

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **June 29, 2021** immediately following the City Council meeting which begins at **5:30 PM**

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The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Committee Updates
6. Discussion Items
 - A. Discussion on Updates and Possible Action Regarding the Approved Resolution to Develop a School Resource Officer (SRO) Memorandum of Understanding (MOU) in Collaboration with the School District of Ashland to Include Data Gathering and Incorporating Wisconsin Department of Public Instruction (WDPI) Best Practices for SROs (*Councilor Tochtermann*)
7. Adjournment

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SUBJECT: Committee Updates

RECOMMENDATION:

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

SUMMARY STATEMENT:

Ashland Ore Dock Board of Trustees: Vacant
Harbor Commission: Pufall
Historic Preservation Committee: Vacant
Housing Authority: Franek
Housing Committee: Whiting
Main Street Board: Vacant
Library Board: Jackson
Parks and Rec Committee: Haas
Plan Commission: Lindell
Police & Fire: Lewis
Public Works Committee: Moore
Source Water Protection Committee: Ortman
Sustainability Committee: Graf

SUBJECT: Discussion on Updates and Possible Action Regarding the Approved Resolution to Develop a School Resource Officer (SRO) Memorandum of Understanding (MOU) in Collaboration with the School District of Ashland to Include Data Gathering and Incorporating Wisconsin Department of Public Instruction (WDPI) Best Practices for SROs (*Councilor Tochterman*)

RECOMMENDATION:

DEPARTMENT OF ORIGIN: Councilor Tochterman

CLEARANCES: Council President

EXHIBITS:

1. Excerpt of September 29, 2020 City Council Meeting Minutes
2. Model Memorandum of Understanding for School Resources Officer Program
3. Best Practices for School Resource Officer Programs
4. Safe School-based Enforcement through Collaboration, Understanding, and Respect (SECURE)
5. SECURE State and Local Policy Rubric

SUMMARY STATEMENT:

On September 29, 2020 the Ashland City Council passed a resolution approving the School Resource Officer contract. The resolution included a commitment to work with the School District of Ashland to create an MOU and establish data gathering practices consistent with WI DPI best practices.

The statement "And be it further resolved that the City of Ashland will ask the School District of Ashland to collaboratively develop an MOU, including data gathering, based on WI DPI best practices" was added as an amendment after a robust discussion in which some councilors raised concerns related to the role and impact of a police officer in the schools, as well the importance of the City's fulfillment of its responsibility as a partner in the program to work with the school to deliver WI DPI recommended Best Practices. Six citizens made public comments related to the SRO contract at this meeting. Representatives from the school district, including the Superintendent and the Principals of Ashland Middle School and Ashland High School, were present at the meeting and participated in the discussion, explaining the role of the SRO in their schools and answering councilors' questions. Superintendent Eric Olson expressed that he was willing to work with the City to create an MOU as well as strategies for tracking data related to the SRO activities in the schools and evaluating the program. The amended language related to the MOU, WI DPI Best Practices and data gathering passed 10-1, and was added to the final resolution to approve the SRO contract, which then passed 11-0.

Attached to this agenda bill is a sample MOU, and information on the SRO Best Practices from the Wisconsin Department of Public Instruction and from the US Department of Education and the US Department of Justice.

For Discussion:

- Police Chief Hagstrom will share some of the data collected this year and information about the SRO program

- Discuss current data elements and what best practices and evaluation plan will be incorporated into the revised MOU
- What is the timeline for bringing the revised MOU, contract, and plan to the City Council for review?

Links to the exhibits included below:

#2. WI DPI Model MOU for SROs <https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/sromodelmou.pdf>

#3. WI DPI SRO Best Practices This document outlines a best practice model with key factors to consider when entering into contract for a SRO including the following: roles, training, accountability, data, and MOU <https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/srobestpractices.pdf>

#4. DOJ and US Department of Education SECURE Local Implementation Rubric This document outlines research and evidence-based action steps to shape the SRO partnership. It is designed to be used by the school district and local law enforcement officials (including sheriffs, deputies, heads of policy departments, SRO chiefs, and organizations representing SROs) to inform program development, implementation and evaluation, and to improve memoranda of understanding (MOUs). <https://www2.ed.gov/policy/gen/guid/school-discipline/files/sro-local-implementation-rubric.pdf>

#5. DOJ and US Department of Education SECURE Local Policy Rubric This document provides information for the development and revision statutes, regulations, and written agreements related to the appropriate incorporation of school-based law enforcement officers/ school resource officers (SROs) with the goal of preventing unnecessary or inappropriate arrests, referrals to law enforcement, contact with the juvenile justice system, and violations of civil rights laws. It includes examples from around the country to support SRO partnerships. <https://www2.ed.gov/policy/gen/guid/school-discipline/files/sro-state-and-local-policy-rubric.pdf>

These above documents, and other related information, can also be accessed on the Wisconsin Department of Public Instruction website: <https://dpi.wi.gov/sspw/safe-schools/school-resource-officers>

A. Approve Resolution to Approve the School District of Ashland Resource Officer (SRO) Contract for Working Agreement-2020-2021 School Year (*Police Chief*) Roll

Eric Olson, Ashland School District Administrator, Brian Trettin, Ashland High School Principle, and Jake Levings, Ashland Middle School Principle, spoke on the role and impact of a School Resource Officer in Ashland Schools. Olson, Trettin, and Levings answered questions from Council members.

Interim Police Chief introduced Officer Bybee to Council as the intended SRO for the School District. Officer Bybee introduced himself and his perspective on the SRO position and answered questions from Council members.

George moved, seconded by Moore to approve the resolution to contract with the School District of Ashland. Ulman offered an amendment the resolution to include: "And be it further resolved that the City of Ashland will ask the School District of Ashland to collaboratively develop an MOU, including data gathering, based on WI DPI best practices;" Whitebird seconded the addition of this amendment. The motion passed 10-1 by roll call vote; Pufall objected.

Pufall called the question, seconded by Haas, which passed by a 8-3 voice vote; objecting were MacKenzie, Ullman, and Whitebird.

