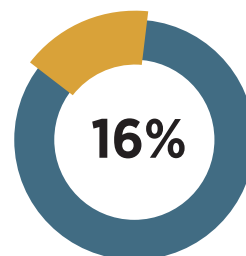
Department of Education instructs schools to document referrals to law enforcement via its School Incident Report system “if the School Resource Officer or some other appropriate official takes some official action on the incident such as filing a report, filing an affidavit, making an arrest, or if local law enforcement is called in whether an arrest is made or not.”⁷⁴ However, many teachers report that SROs in their schools are used interchangeably with assistant principals, meaning that children may be unofficially disciplined by SROs without any report being filed. While unofficial discipline does not carry the same potentially life-altering consequences as the filing of a police report of the imposition of school-based discipline, it is not appropriate for armed law officers to act as hall monitors or informal disciplinarians. In fact, using them this way can escalate situations that might otherwise have resulted only in school-based discipline.

#3 SROs in Alabama are not always informed of students with disabilities’ Individualized Education Plans (IEPs) or Individualized Behavior Plans (504 Plans). Thirteen percent of teachers said SROs in their schools are not informed of IEPs or 504 plans, and 70 percent were unsure whether SROs are informed of these plans. Two survey takers said they had seen an SRO violate an IEP or 504 plan. This data point is particularly disturbing in light of the fact that children with disabilities are 1.5 times as likely as the general population to be referred to law enforcement in Alabama.⁷⁵

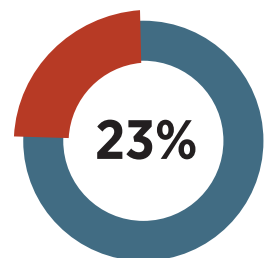
#4 SROs in Alabama schools act as law officers and school disciplinarians. Our survey asked teachers to check boxes beside the statements that best described the role of SROs in their experience. They were invited to check all applicable boxes. In response, 76 percent said SROs act most like law enforcement officers, whose role is limited solely to involving themselves in situations involving illegal conduct.



But 34 percent also checked a box saying they see SROs acting as disciplinarians, helping to enforce regular school rules like assistant principals. Seventeen percent said SROs in their districts acted as guidance counselors, and 20 percent said SROs acted as social workers. The overwhelming majority — 88 percent — knew SROs to be involved in disciplinary situations like intervening when students are disruptive in class or breaking up fights. A disturbing 23 percent had witnessed or knew of a student in their school being arrested for what they perceived as an incident that could have been handled with school disciplinary procedures such as detention or suspension.



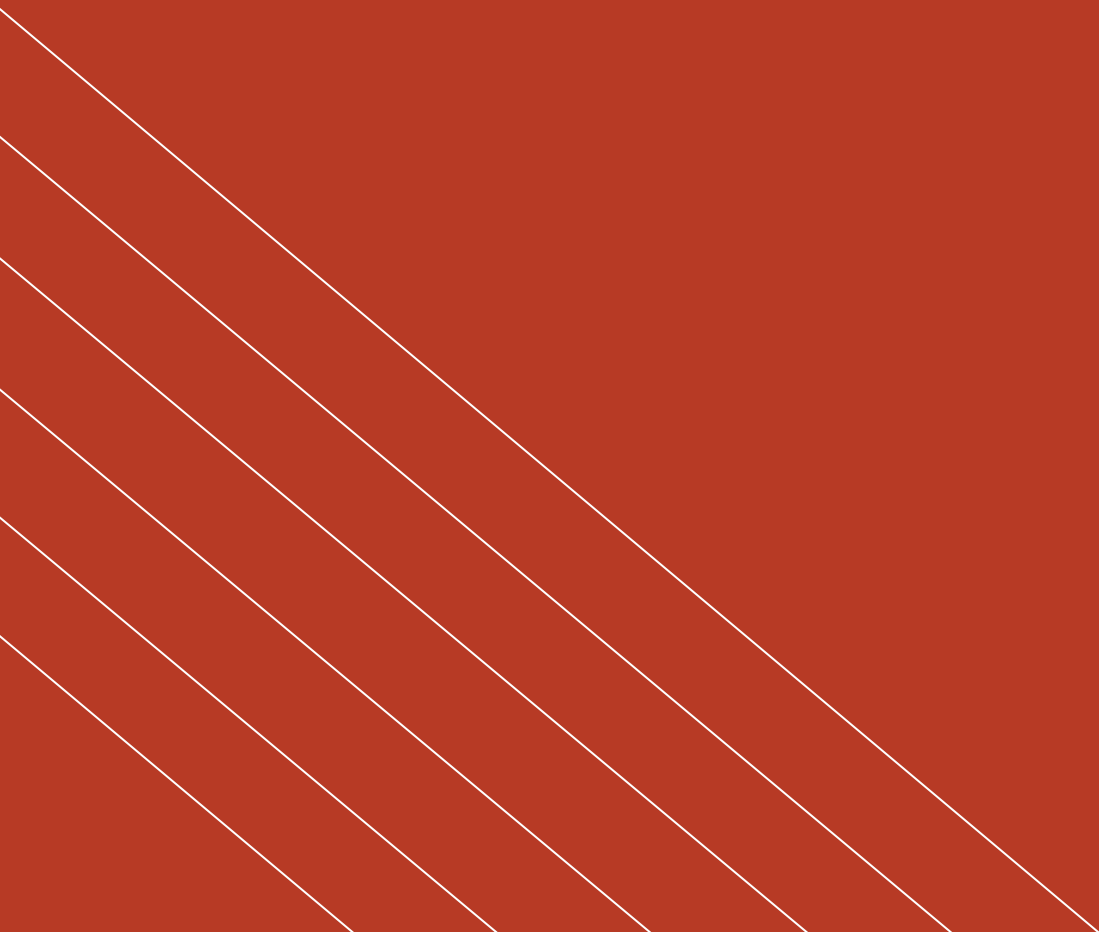
PERCENTAGE OF TEACHERS surveyed who had received any training or instruction about how to utilize school resource officers.



