



**EDUCATION RESOURCE OFFICER
AD HOC COMMITTEE**

REPORT to BOARD OF EDUCATION

September 2018

Acknowledgements:

The committee would like to thank all of the students, staff and community members who shared their thoughts and insights with the committee and subcommittees, both formally and informally; as well as Jeannette Deloya, Mara McGlynn, and Barbara Osborn for their contributions.

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INTRODUCTION:

The Education Resource Officer (ERO) Ad Hoc Committee was established by the Madison Metropolitan School District (MMSD) Board of Education on December 5, 2016, with the following charge statement, including membership recommendations and a timeline:

Charge to the Task Force:

- Review existing MMSD data, federal and local guidance, contracts and policies related to Educational Resource Officers
- Review current research on the use and effectiveness of Educational Resource Officers and/or School Resource Officers
- Review best practices related to Educational Resource Officers and/or School Resource Officers from other districts and locales
- Develop possible recommendations for amendments to contract language and board policy based on feedback from the community in regard to our discussions, information-sharing sessions and monthly meetings
- Exchange input and feedback with the working committee before their recommendations on policy and contract language are forwarded to the Board for consideration
- Report to the Board of Education a summary of the work of the Committee on the Educational Resource Officers in MMSD

Membership

The Ad Hoc Committee on Education Resource Officers shall consist of 8 to 12 members, with Anna Moffitt designated as Chair, 2 other Board of Education Members selected by the President of the Board, and 5 to 9 school district and community members selected via an open application by the chair, in consultation with other members of the Board of Education and the Superintendent.

Timeline:

January 2017 Appointment of members

February 2017 First meeting

May 2018 Report to the Board of Education

Membership was established on January 23, 2017:

Board of Education Members: Dean Loumos, Anna Moffit (until April 2018), TJ Mertz

Community Members:

Tyrone Bell
Justice Castañeda
Barbara Harrington-McKinney
Payal Khandhar
David Olson
Greg Rossetti
Heather Crowley
Nestic Morris
Abra Vigna

Chair—Anna Moffit (first 5 months)
Dean Loumos (from 6/26/17 to end)

The committee met monthly a total of 18 times from February 2017 through August 2018 (a period of 17 months). Public appearances were part of every agenda with the exception of one working meeting in December 2017, and the last two meetings in July and August to write the report.

The committee began its work by reviewing the status of the current contract between the MMSD and the Madison Police Department (MPD) for the provision of one police officers assigned to each of Memorial, West, La Follette, and East High Schools to cooperate with the MMSD in enhancing the safety of students, where the district pays to the City of Madison the value of the officers' salaries and benefits. They also reviewed the 2015/16 ERO Annual Report, Best Practices for When Schools are to Call Police, and the then current versions of the MMSD Behavior Education Plans for both elementary and secondary levels.

District facilitators Jeannette Deloya and Mara McGlynn were introduced at the April 2017 meeting. At this same meeting, the committee reviewed the ERO report from school years 2012-13 through 2015-16. The current contract was reviewed again, along with current Best Practices for When to Call Police. In addition, the committee reviewed the ACLU White Paper dated August 2009 titled "*Policing in Schools—Developing a Governance Document for School Resource Officers in K-12 Schools.*" Additional literature was shared with the committee on police in schools from the Justice Policy Institute, the National Association of School Resource Officers, and the Shiver Center. Committee members were asked to share some of their questions/comments and the facilitators provided a plan for response that was carried through several meetings. A "Phases of Work" document was also established benchmarking the following phases up to the due date of the report to the Board of Education of May 2018: 1) Lay of the Land; 2) Current State; 3) Articulate Recommendations; 4) Vet recommendations; and 5) Finalize Recommendations.

The fourth meeting began with a formal presentation from the facilitators that included meeting outcomes, agendas, a review of the charge and working agreements, main meeting topics, next steps and phases of work. Please see table in the appendices for specific meeting topics by month.

In addition to the facilitators and other MMSD staff, MPD Captain Brian Ackeret attended meetings on 3/15/17 and 4/19/17, and Joe Balles, MMSD Security Coordinator, was present on 9/27/17, 10/25/17, 12/6/17, and 1/17/18.