The motion to approve the resolution to include the aforementioned amendment, and contract for an SRO with the School District of Ashland passed 11-0 by roll call vote.

Model Memorandum of Understanding for School Resources Officer Program

The purpose of this document is to establish a School Resource Officer Program and to set forth guidelines to ensure that law enforcement, school officials, and the communities they serve, have a shared understanding of the goals of the School Resource Officer Program;

The parties agree that an effective School Resource Officer Program defines the role of the School Resource Officer (SRO): within the context of the educational mission of the school; distinctions between disciplinary misconduct to be handled by school officials, and criminal offenses to be handled by law enforcement; information sharing; School Resource Officer training requirements; program assessment; and program structure;

The School Resource Officer's receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate;

The signatories agree to the following:

Role of the School Resource Officer within the Context of the Educational Mission of the School

1. The mission of the School Resource Officer program is to improve school safety and the educational climate at the school.
2. School Resource Officers are responsible for dealing with criminal law issues, not to enforce school discipline or punish students.
3. The SRO shall meet with building-level school administrators, teachers, parents, and student representatives at least annually to discuss issues of school safety.
4. The SRO shall be integrated into the school community through participation in faculty and student meetings and assemblies as appropriate.
5. The SRO shall maintain activity reports and submit summaries of these reports to building-level school administrators, district-level school administrators, and the relevant law enforcement agency. The summaries shall include, for each SRO, the numbers and descriptions of all incidents or calls for service; names of school officials involved (referring teachers, principals, etc.); student searches; student questioning; tickets, citations, or summonses; filing of delinquency petitions; referrals to a probation officer; actual arrests, and other referrals to the juvenile justice system.
6. Absent a real and immediate threat to student, teacher, or school safety, and absent the situations described herein where formal law enforcement intervention is deemed appropriate, building-level school administrators shall have final authority in the building.

7. Absent a real and immediate threat to student, teacher, or public safety, incidents involving public order offenses including: disturbance/disruption of schools or public assembly; loitering; profanity; and fighting that does not involve physical injury or weapon, shall be considered school discipline issues to be handled by school officials, rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of criminal citation, ticket, summon, or filing of delinquency petition).
8. Students shall not be taken into custody at school, except where a child poses a real and immediate threat to student, teacher, or public safety or pursuant to a warrant.
 - a. School principals shall be consulted prior to a student being taken into custody where practicable.
 - b. The student's parent or guardian shall be notified of a child being taken into custody as soon as practicable.

Information Sharing

9. The school district designates the SRO a "school official" as provided in the Federal Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g, and 118.125(2)(d) of the Wisconsin Statutes. A SRO may be provided access to student records information maintained by the school district only as needed by the SRO to perform his or her duties as SRO. A SRO may also be granted access to student records information in the event of an emergency situation threatening the health of safety of a student or other individual. The SRO may only re-disclose student records information consistent with FERPA and Wisconsin pupil records law.
10. Records created and maintained by a SRO for the purpose of ensuring the safety and security of persons or property in the school, district, or for the enforcement of local, state, or federal laws or ordinances shall not be considered student records - even when such records may serve the dual purpose of enforcing school rules - and are not subject to the same prohibitions of access or disclosure by the SRO. (This provision does not prohibit school personnel from complying with the notice and reporting requirements of seclusion or restraint of a student by the SRO as specified in 118.305(4) of the Wisconsin Statutes.)

School Resource Officer Training Requirements

11. The SRO shall receive such training as is necessary to permit the SRO to effectively advance the school's educational mission in the context of his or her duties as SRO. Training topics, goals, and objectives shall be determined jointly by representatives of the school and the law enforcement agency. Training shall be provided in the following areas:
 - a. *[Insert language here regarding specific training topics]*

Training topics to consider may include: school values and mission; child and adolescent development; cultural competency; positive behavioral supports, strategies, and interventions; federal and state anti-discrimination and special education laws; the provisions of Wisconsin law pertaining to the use of seclusion and restraint by school personnel; trauma informed practices; de-escalation techniques; compulsory attendance; suicide prevention; and school mental health.

Program Assessment

12. The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly between the _____ Police Department and _____ Public Schools. The following areas will be used to evaluate the program:
- a. Success of established goals and objectives.
 - b. Police-citizen contacts (citations, arrests, community and school outreach activities, etc.).
 - c. Community feedback.
 - d. Accomplishment of tasks agreed upon as part of any work plan written in conjunction with the principal.

Structure and Funding for School Resource Officer Program

13. *[Insert language here on how program will be funded]*
14. *[Insert language here on the terms of the SROs employment]*
15. *[Insert language here on the funding of the SROs equipment and training]*
16. *[Insert language here on the chain of command for the SRO]*
17. *[Insert language here on SRO duty stations and hours of duty]*

Duration

18. This memorandum of understanding shall become effective immediately upon execution by signature and remain effective until _____, whereupon it must be reviewed annually by all signatories or their successors before being renewed.

19. A signatory may terminate this memorandum of understanding by serving written notice to all other signatories at least thirty (30) days in advance of such termination. A termination by a signatory shall eliminate the presence of School Resource Officers at _____ Public Schools.

Signed on the _____ of _____, 20__

Superintendent

Representative of Law Enforcement Agency

Best Practices for School Resource Officer Programs

As school districts and law enforcement agencies throughout the state of Wisconsin enter into and renew contracts for School Resource Officer Programs, there is a critical balance that school administrators and law enforcement agencies must achieve so that each party receives necessary support and training, and the presence of School Resource Officers (SROs) in school buildings does not result in unnecessary contact with the criminal justice system. School administrators and SROs strive to provide an educational environment centered around student learning and safety. In their dual roles, SROs serve school districts and the greater community. SROs have the challenge of balancing competing interests because they may be called to serve in a law enforcement or SRO capacity during the school day. However, their role as a SRO differs from their role in law enforcement. As a SRO, their focus is also on providing redirection and guidance, and engaging in educational and relationship building activities. The fluid nature of these roles may contribute to confusion about roles and responsibilities. For this reason, the Wisconsin Department of Public Instruction and the Wisconsin Department of Justice have developed a joint model of best practices. The model is based on factors stakeholders should consider when entering into this type of partnership. Stakeholders include students, families, law enforcement, school staff, and community partners. The following information is not legal advice and only serves as guidance for School Resource Officer Programs.