PERCENTAGE OF TEACHERS surveyed who knew of a student in their school being arrested for what they perceived as an incident that could have been handled with school disciplinary procedures such as detention or suspension.

ALABAMA'S SOLUTION

MISSED OPPORTUNITY TO MAKE SENSIBLE CHANGE



The SAFE Council

The disparities in referrals experienced by children of color and disabled children are shocking. The responses of educators to Appleseed’s survey raise many questions as well. If nothing else, they indicate a need to study how educators and law enforcement agents are interacting and what can be done to improve outcomes for children. But, prompted by fear, the state of Alabama chose a very different path.

Three weeks after a gunman killed 17 students and staff members and injured 17 others at Parkland, Florida’s Marjory Stoneman Douglas High School, Alabama Gov. Kay Ivey issued an executive order creating the Governor’s Securing Alabama Facilities of Education Council (SAFE Council) to “implement the Governor’s announced proposals, and to develop additional proposals, for enhancing the safety of Alabama schools.”⁷⁶

The council was chaired by the governor and included the Secretary of the Alabama Office of Information Technology, the Secretary of the Alabama Law Enforcement Agency, the Commissioner of the Alabama Department of Mental Health, the Alabama State Superintendent of Education, and others. It had eight weeks to develop a plan to implement the governor’s initiatives, “assess internal threats to school safety, and to coordinate school emergency operations planning and training.”⁷⁷

The SAFE Council met three times before issuing its recommendations on April 30, 2018.⁷⁸ It made 10 recommendations, which are replicated here verbatim:

PHYSICAL SECURITY

1. Funding for School Resource Officers and District Safety Coordinators Provide dedicated and sustained funding for SROs and DSCs to reach as many schools as possible under existing funding constraints.

2. Bond Issue for Enhancing Schools Security Provide a bond issue for school building security enhancements that are part of system-wide security plans and that meet standardized security levels.

3. Surveillance Systems Linked to Law Enforcement Require all schools to upload floor plans in the Virtual Alabama School Safety System (VAS3) and maintain surveillance cameras linked to the VAS3 to assist law enforcement in crisis response. Identify schools without surveillance systems and provide them with technical and financial assistance.

THREAT ASSESSMENTS AND MENTAL HEALTH

4. School-Based Mental Health Expand the school-based mental health collaboration by hiring as many master’s-level mental health professionals as possible under existing funding constraints.

5. Identifying Warning Signs Create an evidence-based threat assessment model with tiered intervention options for identifying and addressing troubling student behavior. School-based mental health counselors will triage students using the threat assessment system.

6. Reporting Threats Create a virtual platform for reporting threats, available to students, parents, teachers, and members

◀ The SAFE Council’s 10 recommendations, printed verbatim here, were a **missed opportunity to steer Alabama’s approach to school safety** toward evidence-based solutions.

of the community. District safety coordinators will, in consultation with school personnel, determine whether reported threats require a response from school personnel, law enforcement, or both.

7. Tracking School Violence Require schools to report incidents of school violence to the ALSDE [Alabama State Department of Education] in real time. Currently, the ALSDE only receives an annual incident report from schools in June.

COORDINATED TRAINING AND PLANNING

8. Empowered and Accountable District Safety Coordinators All local education agencies will designate a DSC who will be accountable for assessing all reported threats. All DSCs will be required to attend at least two comprehensive safety trainings annually. All DSCs will train school-level safety coordinators in their districts twice annually.

