



The Role of the School Resource Officer

Mike Herrmann & Rachel Suppé, Tennessee Department of Education

Agenda

- SRO overview
- Restraint and use of force
- Role in discipline
- Case studies
- Q & A

What is a school resource officer (SRO)?

- T.C.A. § 49-6-4202
 - SRO: A law enforcement officer who is in compliance with all laws, rules, and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding (MOU) between the chief of the appropriate law enforcement agency and the LEA.
- T.C.A. § 49-6-4217
 - SROs must participate in 40 hours of basic training in school policing within 12 months of assignment to a school.
 - Every year thereafter they shall participate in a minimum of 16 hours of training specific to school.

What does an SRO do?

- National triad model: enforcement, mentoring, and education.
- Act as a liaison between law enforcement, the school, and the community.
- As a law enforcement officer, the SRO's domain is safety and security. Discipline is a school function.

Law enforcement duties

- T.C.A. § 39-11-106
- Duties:
 - Maintain public order;
 - Make arrests for (criminal, not disciplinary) offenses, whether that duty extends to all offenses or is limited to specific offenses; and
 - Investigate the commission or suspected commission of (criminal, not disciplinary) offenses.

MOU

- T.C.A. § 5-1-113
 - Authorizes local governments to enter into MOUs in order to carry out “desirable and necessary services or functions...”
- Written MOU should be in place that clearly defines the role of the SRO and the steps that will be taken by the school and the law enforcement agency to insure a successful partnership.
- TDOE sample MOUs
 - <https://www.tn.gov/education/health-and-safety/school-safety/school-resource-officer-programs.html>

Are SROs considered school personnel?

- SROs report to and are an employee of the sheriff's or police department.
- In-house or private security officers and off-duty law enforcement officers paid by the school or district are not considered SROs. They ARE considered school personnel.

Are SROs considered school personnel?

- Could a court or OCR ever treat an SRO as school personnel? Assessment of:
 - The SRO's function
 - The SRO's funding source
 - The SRO's supervision and management
 - MOU

Restraint and use of force

- SROs may restrain a student for safety purposes and/or if the student is committing a (criminal, not disciplinary) offense in the presence of the SRO.
- Students, like all individuals, “have a constitutional right not to be subjected to excessive force” during a police seizure of their person.
- Sheriffs office should have a use of force policy specific to the school setting.
 - Policy should be incorporate it into the MOU.

Restraint and use of force

- “Excessiveness” measured by:
 1. The severity of the underlying crime;
 2. Whether the suspect posed an immediate threat to the safety of the officers or others; and
 3. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.
- Courts assess the student’s age, size, and demeanor; the length of restraint; and the underlying student act leading to the SRO’s involvement.

Restraint and students with disabilities

- Tennessee Education Behavioral Supports Act, T.C.A. § 49-10-1300
 - Outlines the rules regarding restraining students with disabilities.
 - School personnel may only use “physical holding restraint,” defined as “the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body.”
 - Restraint may only be used in an emergency situation.

Restraint and use of force

- Schools cannot skirt their obligations under federal and state law by using contractual, licensing, or other arrangements in order to allow SROs to act in their stead.
- SRO's law-enforcement abilities are not an end-run around school personnel's limited use of restraint: schools cannot "divest themselves of responsibility for nondiscriminatory administration of school policies, including restraint, by relying on SROs...to administer school policies."

Role of SRO in discipline

- Discipline versus law enforcement
- SRO role in discipline?
 - None! That is a function of school and district staff.
- U.S. DOE has stressed that “School districts that choose to use SROs should incorporate them responsibly into school learning environments and ensure that they have **no role in administering school discipline.**”

Juvenile justice reform

- Juvenile Justice Reform Act of 2018, T.C.A. § 37-1-120
 - Absent serious threats to school safety or exceptional circumstances in the judgment of a law enforcement officer, when a delinquency or unruly petition is filed by school personnel based upon acts committed on school grounds or at a school-sponsored event, the school personnel shall include information in the petition that shows that:
 - School personnel have sought to resolve the problem through available educational approaches; and
 - Court intervention is needed in the judgment of the petitioner.

Juvenile justice reform

- Juvenile Justice Reform Act of 2018, T.C.A. § 37-1-120
 - School personnel shall seek to engage parents, guardians, or legal custodians in resolving the child's behavior before filing a petition where appropriate under the circumstances.

Civil rights

- Disproportionate and/or differential treatment of students on the basis of race, color, national origin, sex, or disability violates civil rights law.
 - Title VI of the Civil Rights Act of 1964
 - Title IX of the Education Amendments of 1972
 - Section 504 of the Rehabilitation Act of 1973

Civil rights – disability

- 2015-16 U.S. DOE Civil Rights Data Collection found that nationwide, students served under IDEA constituted 12% of students enrolled, but:
 - 71% of students restrained
 - 28% of students referred to law enforcement or arrested

Civil rights – race, color, national origin

- 2015-16 U.S. DOE Civil Rights Data Collection found that nationwide, African-American students constituted 15% of students enrolled, but:
 - 27% of students restrained
 - 31% of students referred to law enforcement or arrested

SROs & civil rights laws

- U.S. DOE OCR has repeatedly stated that Section 504 and Title VI cover “school officials, school employees, and everyone over whom a school exercises some control, whether through contract or other arrangement, **including SROs**, whether they are school district employees or work for a non-district law enforcement agency. **Schools cannot divest themselves of responsibility for the nondiscriminatory administration of school policies, including restraint, by relying on SROs, school district police officers, contract or private security companies, security guards or other contractors, or other law enforcement personnel to administer school policies.**”



Case Studies

Case study 1

7th grade students are eating lunch in the cafeteria. One of the students stands up, throws their tray down on the ground, and begins yelling at the other students at the table. The adult supervising the cafeteria starts walking towards the student who is yelling. The student then yells at the cafeteria supervisor to not come any closer. The cafeteria supervisor stops and waits. The student continues yelling and the SRO, hearing the noise, begins walking toward the student. The cafeteria supervisor asks the SRO to stop and let them handle the situation. The SRO waits for approximately 1 minute, but the student has not stopped yelling, so the SRO approaches the student. The student flips over their chair and starts to run.

Case study 1

1. Based on your LEA policy (including SRO MOU), what action (if any) is expected of the SRO?
2. Should the SRO restrain the student?
3. Should the SRO handcuff the student?
4. Should the SRO's response change if the student has an IEP?

Case study 2

Students are working independently on a writing assignment during class. One of the students approaches the teacher and asks to talk to the teacher outside the classroom. The teacher steps just outside the classroom door and the student reports that one of their classmates has a gun in their backpack.

Case study 2

1. Based on your LEA policy (including SRO MOU), what should occur next?
2. Will the response change if the student has an IEP?

Q & A



Contact information

Mike Herrmann

Executive Director of School Safety and Transportation

Mike.Herrmann@tn.gov

615-741-8468

Rachel Suppé

Assistant General Counsel for Civil Rights and Special
Populations

Rachel.E.Suppe@tn.gov

615-253-4596