Role of a School Resource Officer

Stakeholders are encouraged to:

1. Use a root cause analysis to identify if a Student Resource Officer Program is needed in a school, and if so, for what purpose. This should be determined before a program is developed.
2. Identify the knowledge, skill, and disposition criteria for SRO candidates, and obtain input from stakeholders during the selection process.
3. Discuss and define the role and responsibilities of SROs through a collaborative process.
4. Identify under what circumstances a SRO will respond to an incident involving a student.
 - a. It is essential that both parties are able to distinguish between disciplinary misconduct, which is typically handled by school administrators, and illegal conduct, which may be handled by law enforcement.
 - b. To the extent possible, SROs should not be used to enforce student discipline.
 - c. While it may be necessary for a SRO to get involved in an incident, it does not mean infractions must result in tickets and/or being taken into custody.

5. Distinguish between the role of a SRO from the role of a school security officer if both work in the same building.
6. Develop an organizational chart to identify how the work of SROs and school administrators are aligned in relation to other positions within both agencies.
7. Identify the school property within the control of a SRO.
8. Identify the community outreach and educational components of the SRO's role.

Training

Stakeholders are encouraged to:

1. Identify who will receive training.
 - a. School staff (such as administrators, teachers, and pupil service staff) and SROs should receive training to increase their level of competency. To the extent possible, collaborative training is encouraged and efforts should be made to ensure training is a supplement rather than a repeat of what they already know.
2. Identify the content of the training. These areas may include, but are not limited to:
 - a. school values and mission
 - b. child and adolescent development
 - c. cultural competency
 - d. federal and state disability, anti-discrimination, and special education laws
 - e. seclusion and restraint policies
 - f. positive behavioral supports, strategies and interventions
 - g. restorative justice practices
 - h. trauma informed practices
 - i. de-escalation strategies
 - j. the responsibilities of SROs/law enforcement as told by them and shared with school administrators
 - k. mental health
 - l. AODA
 - m. mandatory reporting
3. Identify the minimum number of hours, frequency, and other requirements needed to complete training.

4. Identify resources available to SROs and school staff, some of which may be from state and national organizations that facilitate professional development opportunities.
5. Identify what content school staff and SROs are expected to know or be able to do at the conclusion of their training.

Accountability

Stakeholders are encouraged to:

1. Maintain regular and frequent communication, especially between school administrators and SROs.
2. Identify building-level and/or district-level contacts for SROs, as well as law enforcement agency contacts for school administrators.
3. Identify how school administrators will provide support and oversight to the SRO program.
4. Discuss the expectations that SROs and school administrators have of one another.
5. Identify how the performance of SRO programs will be evaluated, by whom, and how often.
6. Identify how data will be used to inform any evaluations.
7. Identify the process someone may take to file a formal complaint against a SRO.

Data

1. The SRO program is encouraged to collect, maintain, and share data as requested on the following:
 - a. The number of students arrested or ticketed by a SRO or other member of law enforcement on school property. That information may include the:
 - i. Type of offense and if the case was referred for charging.
 - ii. Demographic data such as the student's age, gender, race, disability if known, and name of school.
 - b. Information on the daily interactions a SRO has with students and school staff.
 - i. The data should capture activities that describe what a SRO does on a typical day. This information may be used to evaluate programming.
 - c. Results of school and community climate surveys that contain questions related to the SRO program.

2. The SRO program should identify the system, which will be utilized to document and share information.

Memoranda of Understanding (MOU)

Please refer to the '*Model of Memorandum of Understanding for School Resource Officer Program*' document for further guidance.

1. Determine who will be a part of drafting the document.
2. The MOU should be in place before a SRO works in a school building.
3. The MOU should be reviewed on at least an annual basis.

Local Implementation Rubric

What is the SECURE Local Implementation Rubric?

The U.S. Departments of Education (ED) and Justice (DOJ) have designed the **SECURE Local Implementation Rubric** to help **school districts, schools, and law enforcement agencies** determine the type of school-police partnership that will be most effective in their community and, where appropriate, to incorporate school-based law enforcement officers, commonly referred to as school resource officers (SROs), into the school learning environment. This rubric includes **five suggested action steps** to ensure safe school-based enforcement through collaboration, understanding, and respect within a community's schools. Each action step below is based on research and evidence and reflects examples of existing school and law enforcement partnerships across the country.

How do school districts and local law enforcement agencies use the SECURE Local Implementation Rubric?

Jurisdictions can use the **Checklist to Start** for implementing new school-police partnerships; *or*, if they have a school-police partnership, as a checklist to assess their existing program. The **Checklist to Improve** is for improving existing partnerships for responsible and innovative school safety management practices that include the presence of SROs in schools. The **Checklist to Improve** can also be used by jurisdictions with new school-police partnerships after they complete the steps in the **Checklist to Start**.

Who should use the SECURE Local Implementation Rubric?

This SECURE Rubric can be used by the school district and local law enforcement officials (including sheriffs, deputies, heads of policy departments, SRO chiefs, and organizations representing SROs) responsible for crafting, implementing, evaluating, and improving memoranda of understanding (MOUs) that explicitly articulate the role of law enforcement and school resource officers (SROs) in schools. As appropriate, this rubric may be of assistance to local school board members, superintendents, assistant superintendents, principals, and vice/assistant principals.

What are the SECURE Rubric Action Steps?

The **SECURE Rubric** includes five common-sense action steps that can help ensure that SROs are incorporated responsibly into school learning environments. These action steps are:

1. Create sustainable partnerships and formalize MOUs among school districts, local law enforcement agencies,¹ juvenile justice entities, and civil rights and community stakeholders.
2. Ensure that MOUs meet constitutional and statutory civil rights requirements.²
3. Recruit and hire effective SROs and school personnel.
4. Keep your SROs and school personnel well trained.
5. Continually evaluate SROs and school personnel, and recognize good performance.