9. Building a Culture of Safety The Alabama State Superintendent of Education will interpret Section 16-1-44 of the Code of Alabama to require all schools to conduct comprehensive school safety training and drills. Currently code red drills are required, but no training.

10. School Safety Training and Compliance Teams Create school safety training and compliance teams to provide trainings on physical security, threat assessment, mental health, active shooter, bullying/cyberbullying, and cyber security/awareness with trainers from the Attorney General's and local District Attorney's Offices, ALSDE, ADMH, ALEA, and local law enforcement. Eleven teams will be established and trained to cover the geographic areas of the eleven regional in-service centers.⁷⁹

Some of these recommendations, particu-

larly those regarding physical security, are beyond the scope of this report. Focusing on the role of school resource officers and the SAFE Council's recognition of the need for improved data collection and communication, however, it is curious to note the disconnect between what the SAFE Council heard from experts, what it endorsed, and the on-the-ground realities that exist in Alabama schools.

On March 29, 2018, according to minutes obtained from the governor's office, the SAFE Council heard presentations by a variety of stakeholders and experts, including a member of the Association of Threat Assessment Professionals, a former district attorney, a representative from a company specializing in "high-speed biometric identification," a gun control advocate, the chief of Jefferson State Community College's campus police, and Sandra Crim,⁸⁰ a school resource officer from Valley, Alabama.

Most presentations focused on the need to use evidence-based approaches to dealing with threats to school safety. Lt. Crim, according to the minutes, described the "appropriate roles of SROs" as "[m]entor, counselor, and forming relationships with students. Says SROs should not be involved in regular disciplinary." Alabama Department of Mental Health Commissioner Lynn Beshear asked her "if SROs are certified," referring to the National Association of School Resource Officers (NASRO). Lt. Crim "answered yes, SROs are ... NASRO certified, and the SRO training is standardized."

Lt. Crim's response may reflect the reality in her school district, but not all Alabama SROs are NASRO-trained or certified. Indeed, this fact was readily available to the SAFE counsel via a 2016 report by a legislative Emergency Task Force estab-

According to a survey of 92 percent of local education agencies in Alabama, 25 percent of schools (or about 375 schools) “do not have school resource officers or security guards **as defined by state law.**” It estimated the cost of adding an SRO to each of these schools at \$12,390,000.

lished in 2016 to review “state laws, regulations, protocols, and minimum standards” regarding school safety, “identify gaps,” and “submit recommendations for immediate, achievable, legislative actions ...to ensure that public schools across the state are as safe, secure, and protected as possible.”⁸¹

Observing the lack of “specific uniform state standards for training” and the existence of NASRO’s “detailed, forty-hour training regimen for school resource officers,”⁸² the Emergency Task Force recommended, among other things, a requirement that “the Department of Education and the Alabama Peace Officers’ Training Commission ... develop uniform training standards for school resource officers.”⁸³

Over and over, the SAFE Council promulgated confusing information about SRO training and job duties in Alabama. Despite what it heard from Lt. Crim, the existence of the 2016 Task Force report and recommendations, and the evident interest of certain council members in training and standards aligned with NASRO’s, in its final recommendations and report, the Council defined SROs in accord with Section 13A-11-72(h) of the Code of Alabama, as “an Alabama Peace Officers’ Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.”⁸⁴

As noted elsewhere, that code section does not specify selection or training criteria. The only other code section defining school resource officers says they must be in good standing with the Alabama Peace Officers’ Standards and Training Commission, that they must have “successfully completed active shooter training approved by the Alabama State Law Enforcement Agency,” that they must annually complete and pass a firearms requalification exam, and that they must carry and be trained in the use of non-lethal weapons in addition to a firearm.⁸⁵

The SAFE Council observed that SRO “duties can vary considerably from community to community,” but that they typically include “safety expert, law enforcer, prob-



lem solver, liaison to community resources, and educator.”⁸⁶

In a “School Resource Officer Job Description” that was part of its report, the SAFE Council offered a grab bag of disparate duties, ranging from “serving as hall monitors, truancy enforcers, crossing guards, and operators of metal detectors and other security devices” to “assist[ing] in resolving problems that are not necessarily law violations, such as bullying or disorderly behavior, but which are nonetheless safety issues that can result in or contribute to criminal incidents” to “teach[ing] a variety of classes.” Bafflingly, the Council also claimed that “there is no research indicating which classes are most useful or how to ensure an officer’s effectiveness in the teaching role.”⁸⁷ This job description, which suggests that it is acceptable for armed law officers to literally serve as hall monitors, stands in stark contrast to NASRO’s notion of the job, which explicitly excludes the idea of SROs as adjunct school administrators or disciplinarians.