ERO Ad Hoc Committee Summary:

Our committee has examined many different aspects of the current program, looked at practices of similar sized school districts across the United States, interviewed administrators, social workers, teachers, security officers and behavioral support staff at each of the four high schools, and heard testimony from community members, youth, educators, law enforcement professionals, restorative justice professionals, social workers, youth advocates and other stakeholders (See Appendix of list of roles interviewed).

We learned that there are many students in our schools whose needs are not being met by the current educational environment. We learned of the myriad ways in which school staff and leadership recognize EROs as an essential support for students and school safety. We also learned that the presence of EROs can needlessly contribute to the criminalization of student behavior and negatively affect students' sense of safety and belonging.

We recognize the impacts of police officers in our school sites as part of larger system and society-wide disparities, moderated largely by race, economic and ability statuses. In making these recommendations we are attempting to balance the needs and safety of all students and staff without prioritizing one groups' safety and wellbeing over another. We recognize that the current educational environment has supported the success of some students but given the disparities in student success, we have evaluated the role of EROs in that environment to encourage success of all students.

With the proliferation of firearms and reporting mandates (WI Statutes 175.32), there needs to be continued examination of the relationship between MPD and MMSD. With or without an ERO contract there will always be interactions between MPD and MMSD, and as such, there is room for a reconsideration of the roles and relationships MPD employees have within our schools, and a much closer look at how our school leadership is utilizing both EROs and the school security staff. A broader analysis of the root causes as to the actual and perceived safety risks at our school sites is necessary. This was beyond the scope of what this committee was able to accomplish. There should be an acknowledgement that school leadership and climate have a larger impact on school safety than the presence of an ERO or police officers in MMSD school

sites. In each school we learned of students who need more and different support resources than the schools currently have to offer. EROs are often called in to help de-escalate these students, but we fear school personnel's use of police officers can alienate students and send the message to those students and everyone around them, that they are dangerous, instead of providing the alternative resources they need to be successful.. Additionally, contact with the police may result in youth entering the criminal justice system, even when the impetus behind the interaction was non-criminal in nature.

School safety and student wellbeing are complex issues, the roots of which lay in arenas that were discussed by this committee and must be fully explored by MMSD concurrently with policing in our schools. Within the schools these include: Continued exclusionary practices, teacher-to-student ratios in our classrooms and the budget issues surrounding that; the mismatch in cultural background between teachers and students, and reporting mandates. In the community these root causes include: The lack of affordable stable housing, land use policies, ease of access to firearms, lack of living-wage employment opportunities, equitable economic development, health equity, and mental wellness, have lurked about throughout our work. We recommend that the work continue in order to address the role these arenas play in the challenges we face in terms of school safety and student well-being.

In line with the district's mission statement and behavior education plan, we recommend that the Madison Metropolitan School District work with the school community to identify and strive to achieve conditions where all members of the school community feel safe, and no members of the school community feel unreasonably criminalized or disproportionately targeted with police interaction. The committee does not recommend the immediate termination of the ERO program. The committee believes that the immediate termination of the ERO contract will not achieve the above listed goals, and that the immediate termination will erode MMSD's oversight over the role MPD plays in our school sites. The following short term recommendations for changes to the ERO program also will not immediately achieve the above goals either; however, the committee does believe that these recommendations will assist MMSD in being deliberate in working towards these ends. The committee believes that a healthy relationship between MMSD, MPD and the families of MMSD students is the operational imperative that we should always strive to maintain.