Local Implementation Rubric

Disclaimer

This rubric is not an endorsement of any law or written agreement. These action steps and recommended activities are provided for the user's convenience and do not necessarily reflect the positions or policies of ED or DOJ. Neither ED nor DOJ controls or guarantees the accuracy, relevance, timeliness, or completeness of any outside information. All school district and law enforcement officials and policymakers should also seek independent guidance to ensure that any proposed legislation or policy is consistent with all applicable Federal and State laws.

¹These entities include those representing judges, prosecutors, public defenders and civil legal aid partners, probation officers, and relevant social service agencies.

²Including Federal, State, and local prohibitions on discrimination on the basis of race, color, national origin, language status, religion, sex, sexual orientation, and disability; on the use of excessive force; and on improper searches, seizures, or interrogations.



Local Implementation Rubric – Action Step #1

CHECKLIST TO START

ACTION STEP

Use the following checklists when implementing new school-law enforcement partnerships.

CHECKLIST TO IMPROVE

Use the following checklists when improving existing school-law enforcement partnerships.

Create sustainable partnerships and formalize MOUs among school districts, local law enforcement agencies, juvenile justice entities, and civil rights and community stakeholders.

- Measure student, family, school staff, and community experience of school safety and law enforcement presence to gauge your starting place.
 - Consider available data on discipline incidents, ticketing, arrests, and school perception.
 - Use relevant data from mandated collections, including state and district accountability data as well as the US Department of Education’s Civil Rights Data Collection.
- Find resources on best practices for school-law enforcement partnerships.
- Draft an MOU together with stakeholder groups to develop a sustainable and regularly-reviewed partnership:
 - Collect and adapt exemplar MOUs from existing school-law enforcement partnerships from across the country to suit local needs.
 - Make language applicable and accessible to all audiences (including students, families, school staff).
 - Include language that explicitly prohibits SROs from involvement in enforcing school codes of conduct or engaging school discipline, and clarify their role to ensure safety and security.
 - Identify needs and local concerns in the MOU as demonstrated by local data.

- Use data to assess the effectiveness of existing partnerships and MOUs.
 - Consider available disaggregated data on discipline incidents, ticketing, arrests, and school perception, as well as number and percentage of sworn legal officers in schools.
 - Use relevant data from mandated collections, including state and district accountability data as well as the US Department of Education’s Civil Rights Data Collection.
- Establish a regular timeline to evaluate and revise MOUs to reflect changes in local needs and concerns:
 - Involve school administrators, educators, local law enforcement, students, parents and families, and other stakeholders during MOU revision process.
 - Share MOUs with colleagues in other communities for feedback and information on best practices.
 - Share MOUs with State and local officials to inform policy related to SROs in schools.
 - Provide school administrators and SROs with up-to-date copies of MOU agreements and discuss implementation strategies within the context of school environments.



Local Implementation Rubric – Action Step #2

CHECKLIST TO START

CHECKLIST TO IMPROVE

ACTION STEP

Use the following checklists when implementing new school-law enforcement partnerships.

Use the following checklists when improving existing school-law enforcement partnerships.

Ensure that MOUs meet constitutional and statutory civil rights requirements.

- Incorporate Federal and State constitutional requirements, including legal requirements relating to searches, seizures, uses of force, and interrogations.
- Incorporate the requirements of Federal, State, and local civil rights statutes, including those prohibiting race, color, national origin, language status, disability, religion, and sex discrimination.
- Gather, organize, and present data on law enforcement practices (including searches, seizures, citations, ticketing, arrests, use of force, interrogations, court referrals, alleged student misconduct leading to law enforcement practices, etc.).³
- Disaggregate the data by race, ethnicity, age, sex, type of offense, English learner (EL) status, and disability status.
- Include a mechanism to receive complaints about discrimination and other input from parents and students, and to gather information about the complainants' race, age, sex, EL status, and disability status.

- Establish a process for regularly collecting and analyzing data (including searches, seizures, citations, ticketing, arrests, use of force, interrogations, court referrals, alleged student misconduct leading to law enforcement practices, etc.).
- Use this data to regularly evaluate and revise policies if information indicates that a school-based law enforcement program is being carried out in a manner that is inconsistent with Federal and State constitutions, civil rights laws, and applicable privacy laws.
- Involve stakeholder groups to design and implement a plan of action to address constitutional, privacy, or civil rights-related concerns.

³ Refer to U.S. Department of Education, FERPA Frequently Asked Questions: "[Sharing information with School Law Enforcement Units and School Resource Officers.](#)"



Local Implementation Rubric – Action Step #3

CHECKLIST TO START

ACTION STEP

Use the following checklists when implementing new school-law enforcement partnerships.

- Draft and publish hiring guidelines for SROs with input from students, parents and families, and community stakeholders, potentially including the following:
 - Ability to work effectively with students, parents, teachers, and school administrators
 - An understanding of the importance of diversion programs and alternatives to arrest
 - Respect for youth and families of all backgrounds and cultures
 - An understanding of developmentally appropriate, trauma-informed practices for interacting with youth
 - Consideration of the applicant’s past discipline and legal history
 - Strong interpersonal communication skills
 - Strong public speaking ability
 - Effective law-related teaching and mentoring skills
 - Minimum years of experience
 - An interest in promoting and enriching the lives of youth
 - Knowledge of the specific needs and local concerns of the community
- Include interviews by school staff, students, parents and families, community stakeholders, and youth development experts.

CHECKLIST TO IMPROVE

Use the following checklists when improving existing school-law enforcement partnerships.

- Establish a regular timeline to review and update SRO hiring guidelines.
- Maintain an onboarding / training program for new SROs in which they are mentored by experienced SROs on topics including:
 - Constitutional and civil rights
 - Childhood and adolescent development
 - Age-appropriate responses to student conduct
 - Disability and special education issues
 - Conflict resolution and de-escalation techniques
 - Bias-free policing, including implicit bias and cultural competence
 - Responses to trauma
 - Restorative justice techniques
 - Interacting with specific student groups such as those with disabilities or limited English proficiency or who are lesbian, gay, bisexual, or transgender (LGBT)
- Regularly review performance using SRO-specific rating instruments to ensure a good fit between SROs and particular schools.