The SAFE Council continued to obfuscate in an Emergency Implementation Plan submitted to the governor on June 15, 2018. The governor asked, “How many schools do not have National Association of School

Resource Officers-trained school resource officers (SRO)? What is the cost for providing an SRO at every school without one?” In response, the Council stated that, according to a survey of 92 percent of local education agencies in Alabama, 25 percent of schools (or about 375 schools) “do not have school resource officers or security guards **as defined by state law**” (emphasis added). It estimated the cost of adding an SRO to each of these schools at \$12,390,000.⁸⁸

The difference between an SRO as defined by state law and a NASRO-trained SRO is not negligible. Under Alabama law, all that is required of an SRO is that they be a certified law officer or retired officer with active shooter training. NASRO basic training, by contrast, includes 40 hours of coursework in teen brain development, cultural competence (that is, training to help the SRO interact effectively in a school environment, which is very different from a typical police “beat”), disability law, and other subjects to help officers adapt to the specialized school environment and the needs of the children they are hired and sworn to protect.

Recommendations

Standards, training, and accountability are essential components of any school safety initiative. Every SRO program is a partnership between a local education agency and a local law enforcement agency, and the recommendations below apply to both. Where unclear, division of responsibility for which agency is responsible for tracking which components of the recommendations could be outlined in legal agreements among stakeholders.

RECOMMENDATION #1

All school resource officers should be required to take thorough basic training courses and participate in relevant continuing education, and lawmakers should provide funds specifically for that training. The importance of training cannot be overstated. The Alabama Peace Officers Standards and Training Commission may do a fine job of preparing individuals to patrol beats and fight crime. But schools are different, and the children there to learn and grow in a safe, nurturing environment are different from the adults that police typically encounter. Thorough training would at the very least include teen brain science, cultural competence, de-escalation techniques, and information about working with children with special needs. Such training is readily available in Alabama through the National Association of School Resource Officers, based in Hoover.

The Alabama State Department of Education is already empowered under AL Code § 16-1-44.1 (2016) to create “rules providing additional qualifications for employment as school security personnel or school resource officers.” It should do so, and if it does not, lawmakers should pass a law setting out training requirements and provide funding for that training.

RECOMMENDATION #2

Educators need training and formal policies too. Administrators should attend train-

ings alongside the SROs they will work with. Additional training must also happen at the school level so all adults are aware of the role SROs are expected to play — and when it is *not* appropriate to involve them. Training should be reinforced by written policies constraining educators’ discretion to refer students to SROs.

RECOMMENDATION #3

School districts and law enforcement agencies should implement memoranda of understanding (MOUs) clearly outlining what SROs are expected to do and what they may not do. Law enforcement agencies that provide school resource officers and the school districts that contract with them must share a clear understanding of the roles and responsibilities of SROs. Memoranda of Understanding (MOUs) outlining the goals of an SRO program can serve as the basis of this agreement.

At a minimum, MOUs must make it clear that SROs are not school disciplinarians, and set out clear policies for when SROs may not get involved in dealing with student behavior. They should also require SROs to be familiar with the needs of and accommodations made for children with disabilities, and to incorporate that knowledge into their interactions with such students.

RECOMMENDATION #4

Stakeholders ranging from educators to police to prosecutors to judges should communicate

and collaborate to ensure that the outcomes of school-based policing reflect the best interests of children.

When the city of Birmingham noticed that the overwhelming majority of family court referrals were coming from city schools and were related to minor violations or misdemeanors, a wide range of stakeholders came together to develop a plan to address this problem. To ensure that school resource officers are keeping children safe, not engaging in “mission creep” that can needlessly funnel children into the school-to-prison-pipeline, evidence-based inter-agency collaboration should be the norm. The outcomes of collaborative agreements should be monitored so the agreements can be modified as appropriate.

RECOMMENDATION #5

Local districts should develop unambiguous codes of conduct. Alabama law requires local boards of education to “develop a written policy on student discipline and behavior”⁸⁹ and the state department of education to develop a model policy which addresses, among other things, a “series of graduated consequences for ... commit[ting] an act of intimidation, harassment, violence, or threats of violence” and procedures to respond to or follow up on reports of serious violations or threats.⁹⁰ Such policies should unambiguously convey to students, parents, faculty, staff, and SROs which behaviors may be referred to law enforcement and which behaviors never can be.

RECOMMENDATION #6

Student interactions with law enforcement should be tracked from start to finish. School-based arrests and their outcomes should be carefully monitored to provide oversight and ensure that SRO programs do not experience “mission creep” and needlessly ensnare children in the criminal justice system for behaviors that should be dealt with via traditional school discipline.

The Alabama State Department of Education should revise its School Incident Report (SIR) manual and data collection system to accurately and effectively track incidents

that are referred to law enforcement. Revisions should include the linking of incidents that involved referrals to law enforcement to specific, legally defined charges. The department should also thoroughly train local education agencies and the law enforcement agencies they partner with about the use of the SIR system. All SIR data should be made public except that which would reveal the identity of individual students.