RECOMMENDATIONS:

The following are the recommendations from the ERO Committee to inform Policies, Contracts, and Guidance for Practices:

1. We recommend that the mandate for EROs to be replaced every 3-5 years be eliminated.

2. We recommend that the MMSD Best Practices guidance document is reviewed by the Board of Education and a recommended advisory committee, every 3-5 years (See: Recommendation #13).
3. We recommend each school have a designated primary contact at the administrator level so that if an officer is needed, clear lines of communication are in place to ensure that the presence of the officers who respond will be less likely to escalate a potentially volatile situation.
4. We recommend that a well-defined complaint procedure, independent from the official MPD grievance procedure, be added to the ERO contract. This procedure should be readily available to all students, parents/caregivers of students, and staff.
5. We recommend that the contract grant MMSD veto authority over the selection and assignment of EROs.
6. We recommend that the contract grant the MMSD Board of Education the authority to remove an ERO from their assignment for cause.
7. We recommend that MMSD continue and improve ongoing public reporting/record keeping requirements in each school and the district. At a minimum provide disaggregated data (by race, gender, disability status, and by category of offense to the extent allowed by privacy statutes) on the number of calls to classrooms EROs receive, the proportion of those that pertain to criminal activities/actions, the reports to be provided within 30 days after the end of each semester.
8. We recommend that EROs should be required to complete training and demonstrate competency, within a reasonable time from their selection, in all areas of de-escalation; trauma informed interventions, adolescent brain development; trauma response, discipline, security measures, BEP and classroom Code of Conduct.
9. We recommend that referrals to Restorative Justice should be considered the first alternative for all students. Eligibility for participation in Restorative Justice should not be the discretion of the ERO and should be consistent with Dane County Community Restorative Court practices. As such we expect MMSD to expand and improve Restorative Justice practices throughout the school district in accordance with the Strategic Framework.
10. We recommend that protocol be established requiring that in instances other than emergencies, every level of behavioral response be exhausted prior to calling an ERO into a classroom, and that in instances where ERO intervention is necessary, those instances be documented and made

available to the MMSD Board of Education. That protocol should prohibit staff from threatening students with the use of an ERO.

11. We recommend that Security Staff's job descriptions be reviewed and enhanced to be more supportive of implementing school behavior policies. Required Security Staff training should parallel that of an ERO. Security Staff presence in schools should be utilized in lieu of EROs for most physical altercations. School staff should be better trained as to how to use security staff more effectively. Security Staff and their work should be fully integrated into the BEP.
12. We recommend that MMSD and MPD develop an InterAgency agreement with the appropriate legal offices i.e. DA's office, courts, and the Dane County Department of Human Services, prioritizing referral of students to avoid or defer prosecution and coordinate services without the filing of criminal charges.
13. We recommend that MMSD create an ERO Advisory Committee for the purpose of accountability and oversight.
 - a. The committee shall be composed of MMSD Staff, School Board members, MPD, students and community representatives in a manner that reflects the demographics of the school sites in which the ERO serves with an emphasis on representing youth who are the most cited, suspended, or expelled, or otherwise are / have been involved with the juvenile justice system.
 - b. The committee should be a maximum of 20 people, with more than half comprised of community members not employed by MMSD and / or serving as School Board members.
 - c. We recommend that these meetings be open to the public and this committee convene quarterly.
14. We recommend that MMSD amend Policy 4400 to limit administrative searches of student possessions or lockers to situations where there is probable cause of a crime or where there is an imminent threat of danger to the school community.
15. We recommend that MMSD arrange for secondary students to be educated annually by MMSD teachers or an independent party regarding their civilian Constitutional rights when interacting with law enforcement.
16. We recommend MMSD, with the goal of reducing and/or eliminating the possibility of harm, gather quantitative and qualitative data from students involved in investigations, arrests or citations, involving EROs,

and include this information in the reports to the MMSD BoE and advisory committee (from recommendation #13).

SCOPE OF SERVICES:

Additionally, we have specific recommendations for the Scope of Services language, as currently is outlined in the ERO Contract. Our suggested changes to contract language are as follows:

IID:

Replace “Consistent with the forgoing, the Parties shall cooperate and coordinate responses to and investigations of incidents in their mutual interest and promptly debrief all critical incidents or incidents in which the ERO has used force against a student or staff member,” to read:

“Consistent with the forgoing, the Parties shall cooperate and coordinate responses to, and investigations of incidents in their mutual interest and promptly debrief all incidents or incidents in which an ERO has questioned a student or staff member due to the suspicion of an infraction and/or due to an actual infraction, and/or when the ERO has used force against a student or staff member, and when appropriate such incidents shall be included in required Restraint and Seclusion reports.”