Recruit and hire effective SROs and school personnel.



Local Implementation Rubric – Action Step #4

CHECKLIST TO START

ACTION STEP

Use the following checklists when implementing new school-law enforcement partnerships.

- Include language in the MOU on ongoing training needs and plans for both SROs and school staff, and incorporate joint training of SROs and school staff as appropriate.
- Develop an ongoing training and refresh program that covers the topics listed in the onboarding training list in step #3.
 - Other topics can include: use of force that reflects differences in strength and physical vulnerabilities of youth, limited appropriate use of handcuffs in a school setting, consequences of student involvement in the criminal and juvenile justice system, and all available alternatives to arrest.
- Train school personnel not to call upon SROs to address non-violent or non-threatening behavior by using less punitive methods such as restorative justice or using the student code of conduct.
- Train SROs to exercise discretion to minimize arrests for minor misbehaviors and use all available diversion programs and other alternatives to arrest.
- Solicit SRO input in the development of training materials to prevent unnecessary arrests of students involved in minor school-based offenses.

CHECKLIST TO IMPROVE

Use the following checklists when improving existing school-law enforcement partnerships.

- Establish a schedule to regularly review current data with SROs and school staff, including analysis on suspensions, expulsions, and arrests, which may indicate there are civil rights concerns where disproportionality exists (particularly for students of color and students with disabilities).
- Establish a schedule to regularly solicit the input of SROs and school staff on effective training for preventing unnecessary arrests for minor, non-crisis disciplinary incidents.
- Establish a schedule to regularly incorporate SRO and educator input on local best practices into SRO training manuals and staff handbooks on professional practice.
- Involve SROs in school life activities designed to improve trust and relationship building between SROs, students, families, and staff.
- Incorporate real-life simulations in SRO and staff training to provide opportunities for practice in the effective de-escalation of non-crisis disciplinary incidents to prevent unnecessary arrests in schools.

Keep your SROs and school personnel well trained.



Local Implementation Rubric – Action Step #5

CHECKLIST TO START

CHECKLIST TO IMPROVE

ACTION STEP

Use the following checklists when implementing new school-law enforcement partnerships.

Use the following checklists when improving existing school-law enforcement partnerships.

**Continually
evaluate SROs
and school
personnel, and
recognize good
performance.**

- Design a comprehensive performance evaluation and recognition system (including a regular performance schedule that is appropriate and made clear throughout the hiring process and onboarding) that maps to trainings provided and capabilities you expect staff to demonstrate, and is conducted by experienced and qualified professionals.
- Evaluate ability to de-escalate and use alternative disciplinary actions to prevent citations, ticketing, and arrests.
- Create a mechanism to collect feedback from students, families, and peers, and other school staff for SRO and school staff evaluations.

- Incorporate research on positive youth development and safe and supportive learning environments in all evaluation and support systems.





Safe School-based Enforcement through Collaboration, Understanding, and Respect

SECURE

State and Local Policy Rubric

What is the SECURE State and Local Policy Rubric?

The U.S. Departments of Education (ED) and Justice (DOJ) have designed the **SECURE State and Local Policy Rubric** to provide information for **States and local governments** looking to develop or revise **statutes, regulations, and written agreements** related to the appropriate incorporation of school-based law enforcement officers—commonly referred to as school resource officers (SROs)—into school learning environments, with the goal of preventing unnecessary or inappropriate arrests, referrals to law enforcement, contact with the juvenile justice system, and violations of civil rights laws. The SECURE State and Local Policy Rubric provides examples of policies in place throughout the country that help communities establish responsible school-police partnerships. These examples are not an exhaustive list, and other State and local laws and policies may provide helpful guidance to govern the role of SROs in the school learning environment.

What are the SECURE Rubric Action Steps?

The **SECURE Rubric** includes five common-sense action steps that can help ensure that SROs are incorporated responsibly into school learning environments. These action steps are:

1. Create sustainable partnerships and formalize memoranda of understanding (MOUs) among school districts, local law enforcement agencies, juvenile justice entities,¹ and civil rights and community stakeholders.
2. Ensure that MOUs meet constitutional and statutory civil rights requirements.²
3. Recruit and hire effective SROs and school personnel.
4. Keep your SROs and school personnel well trained.
5. Continually evaluate SROs and school personnel, and recognize good performance.

¹ These entities include those representing judges, prosecutors, public defenders and civil legal aid partners, probation officers, and relevant social service agencies.

² Including Federal, State, and local prohibitions on discrimination on the basis of race, color, national origin, language status, religion, sex, sexual orientation, and disability; on the use of excessive force; and on improper searches, seizures, or interrogations.

DISCLAIMER: This rubric is not an endorsement of any law or written agreement. These action steps and recommended activities are provided for the user’s convenience and do not necessarily reflect the positions or policies of the U.S. Departments of Education (ED) or Justice (DOJ). Neither ED nor DOJ controls or guarantees the accuracy, relevance, timeliness, or completeness of any outside information. All school district and law enforcement officials and policymakers should also seek independent guidance to ensure that any proposed legislation or policy is consistent with all applicable Federal and State laws.

EXAMINING STATE STATUTES AND REGULATIONS FOR SECURE³

SECURE Action Step 1: Create sustainable partnerships and formalize MOUs among school districts, local law enforcement agencies, juvenile justice entities, and civil rights and community stakeholders.

In taking this action step, State and local policy encourages the creation of sustainable community partnerships, supported by strong MOUs, by:

- A. Requiring the execution of an MOU prior to commissioning SROs;
- B. Requiring that MOUs be substantially similar to an approved model;
- C. Requiring the involvement of school administrators, educators, law enforcement, and community stakeholders in the development of MOUs; and
- D. Requiring the periodic revision of MOUs.

Examples of such State policies include:

- Missouri statute, MO. REV. STAT. § 162.215 (2016), which requires the execution of an MOU prior to commissioning an SRO at the direction of a school board.

