

June 12, 2019

Dear Stop School Pushout (SSPO) Administration:

Thank you for inviting me to review the Knoxville County Schools proposed Memorandum of Understanding with the Knoxville Police Department.

I am the founder and Executive Director of Strategies for Youth, a national nonprofit policy and training organization dedicated to improving police/youth interactions and reducing disproportionate minority contact. Over the last twenty years I have conducted studies, written extensively and trained school resource officers in districts across the nation. Additionally, as the role of memoranda of understanding became more central to defining the role of SROs and clarifying the expectations of students, parents, and the community about the role law enforcement in public schools, I have been invited by legislators, Juvenile Justice Advisory Group Committees, the office of the Attorney General of Massachusetts to participate in drafting model MOUs in several states. I have also consulted with the US Department of Education and the US Department of Justice on these matters.

That experience suggests to me that districts are well served to take the time to develop detailed, rigorous, well-defined MOU that clarify the role and dimensions of law enforcement agencies and public schools deployment of officers. The less detailed an MOU, the more is left to interpretation, discretion, and disagreement. In fact, to address the problems caused by vague MOUs between schools and law enforcement agencies, several state legislatures (Delaware, Maryland, Nebraska) have enacted laws directing such MOUs to include core data and to require that MOUs be made publicly available.

From that vantage point, I first address how the provisions of the current MOU would benefit from clarification, and then I suggest models of MOUs that would serve the Knoxville County Schools.

The current **December 2018 Draft** document, of the Knoxville County Schools MOU is deficient in several respects. I recommend that strengthening the language of the MOU is necessary to make it a document that can serve as a roadmap for both institutions when conflict, issues, and questions arise. We note that the MOU does not: :

- Define “safety” and “risk” which are not uniformly understood; defining them would assist in reducing confusion and fettering discretion when invoking both those concepts to justify taking action against youth;
- The MOU excludes involvement, notification, and engagement of parents in the selection, oversight and evaluation processes and routinely excludes parents from information accessing information about their children;
- There are no due process legal protections articulated for youth when law enforcement actions are taken against them.

Other concerns with the MOU is the absence of consideration of the following key aspects of effective education justice partnerships including:

- The proposed selection process of SROs does not follow best practices recommended by groups including the Council of State Governments, does not involve input from the community and the schools;
- The MOU focuses solely on SROs but does nothing to define how, when, and why administrators and teachers can involve SROs to deal with students;
- The MOU offers nothing to clarify how schools and SROs are to distinguish between school discipline;
- There is little in the MOU to clarify key legal issues regarding interviews, interrogations, arrests, Mirandizing youth, and involving parents, are missing;
- The MOU omits any consideration of data collection on the impacts of involvement of law enforcement's interactions with youth, for instance, there is no requirement to collect data on issuance of citations and arrests, uses of force and restraints, or complaints;
- The MOU sections on data sharing are limited and do not clarify to parents, SROs, or school personnel the boundaries of sharing key information; the failure to make these rules clear puts both the schools and law enforcement agencies at risk of violating confidentiality protections;
- The recommendations for training are vague, do not align with recommended training, and does not include training officers to understand the legal rights of students and best practices for interviewing, interrogation, warning students of their rights and contacting parents and the legal protections of youth in special education programs.
- Nothing in the training addresses or discloses to parents policies on SROs' use of force and restraints.

I take this opportunity to note that several states, including Delaware, Kansas, Kentucky, Massachusetts, Nebraska, New Hampshire and Vermont have enacted laws that clarify the core components of an MOU. Consider the Kentucky's KRS Chapter 158 Section 6(2 *et seq.*). This law directs schools and law enforcement agencies to produce MOUs that "*adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.*" Kentucky's law also describes in detail the training, oversight, and accountability mechanisms local districts must adopt when a municipality deploys officers to a school.

In 2016,, Massachusetts enacted a law requiring law enforcement agencies and schools create an MOU to determine their engagement. However, the original law was so vague it led to creation of equally vague MOUs that did not address some of the confusion that inexorably results when two very different systems—schools and law enforcement—are integrated. As a result, legislators enacted a new law requiring MOUs to include specific f components and directed the development of a model MOU by the Office of the Attorney

General. In early September 2018, the Massachusetts Office of the Attorney General, published a model MOU which had the following goals and objectives:

- To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, and socioeconomic status;
- To promote a strong partnership and lines of communication between school and police personnel and clearly delineate their roles and responsibilities;
- To establish a framework for principled conversation and decision-making by school and police personnel regarding student misbehavior and students in need of services;
- To ensure that school personnel and SROs have clearly defined roles in responding to student misbehavior and that school administrators are responsible for code of conduct and routine disciplinary violations;
- To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
- To encourage relationship-building by the SRO such that students and community members see the SRO as a facilitator of needed supports as well as a source of protection;
- To provide requirements and guidance for training including SRO training required by law and consistent with best practices, and training for school personnel as to when it is appropriate to request SRO intervention;
- To outline processes for initiatives that involve the SRO and school personnel, such as violence prevention and intervention and emergency management planning; and
- To offer presentations and programming to the school focusing on criminal justice issues, community and relationship building, and prevention, health, and safety topics.

The topics of the Massachusetts Model MOU included:

- Process for Selecting SRO,
- Supervision of SRO and Chain of Command
- Level and Type of Commitment from Police Department and School District
- Complaint Resolution Process
- Annual Review of the SRO and the SRO Program
- Roles and Responsibilities of the SRO and School Administrators and Staff in Student Misbehavior
- Information Sharing Between SROs, School Administrators and Staff, and Other Stakeholders
- Compliance with FERPA and Other Confidentiality Requirements
- Data Collection and Reporting
- SRO Training.

This year, Nebraska enacted LB 390 which directed public schools and law enforcement agencies to create:

A comprehensive and clear memorandum of understanding between law enforcement and school officials will delineate the roles and responsibilities of school resource officers, security guards, and school officials to balance the interests of safety for students and school staff in relation to parental rights, student success, and family integrity, with the goal that an increased law enforcement presence at schools will not result in a disparate impact on students in federally identified demographic categories..." (Section 1(5))

The Nebraska legislature voted unanimously to require MOUs to include training requirements, ("including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings...), due process protections for students who may be arrested; data collection on all referrals to prosecution disaggregated by demographic factors; notification of parents; and a student, parent complaint process.

In short, it would serve Knoxville County Schools and law enforcement agencies well to increase the level of detail and clarity about the workings of law enforcement officers deployed to public schools beyond the provision in the current MOU and to make the MOU public and easily accessible.

I hope these suggestions are useful to you and invite you to contact me if you would like to discuss these concepts in greater detail, or if you would like me to provide you with a list of the states that enacted legislation to ensure that MOUs contain sufficient information to make them meaningful, provide adequate guidance, and disclose to parents what they can expect their children will encounter at school.

Very truly yours,



Lisa H. Thureau,
Executive Director