Monitoring should not end with the SIR report. Cases should be tracked from initial contact through their conclusion, including what charges (if any) were filed and how the case resolved. This type of tracking would require a coordinated effort by schools, law enforcement, and the courts.

RECOMMENDATION #7

Funds designated for improving school safety should be used on evidence-based alternative approaches focused on prevention. At present, local districts in Alabama have wide latitude to decide how they wish to discipline students. Those that believe in corporal punishment can invest in paddles; those that believe in evidence-based approaches can spend money on research and training. This should change. Positive Behavior Interventions and Supports (PBIS) is a widely used, evidence-based method of improving school environments by working with children who struggle with disciplinary issues to change destructive patterns. Alabama districts currently have the option of availing themselves of consultants based at the University of Alabama to implement PBIS in their schools.

Another promising approach is School-Based Mental Health Collaboration (SBMH), an innovative inter-agency project of the Alabama Department of Education and Department of Mental Health that entails embedding master’s-level mental health professionals in schools to work with children experiencing mental health challenges. SBMH rests on collaboration between administrators, school nurses, guidance counselors, school resource officers, teachers, and other caregivers on the school side, psychia-

trists, clinical counselors, case workers, juvenile probation officers, juvenile courts, and hospital programs.⁹¹ Florence City Schools have been using a form of SBMH since 2002.⁹² During the 2017-2018 school year, the system served 303 students, many of whom would not have received needed mental health services without SBMH to facilitate.⁹³

SPECIAL RECOMMENDATIONS FOR CHILDREN WITH DISABILITIES

School resource officers come into contact with children with disabilities every day but may know nothing about a child's disability or that she even has one. Children with disabilities can be arrested at school and charged with assault even when their behavior is a direct result of their disability. Preventing this means connecting caregivers and teachers with school resource officers and making sure they know what works, what doesn't, and how to calm a specific child when they are agitated.

There are rules about how much and what information the school is permitted to share with SROs, which are covered by the Health Insurance Portability and Accountability

“To ensure that school resource officers are keeping children safe, not engaging in ‘mission creep’ that can needlessly funnel children into the school-to-prison-pipeline, evidence-based inter-agency collaboration should be the norm.”



Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA). Schools can release information to school resource officers without the parent's permission if the school resource officer is considered a school official (meaning the school pays part

of the SRO's salary and the school system has a contract with the police/sheriff's department). If the school resource officer is not considered a school official, the school must have the parent's written permission.⁹⁴ The U.S. Department of Education and

Birmingham City Schools

This report posits that SROs, unchecked, untrained, and unregulated, can be a source of real danger to the students they serve — not only in incidents of isolated “bad apple” SROs overreacting to student behavior, but as a structural force that criminalizes the types of obnoxious but non-dangerous behavior that most children engage in from time to time.

This concern is not hypothetical. About 10 years ago, the city of Birmingham, which runs one of Alabama's largest school systems, found itself at the center of a morass of converging issues connected by the thread of problematic school policing.

In 2010, the Southern Poverty Law Center, an advocacy organization, filed a civil rights suit featuring the stories of eight former Birmingham City School District students who had been sprayed with Freeze +P, a chemical spray described by its manufacturer as “the most intense [] incapacitating agent available today.”⁹⁸ Some of the students were sprayed while fighting. Some were already on the ground when they were sprayed. One was sprayed because she was crying after a verbal argument with another student.⁹⁹ In all, between 2006 and 2014, 199 students were sprayed in 110 incidents. Only one of them had a weapon.¹⁰⁰

Under the use-of-force policy in place at that time, Birmingham school resource officers were allowed to respond to a student's resistance with a “degree of force two levels greater

than the resistance itself.”¹⁰¹ Under that policy, the police chief testified, a pepper spray like Freeze +P could be an appropriate response to a student's verbal noncompliance.¹⁰² In each of eight cases, after being sprayed with Freeze +P, the students were not allowed to wash the chemicals off their skin, and in only one case was the student taken outside for more ventilation.¹⁰³

The court, writing in 2015, was appalled. “Frankly, the defendant S.R.O.s' own testimony left the court with the impression that they simply do not believe spraying a student with Freeze +P is a big deal, in spite of their own expert's testimony that Freeze +P inflicts ‘severe pain,’” the court wrote. “The court also heard testimony that indicated several of the officers spray students with Freeze +P because it is easier than more hands-on approaches, even though those approaches cause students less pain than Freeze +P. Ultimately, the court believes that it was unnecessary for the defendant S.R.O.s to spray most if not all of the plaintiffs. Unfortunately for some of the plaintiffs, behavior that is unnecessary and disturbing is not automatically unconstitutional.”¹⁰⁴