162.215. School officers may be commissioned to enforce certain criminal laws.

1. The school board of any school district may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses operating within the school district only upon the execution of a memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, provided that the memorandum shall not grant

³ State statutes and regulations were found in the National Center for Safe Supportive Learning Environments' Compendium of School Discipline Laws and Regulations, accessed May 2016 at <https://safesupportivelearning.ed.gov/school-discipline-compendium>. The compendium provides information on school discipline laws and administrative regulations for each of the 50 States, Washington, D.C., and the U.S. territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands effective as of March 2015. (See the DISCLAIMER on page 1.)

statewide arrest authority. School officers shall be licensed peace officers, as defined in section 590.010, and shall comply with the provisions of chapter 590. The powers and duties of a peace officer shall continue throughout the employee's tenure as a school officer. (Effective Date: August 28, 2013)(emphasis added)

- Pennsylvania regulation, which requires communities to explain the differences between their MOUs and the State-provided model, and provide a rationale for those differences, at the direction of a local superintendent.

22 Pa. Code 10.11. Memorandum of understanding.

(a) Each chief school administrator shall execute and update, on a biennial basis, a memorandum of understanding with each local police department having jurisdiction over school property of the school entity.

(b) A memorandum of understanding between a school entity and a local police department, including its development and implementation, must meet the requirements of section 1303-A(c) of the Safe Schools Act (24 P. S. 13-1303-A(c)).

(c) In developing a memorandum of understanding to execute with a local police department, a school entity shall consult and consider the model memorandum of understanding promulgated by the Board in Appendix A (relating to model memorandum of understanding).

(d) On a biennial basis, a school entity shall file with the Department's Office for Safe Schools a memorandum of understanding with each local police department having jurisdiction over property of the school entity. As part of its filing with the Department, a school entity shall identify substantive differences between the memorandum of understanding adopted by the school entity and the model memorandum of understanding and provide a statement of reasons for the differences.

(e) The Board, on a biennial basis, will review and, as necessary, revise its model memorandum of understanding in Appendix A. As part of its biennial review, the Board will consider the memoranda of understanding filed by school entities with the Department's Office for Safe Schools and statements explaining school entities' reasons for adopting memoranda of understanding having substantive differences with the model memorandum of understanding.

(Effective Date: July 21, 2012)(emphasis added)

- New Jersey regulations, which require periodic review and revision of an MOU with the involvement of community stakeholders, educators, and law enforcement with close involvement between the local superintendent and other community stakeholders.

6A:16-6.2. Development and implementation of policies and procedures.

(b) School district policies and procedures shall include the following components:

[...] 14. *An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter:*

i. *The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.*

(Effective: March 17, 2014)(emphasis added)

SECURE Action Step 2: Ensure that MOUs meet constitutional and statutory civil rights requirements.
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In taking this action step, written State policy supports school-based law enforcement that complies with civil rights laws by:
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Identifying Federal and State constitutional provisions and Federal, State, and local civil rights laws and ordinances that apply to law enforcement in educational settings and ensuring that law enforcement and school administrative policies and practices comply with those legal requirements.

An example of such State policy includes:

Minnesota Law Section 363A.13 – Educational Institutions

(1) *It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. For purposes of this subdivision, program access includes but is not limited to providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.*

(2) *It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability. (emphasis added)*

SECURE Action Step 3: Recruit and hire effective SROs and school personnel.

SECURE Action Step 4: Keep your SROs and school personnel well trained.

In taking these action steps, State and local policy supports hiring, training, and management of SROs by:

- A. Mandating school-specific preparation.
- B. Specifying the minimum duration of training.
- C. Encouraging officers to minimize arrests when a less punitive measure, such as diversion, restorative justice, or the school code of conduct, could be applied.
- D. Eliminating the involvement of SROs in non-criminal matters.

Examples of such State policies include:

- Indiana statute, which provides the minimum duration for school-specific training prior to appointment as an SRO.

C 20-26-18.2-1. "School resource officer".

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; or

(C) another school resource officer training program approved by the Indiana law enforcement training board. (emphasis added)

- Missouri statute, which limits the authority of school officers to certain crimes.

162.215. School officers may be commissioned to enforce certain criminal laws.

2. School officers shall abide by district school board policies, all terms and conditions defined within the executed memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, and shall consult with and coordinate activities through the school superintendent or the superintendent's designee. School officers' authority shall be limited to crimes committed on school premises, at school activities, and on school buses operating within the jurisdiction of the executed memorandum of understanding. All crimes involving any sexual offense or any felony involving the threat or use of force shall remain under the authority of the local jurisdiction where the crime occurred. School officers may conduct any justified stop on school property and enforce any local violation that occurs on school grounds. School

officers shall have the authority to stop, detain, and arrest for crimes committed on school property, at school activities, and on school buses. (emphasis added)

EXAMINING MOUs FOR SECURe

SECURe Action Step 1: Create sustainable partnerships and formalize MOUs among school districts, local law enforcement agencies, juvenile justice entities, and civil rights and community stakeholders.

SECURe Action Step 2: Ensure that MOUs meet constitutional and statutory civil rights requirements.

In taking these action steps, States and local communities can encourage the creation of sustainable MOUs, including by:

- A. Clarifying the frequency of review;
- B. Requiring that communities, schools, and law enforcement participate in the MOU review process; and
- C. Mandating the collection, analysis, and reporting of school-based law enforcement data to inform the development of partnerships, to inform the MOU review process, and to evaluate compliance with Federal, State, and local civil rights laws.

An example of such an MOU includes:

Broward County Public Schools

Collaborative Agreement on School Discipline

ARTICLE IV. DATA COLLECTION AND OVERSIGHT

Data reflecting all school-based arrests, referrals to law enforcement, and filing of criminal complaints and disaggregated by location of arrest/school, charge, arresting agency, gender, age, race/ethnicity, disability and ESL status is collected by the School District and Department of Juvenile Justice. Data reflecting the number and nature of incidents of misbehavior is also collected by the School District.

Each month, this data will be delivered to the Juvenile Justice Advisory Board and the Eliminating the Schoolhouse to Jailhouse Committee to monitor compliance with the terms of this agreement, the overall number of minor incidents being handled by the criminal justice system and reductions in racial disparities. In addition, these factors should be included in reviewing each school's overall school climate. This data will also be reported to the public at the end of each semester to monitor whether there have been reductions in the overall number of minor incidents being handled by the criminal justice system and reductions in racial disparities.

