POLICY REFORM AFTER NEWTOWN:
The SRO and the Student’s Right to a Safe Campus

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The mass murder of twenty children and six educators at Sandy Hook Elementary School in the village of Sandy Hook in Newtown, Connecticut has been the catalyst of an astonishing body of legislation. Nearly every aspect of the duty to protect school children is being pondered. The broad range of legislation is due to the unique needs of local campuses and the different climates each school inherits. Public schools, charter schools, and private schools are all included in the first wave of post-Newtown policy reform.

The general theme of the legal reform is a familiar one to educators and school safety partners: how can we better discharge the duty to provide a safe learning environment for America’s children? What practices best meet our desire to match local campus needs to effective solutions? How can we be prepared for not only an active shooter scenario but also other foreseeable hazards?

The primary focus of the reform rests on the “feeders schools” — elementary and middle schools that are chronically under served in school safety planning. Emerging data suggests that elementary schools, like Sandy Hook Elementary School, are the most at risk. A 2012 survey by the North Carolina School Boards Association reveals that 82.7% of North Carolina high schools and 74.7% of middle schools have a school resource officer, while only 3.6% of elementary schools do.

Perceptions of the climate in schools appear to be consistent with the data. In a recent poll by the High Point University Survey Research Center, 55% of North Carolinians say public schools are less safe than they were 10 years ago, and most people would prefer to have armed guards in the schools. In addition to the 55% of respondents who think armed guards should be in all schools, the poll found 42% of respondents said schools are less safe now than they were 10 years ago. That compares to 34% who said schools are safer now and 13% who think schools are just as safe.

Finally, the 2013 incidents of campus violence confirm the challenge to policymakers going forward post-Newtown. An
NBC News survey of crime dockets and news reports across all 50 states reveals that, since Jan. 1, there have been at least 48 incidents in which guns have been discovered on students, in their bags or in their lockers. That works out to more than two gun reports a day. There were at least five gun incidents in one day alone in the following school districts: Atlanta, GA; Augusta, KA; Chicago, IL; Raleigh, N.C.; and Winston-Salem, N.C.

A trove of data on the school resource officer emerges out of the legislation summarized in the categories below. Significantly, data about the use of SROs and the perceptions of the role of the SRO are showing a dramatic shift. For example, a new study by Temple University's Kerrin C. Wolf supplies an empirical explanation for the 12-year trend of declining rates of juvenile referrals and arrests nationally. The study reveals that the relationships SROs form with administrators, teachers, and students influence their arrest decisions in a variety of ways. The SROs in the study reported that they previously decided against making arrests despite evidence of criminal conduct. Moreover, they indicated that this decision occurred on numerous occasions and in differing circumstances. 77% of SROs indicated that they had previously refrained from arresting students because the students had never been in trouble before and 55% of respondents indicated that they had not arrested students after a fight because the students demonstrated that the fight was over.

However, it is too early to determine how the legal reform discussions will shape the future role of the school resource officer. These policy reforms, a few of them already enacted and implemented, reveal the broad range of "nuts and bolts" issues that accompany the safe schools debate.

**FEDERAL POLICY REFORM**

**Congress:** U.S. Senator Barbara Boxer introduced legislation to strengthen and expand the existing COPS Secure Our Schools grants program to provide schools with more resources. Senator Boxer's first bill – the School Safety Enhancements Act – would strengthen and expand the Justice Department's existing COPS Secure Our Schools grants program to provide schools with more resources to install tippers, surveillance equipment, secured entrances and other important safety measures. The bill also creates a joint task force between the Justice Department and the Department of Education to develop new school safety guidelines, and would increase the Secure Our Schools authorization from $30 million to $50 million. Senator Boxer's second bill – the Save Our Students (SOS) Act – would allow the federal government to reimburse Governors who want to use National Guard troops to help ensure that our nation's schools are safe.

**STATE POLICY REFORM - FUNDING**

**Arizona:** The Phoenix, Arizona mayor introduced a school safety program that would double the number of SROs in public, private and charter schools across the city, at a cost of less than 50% of the traditional school resource officer by hiring off-duty police officers.

**Indiana:** With Senate Bill 1 the Indiana legislature is considering state funded grants to school districts hiring school resource officers. The proposed legislation would set aside $10 million in the Indiana Safe School Fund for grants. School districts could apply for up to $50,000 a year for two years. The school district and the partnering local law enforcement agency would be responsible for matching the state grant.

**Maryland:** The Maryland legislature is considering HB 165, which aims to put school resource officers in every public school in the state. Under the bill, superintendents would receive money from the Education Trust Fund and could make agreements with law enforcement agencies to provide full-time school resource officers to each elementary and secondary school.