The court found the use of Freeze +P to be excessive force in two of the eight cases because the student was already restrained, posed no threat, and was not attempting to flee at the time the SRO sprayed them.¹⁰⁵ It further found that, absent extenuating circumstances,

failing to adequately decontaminate a child who officers have exposed to chemical spray is excessive force and violates the Fourth Amendment.”¹⁰⁶

The court also addressed the lack of training for school resource officers.¹⁰⁷ While soft empty hand control, such as wrist locks and pressure points, is considered to be a degree of force one level greater than verbal noncompliance,¹⁰⁸ half of the defendant school resource officers testified that the last time they had received training in such techniques was at their initial police academy training.¹⁰⁹ Wondering whether the school resource officers had “received adequate training regarding adolescent-specific deescalation [sic] techniques,”¹¹⁰ the court concluded that they need “better training reflecting the unique character and challenges of school-based policing,” including a reminder that their job does not include enforcing school discipline and that “Freeze +P is not suited for general crowd control.”¹¹¹ The court then ordered the parties to meet and put together a training and procedures plan.¹¹²

Three years after that ruling was issued, an appeals court overturned, finding that the school resource officers were protected by qualified immunity and that the named plaintiff lacked standing because he was no longer a student when the suit was filed.¹¹³ The children's suffering, in other words, was not a legal issue because of technicalities.

the DOJ should develop joint guidelines for school resource officers that would require school districts to determine whether their current policies encourage officers to enforce non-violent school-code violations. Alabama lawmakers and officials should do

this as well. The National Disability Rights Network (NDRN) recommends that the federal guidance document should require school districts to determine whether they are requiring officers to enforce non-violent school-code violations.⁹⁵

Inappropriate policing in Birmingham City Schools was not limited to overuse of pepper spray. In 2009, concerns about the high volume of referrals to the Jefferson County Family Court that came from Birmingham City Schools led representatives from family court, city schools, the Jefferson County District Attorney's office, police, advocacy organizations, and the Department of Human Resources to meet and evaluate the problem.¹¹⁴

They started with data, finding, among other things, that during the 2007-2008 and 2009-2009 school years, over 80 percent of referrals to the Jefferson County Family Court came from Birmingham City Schools. Over 90 percent of those referrals were for misdemeanors and violations.¹¹⁵

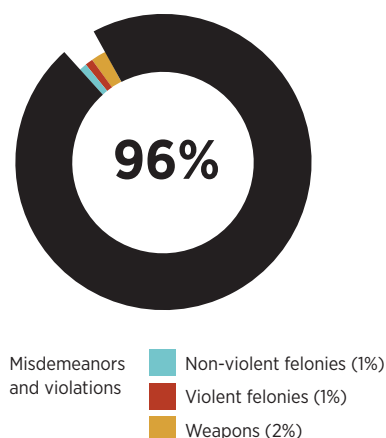
During the 2007-2008 school year, there were 528 school referrals to the Jefferson County Family Court. Fully 96 percent of those were for misdemeanors and violations, including 169 arrests for "affray" (fighting), 147 arrests for disorderly conduct, 60 arrests for criminal trespass, 48 arrests for harassment, 39 arrests for misdemeanor possession of marijuana.¹¹⁶

The consensus, according to a presentation posted online by Jefferson County Family Court Judge Brian Huff, was, "If 'Columbine' happens in my jurisdiction, I want the police at the school protecting the children and not at the family court over a school yard fight."¹¹⁷ In other words, the stakeholders

agreed it was more important for school resource officers to be available to respond to an active shooter than to police children's misbehavior.

To bring their practices in line with their priorities, Birmingham City Schools entered an agreement with the Birmingham Police Department that provides a graduated response to minor offenses.¹¹⁸ The agreement, which provides a list of offenses including disorderly conduct, harassment, and assault without a weapon,¹¹⁹ states that under ordinary circumstances, these type of offenses "should generally be handled by the School System, in conjunction with [the Birmingham Police Department and the Jefferson County Family Court], without the filing of a complaint in the [c]ourt."¹²⁰ The agreement was expected to reduce court referrals from Birmingham schools by 84 percent, give school resource officers more "time to 'police' and protect," and improve relationships between faculty and staff and the students they serve.

Judging by the fact that SROs continued to resort frequently to pepper spray long after the collaborative agreement was in place, it is impossible to describe the agreement as an unqualified success. However, the approach - and the problems and priorities it identified - remain a useful reminder of the fact that the assumptions and practices that have created Alabama's school-to-prison pipeline can, and must, be reimagined.