The parties agree to meet twice a year, at the end of each semester, with the Eliminating the Schoolhouse to Jailhouse Committee to provide oversight of the Agreement and make recommendations to the heads of each agency on any modifications to the Agreement. (emphasis added)

An example of such a State policy includes:

- Colorado statute, which requires law enforcement agencies to collect school-based law enforcement data.

22-32-146. School use of on-site peace officers as school resource officers: notifications of arrests and notices issued: reporting requirements.

(4) Commencing August 1, 2013, and continuing each August 1 thereafter, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. *Each such report shall include, at a minimum, the following information relating to the preceding twelve months:*

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event. (emphasis added)

SECURE Action Step 3: Recruit and hire effective SROs and school personnel.

SECURE Action Step 4: Keep your SROs and school personnel well trained.

In taking these action steps, States and local communities can support the hiring and management of SROs by including the following in MOUs:

- A. Requiring prospective SROs to receive training regarding youth development.
- B. Listing all required and ongoing trainings, and supervisory structures, for SROs and staff, with clarity regarding agency responsibility for each component.
- C. Clarifying the processes for schools' right to request removal or re-assignment of an SRO.

An example of such an MOU includes:

- Denver, Colorado MOU, which outlines the school-specific training that SROs must have, the agency that will supervise the SRO, and a schools' right to request the removal or re-assignment of an SRO.

Intergovernmental Agreement Concerning the Funding, Implementation and Administration of Programs Involving Police Officers in Schools

4. THE SCHOOL DISTRICT'S OBLIGATIONS & RESPONSIBILITIES

Denver Public Schools reserves the right to request the removal/re-assignment of any SRO for any reasonable cause DPS provides in writing to the Police Department after other attempts to correct the problem have been explored. The District Commander shall consider DPS's input when determining the removal or reassignment of any SRO and the District Commander shall have the final decision concerning the removal or reassignment of any SRO.

d. The School District will:

iv. Provide time for their school principals or their designees and the assigned SROs to attend three two-hour citywide training meetings per year, one at the beginning of the school year and once during each semester, and will excuse SROs to attend additional trainings as may be required by the P.O.S.T. Board. Such trainings may include topical areas such as child and adolescent development and psychology; age-appropriate responses; cultural competence; restorative justice techniques; special accommodations for students with disabilities; practices proven to improve school climate; and the creation of safe spaces for lesbian, gay, bisexual, transgender and questioning students. Any training beyond those specifically required by the P.O.S.T. Board must be agreed upon by both the District and the Police Department.

e. The Police Department will:

i. Provide SRO supervision.

ii. Provide SRO-trained police officer, when such training is required by state statute.

iii. Provide SRO training to comply with state requirements, when such training is required

by state statute.

iv. Provide the SRO with uniforms and equipment.

v. Follow the agreed upon schedule for deployment of SROs at high schools and middle schools.

vi. Ensure that a member of the Police Department District Command Team, having a rank of Lieutenant or above, maintains communication with DPS school administration and conduct face to face meetings at least twice per semester to evaluate the performance of services provided by the SRO.

vii. Train DPD officers on their role within DPS's schools and on the rights afforded to students as required by the P.O.S.T. Board. Trainings may include such topics as child and adolescent development and psychology; age-appropriate responses; cultural competence; restorative justice techniques; special accommodations for students with disabilities; practices proven to improve school climate; and the creation of safe spaces for lesbian, gay, bisexual, transgender, and questioning students. Any training beyond those specifically required by the P.O.S.T. Board must be agreed upon by both the District and the Police Department. (emphasis added)

SECURE Action Step 4: Keep your SROs and school personnel well trained.

States and local leaders can support community efforts to close a school-to-prison pipeline by ensuring that MOUs:

- Encourage officers to minimize arrests for minor school-based offenses.
- Eliminate the involvement of SROs in non-criminal matters.
- Define the different roles of SROs and school administrators when addressing minor student misbehavior.

Examples of such MOUs include:

- Broward County, Florida encourages alternatives to arrest for minor, non-violent misdemeanors, and clarifies that administrators are primarily responsible for discipline.

Collaborative Agreement on School Discipline

2.01 Responding to Student Misbehavior.

In the event a student misbehaves, the school principal and their designees will be the primary source of intervention and disciplinary consequences. The Code of Student Conduct and Discipline Matrix provides detailed information on consequences and interventions and shall guide the responses to particular types of misbehavior. In addition, school officials should make every effort to connect students to school or community-based support services, such as counseling, mentoring, or extra-curricular activities.

Many types of minor student misbehavior may technically meet the statutory requirements for non-violent misdemeanors, but are best handled outside of the criminal justice system. In any school year, the first instance of student misbehavior that rises to the level of a non-violent misdemeanor and requires consultation with a police officer should not result in arrest nor the filing of a criminal complaint, but instead be handled through the Code of Student Conduct and Discipline Matrix. Behavior that rises to the level of a felony offense under any of the above statutes is not included herein.

All parties involved in school discipline decisions shall consider the surrounding circumstances including the age, history, disability or special education status, and other factors that may have influenced the behavior of the student, the degree of harm caused and the student's willingness to repair the harm.[...]

2.03 Consultations with Law Enforcement – Role of School Administrator.

The school principal and their designee are encouraged to talk to the student and evaluate the unique surrounding circumstances in each case. Before referring a student to law enforcement, the school principal or their designee shall:

STEP 1. Consult the Code of Student Conduct:

Does the Discipline Matrix require consultation with law enforcement? If not, the school principal or their designee should determine the consequences and interventions to be used without involving law enforcement, including the PROMISE program.

STEP 2. Consult with law enforcement:

If the Discipline Matrix does require consultation, work with law enforcement to assess and respond to the situation. A consultation does not mean that an arrest is necessary.