**Mississippi:** Lt. Gov. Reeves introduced legislation that would allocate $7.5 million to create a grant program to increase the number of law enforcement officers in the 1,050 public school campuses across the state.
North Carolina: North Carolina lawmakers have unveiled bipartisan school safety legislation designed to add more law enforcement officers in elementary and middle schools, more school psychologists and social workers, and install panic alarms in every classroom. House Bill 452 provides funding for local school districts to add school resource officers and support staff, including school counselors, social workers and psychologists. The bill also requires school districts to take specific steps to respond effectively to a future crisis.

Ohio: The Ohio legislature introduced Senate Bill 42, which would allow school districts to use a property tax levy exclusively to pay for the cost of implementing school resource officer programs.

Pennsylvania: HB 196 provides new funding for school resource officers in state public schools.

South Carolina: South Carolina policymakers are considering legislation that would provide the funding to hire school resource officers for every elementary school in the state at a cost of $80 million.

Virginia: Virginia legal reform would require school divisions and law enforcement agencies to work together to put a uniformed, full-time school resource officer in every school. The legislation would make school resource officers part of each school's staff, and thus they would be funded through the state Standards of Quality for schools.

Washington: Washington State Senate unanimously approved the "Safe School Buildings" Act that allocates $475 million on school construction over the next two years, with $10 million of it going to make schools safer.

Wyoming: House Bill 230 allocates $2.3 million to help districts hire police officers and fund a task force to develop uniform school safety and security plans. The bill outlines the goals of the task force, which includes working to create training programs for teachers and faculty that would focus on addressing risky behaviors and creating emergency plans.

Arkansas: An Arkansas House of Representatives committee rejected a proposal that would allow school employees to carry guns in schools after completing an active shooter-training course. But, Arkansas has enacted a new law allowing colleges to let staff with concealed gun permits bring their weapons on campus.

Indiana: Indiana legislature is considering a radical school safety policy that would require an employee in every public or charter school to carry a loaded gun during school hours. The legislation would mandate the creation of a protection officer for each school. With proper training, those officers could be principals, teachers, staff members, police officers or security guards. Indiana could become the first state in the nation to require an employee in every public or charter school to carry a loaded gun during school hours.

Missouri: The Missouri House of Representatives has two competing school safety proposals. House Bill 70 would allow any teacher or school administrator to possess firearms on school grounds. House Bill 276 would create a volunteer "school protection officer" program.

Oklahoma: By a 68-23 vote, the Oklahoma House of Representatives approved legislation that will allow armed teachers in schools. Public school districts across Oklahoma could decide whether to allow armed teachers in classrooms. The bill would give districts the option of paying for teachers to receive a minimum of 120 hours of specialized training in order to carry a firearm into the school. The Council on Law Enforcement Education and Training would be directed to develop a specialized training course for volunteer teachers.

South Dakota: South Dakota enacted HB 1087 bill into law on March 08, 2013. The new law allows school boards to place armed sentinels in their public schools as a safety measure if they choose. The law gives school districts the right to "create, establish, and supervise"
the arming of school employees, hired security personnel, or volunteers." These employees must successfully complete a school sentinel training course.

STATE POLICY REFORM - STUDENT SELF-PROTECTION

Tennessee: Under HB 0860, proposed by Tennessee officials and signed by Governor on April 19, 2013, public school students would be able to fight back. It is called the "The Student Self-Defense" bill. Under Tennessee schools' current zero-tolerance policies, any student involved in a fight at school faces disciplinary action, but those rules no longer apply. The student self-defense bill would allow students to fight back in defense of themselves or to stop in and fight in defense of a fellow classmate "under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time."

STATE POLICY REFORM - EXPANDED AUTHORITY OF SROS

Alabama: The Alabama Senate has approved legislation that reverses a 2005 law and a State Board of Education policy that banned the practice of school resource officers and security personnel having guns on campus. The proposal would not force a school board to arm employees, but it would give policymakers that option.

Washington: The Washington State Senate passed Senate Bill 5618 that, if enacted, would give a police officer serving as a school resource officer the right to search a student based on mere reasonable suspicion rather than probable cause. The legislation is intended to overrule a 2012 decision by the Washington Court Supreme Court (State v. Menesse, 174 Wn.2d 937, 282 P.3d 83) that rejected the school search exception to the warrant requirement for school resource officers. A bill allowing school resource officers to search students based on the same reasonable-suspicion standard used by school staff passed Monday through the state senate.

Under current Washington State law, if a principal or other school employee has a reasonable suspicion to search a student he or she has the right. However, a law-enforcement officer who is serving as a school resource officer can't search a student without probable cause. Senate Bill 5618 would give a police officer, serving as a school resource officer the right to search a student based on reasonable suspicion.

2013 School Safety Conference Keynote Speaker:

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