FAMILY COURT REFERRALS

The vast majority of Birmingham students referred to family court in 2007-08 were referred for misdemeanors and violations. Of 513 students total, **only 22 students—or 4%—were referred for felony or weapons charges.**

NASRO describes specialized training to help recognize children with disabilities as a “critical need.”⁹⁶ School resource officers should be made aware, understand, and even expect that they will be called in to deal with children with disabilities because they often have behavior issues that may be hard to manage. Lacking awareness that a child has a disability or what works to deescalate that child can lead to volatile interactions, which is why school resource officers must be properly trained to recognize and respond appropriately to behavior that may be a manifestation of a child’s disability. Appropriate training can help law-enforcement agencies avoid interactions that violate children’s rights under federal civil-rights laws, including the Americans with Disabilities Act.

Without proper training on schools’ obligations under special education law, police officers stationed in schools may not account for students’ disabilities when making arrests. Schools and law enforcement agencies must recognize the long-term consequences of giving sworn police officers constant access to students whose brains are not fully developed, whose behaviors may be caused or exacerbated by a disability, and who may be susceptible to the coercive authority of police officers due to their disability.⁹⁷

Additionally, to reduce referrals on the front end, special education coordinators and instructions should be encouraged to include language in IEPs and 504 plans about minimizing contact with school resource officers.

The National Association of School Resource Officers (NASRO)

This section of the report is based on Alabama Appleseed’s observations during a visit to a NASRO basic training class provided to incoming school resource officers in a large Alabama district. Appleseed is grateful to NASRO, the district, and the officers for permitting us to observe.

Maurice “Mo” Canady wants one thing to be clear: Children are different from adults. Their brains are still developing. They lack adults’ capacity for self-control. Even though they can assess risk and understand outcomes, children take risks most adults would never dream of. When they’re stressed, things get worse. And when they are traumatized and stressed, they are at high risk of making poor decisions.

Canady is executive director of the National Association of School Resource Officers (NASRO), a nonprofit organization based in Hoover, Ala. that partners with school districts nationally and overseas to train SROs. His work has taken him as far afield as South Africa and the country of Georgia. He has testified before Congress and is widely considered to be a top expert in the field of school safety.

Canady opposes zero-tolerance policies, quotes liberally from studies on teen brain development and the school-to-prison pipeline, and almost never utters the words “school resource officer” without preceding them with “carefully selected, specially trained.” As an organization, NASRO supports the implementation of memoranda of understanding (MOUs) between school districts and law enforcement agencies requiring specialized SRO training, defining the role of the SRO, and prohibiting SROs from involvement in school discipline situations.¹²¹

Basic training through NASRO is a 40-hour course covering everything from teen brain development and the effects of trauma to special education law to implicit bias to threat response and school safety planning. More than anything, the training seeks to acculturate officers whose

career experience has likely mostly involved policing adult communities and arresting adults to the very different approach needed in a school setting with children as young as five.

Training for SROs is only one component of reform. MOUs, training for faculty and staff, alternatives to exclusionary discipline, and vigilance regarding potential “mission creep” are all necessary. And even districts that provide NASRO training to all SROs experience troubling disparities: Hoover, which has long partnered with NASRO to train SROs, refers children of color to law enforcement at 1.6 times the rate of white children.

Even so, training of the type NASRO offers is an option worth exploring. At Canady’s invitation, Alabama Appleseed attended a portion of a December 2018 basic training course provided to a few dozen newly hired SROs in one of Alabama’s larger school districts. Most of the recruits were experienced deputies who were coming out of retirement to return to a very different kind of beat. Canady, whose interactive teaching style recalls that of a high school civics teacher, urged his audience to draw on their parenting experience as much as their professional policing backgrounds in approaching their new jobs.

Throughout the day, many deputies shared stories, concerns, and questions that highlighted the difference between conventional police work and an SRO’s duties. One deputy talked about a recent experience in an elementary school where she was called in to deal with a child who was refusing to leave the classroom. She said the teacher and child had become frustrated with each other, and she was able to defuse the situation by speaking gently, not commanding the child to comply. Now, she said, he checks in with her every day.

Another raised concerns about an often-difficult child he knew was being abused at home, asking about whether it was appropriate for him to report the situation to Alabama’s child protective services. Canady advised him that it was, and a

“The last thing we want to do is put handcuffs on a student.”

local supervisor walked the recruits through the ins and outs of mandatory reporting.

Canady stressed the importance of drawing a bright line between school discipline and policing. Ideally, he would include administrators from the schools where school resource officers will be working in all trainings. Whether or not administrators avail themselves of NASRO training, he reminds his audience, it is incumbent on the SRO to make it clear to administrators, faculty, and staff, that the SRO is not there to be a disciplinarian.

He stressed that educators should never insist on arrests or direct SROs to put handcuffs on children who are misbehaving. If they are doing so, they are doing wrong. The determination that conduct is unlawful, and the subsequent decision about whether that unlawful conduct warrants arrest, he said, lies solely with the officer.