STEP 3. Collaborating with law enforcement to resolve the situation:

If the law enforcement officer has exhausted their efforts to resolve the situation, could the student be held accountable through further intervention from the

Collaborative Problem Solving Team, PROMISE program or community-based programs? Refusal to participate in the offered alternatives to arrest may result in referral to the Juvenile Justice System of Care and, after input from the State Attorney offices, could be referred back to law enforcement. If further support is needed but not available at the school level, the school principal or designee may call the district designee at Student Support Initiatives for guidance. Emergency and other situations may arise that require the immediate involvement of law enforcement. In such instances, school officials and law enforcement should confer after the situation has been diffused, but, if feasible, before any arrest is made, and follow the process outlined in this agreement to ensure the most effective and least punitive means of discipline is being employed.

2.04 Consultations with Law Enforcement – Role of Officer.

Before making an arrest of a student for misbehavior on school grounds, school transportation or during a school sponsored or related event, a law enforcement officer shall follow the steps and guiding questions below and attached herein as Exhibit “A”. If the situation is resolved short of arrest at any point during this process, the officer does not need to move on to the next step.

STEP 1. Consult with the school principal or their designee:

Has the Discipline Matrix been followed in this instance? Could this be resolved by consequences within the school discipline system (such as detention, suspension, or interventions)?

STEP 2. Evaluate the situation:

Considering all the surrounding circumstances, does this incident rise to the level of a felony or pose a serious threat to school safety that necessitates an arrest? If so, the officer shall proceed to Step 6. If the behavior falls into the category of non-violent misdemeanor, continue to the steps below. If the behavior is non-criminal or otherwise minor and not rising to any of these levels, it may be referred back to the school for consequences and interventions.

STEP 3. Issue a warning:

Can the situation be resolved with an intervention approach that may include the officer talking to the student about their behavior; a verbal warning; taking the student out of the situation in order to cool off or other intervention? [...]

2.05 Discretion of Law Enforcement.

Nothing in this agreement is intended to limit the discretion of law enforcement. Officers responding to an incident or consulting with school officials are encouraged to use their

discretion in determining the best course of action, especially when using alternatives to arrest. While the option to use the criminal justice system is available for many incidents, the totality of the circumstances should be taken into consideration and any less punitive alternatives that ensure the safety of the school community should be considered.

- Clayton County, Georgia, which limits the use of arrest for minor misbehaviors.

Cooperative Agreement Between The Juvenile Court Of Clayton County, The Clayton County Public School System, The Clayton County Police Department, The Riverdale Police Department, The Jonesboro Police Department, The Forest Park Police Department, The Clayton County Department Of Family & Children Services, The Clayton Center For Behavioral Health Services, Robert E. Keller, District Attorney And The Georgia Department Of Juvenile Justice

“Focused Acts” are misdemeanor type delinquent acts involving offenses against public order including affray, disrupting public school, disorderly conduct, obstruction of police (limited to acts of truancy where a student fails to obey an officer’s command to stop or not leave campus), and criminal trespass (not involving damage to property).

A. Warning Notice and Referral Prerequisites to Complaint in Cases Where a Student has Committed a Focused Act.

Misdemeanor type delinquent acts involving offenses against public order including affray, disrupting public school, disorderly conduct, obstruction of police (limited to acts of truancy where a student fails to obey an officer’s command to stop or not leave campus), and criminal trespass (not involving damage to property) shall not result in the filing of a complaint alleging delinquency unless the student has committed his or her third or subsequent similar offense during the school year and the Principal or designee has reviewed the behavior plan with the appropriate school and/or system personnel to determine appropriate action. In accordance with O.C.G.A. §20-2-735, the school system’s Student Codes of Conduct will be the reference documents of record. The parties agree that the response to the commission of a focused act by a student should be determined using a system of graduated sanctions, disciplinary methods, and/or educational programming before a complaint is filed with the Juvenile Court. The parties agree that a student who commits one of the focused acts must receive a Warning Notice and a subsequent referral to the School Conflict Diversion Program before a complaint may be filed in the Juvenile Court. An SRO shall not serve a Warning Notice or make a referral to the School Conflict Diversion Program without first consulting with his or her supervisor if the standard operating procedures of the SRO Program of which the SRO belongs requires consultation.

1. First Offense. A student who commits one of the focused acts may receive a Warning. Notice that his or her behavior is a violation of the criminal code and school policy, and that further similar conduct will result in a referral to the Juvenile Court to attend a diversion program. The SRO shall have the discretion not to issue a Warning Notice and in the alternative may admonish and counsel or take no action.

2. Referral to School Conflict Diversion Program. Upon the commission of a second or subsequent focused act in that or a subsequent school year, the student may be referred to Intake to require the student and parent to attend the School Conflict Diversion Program, Mediation Program, or other program sponsored by the Court. However, a student who has committed a second “bullying” act shall be referred to the School Conflict Diversion Program to receive law related education and conflict resolution programming, and may also be required to participate in the mediation program sponsored by the Court for the purpose of resolving the issues giving rise to the acts of aggression and to hold the student accountable to the victim(s). Intake shall make contact with the parent of the child within ten (10) business days of receipt of the notice from the School Resource Officer or the school to schedule the parent and child to attend the School Conflict Diversion Program, or other program of the Court appropriate to address the student’s conduct. Intake shall forward to the school where the child attends a confirmation of the child’s successful participation in the diversion program. A child’s failure to attend shall be reported to the School Resource Officer to determine if a complaint should be filed or other disciplinary action taken against the child.

3. Complaint. A student receiving his or her third or subsequent delinquent offense against the public order may be referred to the Court by the filing of a complaint. If the student has attended a diversion program sponsored by the Court in that year or any previous school year and the student has committed a similar focused act, the student may receive a Warning Notice warning that the next similar act against the public order may result in a complaint filed with the juvenile court. A student having committed his or her third “bullying” act shall be referred to the Juvenile Court on a juvenile complaint and the Court shall certify said petition provided probable cause exists and if adjudicated shall proceed to determine if said student is delinquent and in need of supervision. The school system shall proceed to bring the student before a tribunal hearing and if found to have committed acts of bullying shall in the least, with consideration given to special education laws, expel said child from the school and place in an alternative educational setting, unless expulsion from the school system is warranted. All acts of bullying shall be reported by school personnel and addressed immediately to protect the victims of said acts of bullying.