School resource officers, Canady said, must never let themselves be goaded into reacting to teens seeking to get a rise out of them, nor may they be persuaded by frustrated teachers who ask them to arrest students. They must not humiliate teens in front of their peers; they must not be threatening; they must give children an opportunity to save face and make good decisions.

Canady believes that some arrests are unavoidable, but in general, “the last thing we want to do,” he said, “is put handcuffs on [a student].”

Appendix

This appendix covers in detail the responses of individual school districts to Alabama Appleseed's open records request for documents and data regarding school resource officers and school discipline.

Alabaster and Homewood provided memoranda of understanding that described financial, staffing, and administrative responsibilities of the signatories but were silent regarding SRO duties, training, and expectations.

Autauga County responded with information about school counselors, its corporal punishment policy, and student demographics, and stated that it does not employ SROs.

Houston County said it does not have an MOU, but that its officers follow a manual provided by The Alabama Association of School Resource Officers (TAASRO), a local affiliate of the National Association of School Resource Officers.

Mountain Brook affirmed that it does not maintain records on criminal citations, arrests, or use-of-force incidents involving the SROs that patrol its schools.

Eighteen districts ignored the request, though an unidentified individual called from a Cleburne County number and asked what Alabama Appleseed is, then hung up on the researcher without stating his name or what county he was from. A call back to the number established that it was connected with the school system there, but did not identify the caller.

An attorney for the superintendent of **Lee County Schools** stated in writing that the district did not have "public writings" that would respond to the document requests, but did not expound on whether this is because the documents and data do not exist or because

they are not considered to be public record.

An attorney for the **Baldwin County** Board of Education questioned the propriety of the request, stating that Appleseed had not stated a "direct, legitimate interest in the documents sought."

An attorney for the superintendent of **Madison City Schools** said records would have to be viewed in person, and that the district does not maintain data on criminal citations, arrests, use of force, total expenditures, or school counselors deployed to each campus.

Hoover City Schools ignored Appleseed's open records request. However, Appleseed obtained a 2014 Memorandum of Understanding between the City of Hoover Police and School Board. According to that document, SRO duties include, among other things, developing strategies to prevent or minimize dangerous situations, presenting to students, investigating crimes, and assisting with enforcing the campus code of conduct. "When it pertains to preventing a disruption that would, if ignored, place students, faculty and staff at risk of harm, the SRO will resolve the problem to preserve the school climate. IN ALL OTHER CASES, disciplining students is a School District responsibility, and the SRO will intervene and take students who violate the code of conduct to the principal where school discipline can be meted out."¹²²

Dothan also ignored our records request. However, according to a memorandum that became public in the course of litigation surrounding a school resource officer, SROs are "first and foremost law enforcement officers. They are not school disciplinarians. In addition to being mentors to the students, [school resource officers] will enforce the law." They cannot "be assigned duties within the schools such as ... lunchroom duty, bus landing duty, or hall monitor."¹²³

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Acknowledgments

This research was funded by the Community Foundation of Greater Birmingham. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the report's authors alone, and do not necessarily reflect the opinions of the Foundation. We would also like to thank Kim Rogers and Gus Heard-Hughes for their time, ideas, and support throughout this project.

Leah Nelson of Alabama Appleseed was the primary author of this report. The report concept was developed by former Alabama Appleseed Executive Director Frank Knaack, to whom we remain indebted. Valerie Downes designed it. Rebecca Seung-Bickley crunched data from the U.S. Department of Education's Office for Civil Rights. Former Appleseed intern Porshia Hall helped develop the survey together with Leah Nelson and Phillip Ensler, who also assisted in recruiting survey participants and collecting information. Harold Jordan of the American Civil Liberties Union of Pennsylvania provided insight and guidance regarding the use of OCR data. Melissa Sickmund of the National Center for Juvenile Justice helped locate key data. Mike Tafelski of the Southern Poverty Law Center's Children's Rights Project also helped with feedback and expertise. Former Appleseed intern Lisa Cagle contributed research on Alabama's policies and practices regarding school resource officers. The portion of this paper that covers the history of police in schools rests heavily on the excellent work of the authors of the American Civil Liberties Union's 2017 white paper, "Bullies in Blue," including principal authors Megan French-Marcelin and Sarah Hinger. We are grateful to Dr. Sara McDaniel of the Alabama Positive Behavior Support Office at the University of Alabama for her sharing her knowledge of alternative approaches to discipline, and to the Alabama Disability Advocacy Program (ADAP) for sharing stories and insight.

Finally, we thank M and his mother for sharing their experience.

Photography by Jahi Chikwendiu/*The Washington Post* via Getty Images (cover), Michael Mercier/*The Huntsville Times* (page 15) and iStock.

**“The last thing we want to do is
put handcuffs on a student.”**

MAURICE CANADY // National Association of School Resource Officers



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