Law Enforcement Activities

IIIA.

- 1. Add: “Conduct initial investigations into potential criminal violations occurring on campus and consult with school officials on the best course of action balancing the best interests of the student and the school community.”
- 2. Add: “Act as liaison with local law enforcement agencies to exchange basic information concerning students consistent with state and federal laws, and to provide assistance to law enforcement agencies as well as the principal in matters relating to delinquent or criminal activities associated with students who attend the school in the MMSD.”
- 3. Add: “Work with school administration, families, student services, and students to identify conditions which could be harmful to physical and / or emotional welfare of students and to work with the school administration to bring school and community resources to bear on any safety concerns.”
- 4. Add: “MPD officers in schools shall conduct initial investigations into, and arrest students for, potential criminal violations occurring off campus only if they have significant potential to impact student and/or school safety, and consult with school officials on the best course of action.”

- 5. Add: "A request for police assistance does not necessarily need to result in an arrest or citation."

IIIB.

- 2. Replace IIIB with "EROs should not be the primary instructors or counsel for students on understanding laws, ordinances and the juvenile code nor should they be giving legal advice."

IIIE.

- 2. "Supporting and reinforcing the implementation of school policies and rules using appropriate, available educational resources and intervention techniques" should be stricken under the provisions if the revised section IIIA under the scope of services, and replaced with:
 - "EROs should not enforce school policies or school rules, and should not be utilized or instructed by the school staff to enforce school policies or school rules."

APPENDICES

Meeting dates/topics/documents provided

(Working documents are attached to the meeting agendas in [BoardDocs](#))

Date	Topics	Documents
February 2017	<ul style="list-style-type: none"> ● Introductions/Membership Confirmations/Meeting Protocol ● Charge Statement and Plan of Work ● Review of Materials 	<ol style="list-style-type: none"> 1. Introduction to <i>Robert's Rules of Order</i> 2. Open Meetings/Public Records Law Information 3. Wisconsin Open Meetings Law Summary 4. Charge Statement/ Membership/Timeline 5. Plan of Work-Phase I 6. <i>Education Week</i> article "Policing America's Schools" 7. Safe School-based Enforcement through Collaboration, Understanding, and Respect (SECURe) Local Implementation Rubric 8. MMSD Climate Survey Scorecard 2015-16: District Students 9. Literature Review-MMSD "The Use of School Resource Officers in Secondary Education"
March 2017	<ul style="list-style-type: none"> ● Review of Current ERO Contract ● Review of 2015/16 Annual ERO Report/Current Behavior Education Plan/Current Best Practices and Procedures for Calling the Police 	<ol style="list-style-type: none"> 1. Memo from MMSD Legal Counsel re: Contract with City of Madison for EROs 2016/17 through 2018/19-modifications since 8/8/16 BOE Special meeting 2. ERO Contract – 2016/17 through 2018/19 School Years 3. Policy 4400—Investigation, Interrogation, Arrest, and Search 4. MPD West High School Annual Report 2015/16 School Year

		<ol style="list-style-type: none"> 5. MMSD Recommended Best Practices and Procedures for Calling the Police 6. MMSD Elementary and Secondary Behavior Education Plans
April 2017	<ul style="list-style-type: none"> ● Introduction of Facilitators ● Review of Current Annual ERO Report ● Comparison of MMSD Contract and MMSD Best Practices with American Civil Liberties Union (ACLU) Guidance 	<ol style="list-style-type: none"> 1. MMSD 2012-13 through 2015-16 school years-ERO Report 2. 2016/17-208/19 ERO Contract 3. MMSD Recommended Best Practices and Procedures for Calling the Police 4. ACLU Whitepaper—"Policing in Schools—Developing a Governance Document for School Resource Officers in K-12 Schools" 5. Supplemental literature links/studies on police in schools 6. Parking Lot and Exit Slip Summary Tables 7. Phases of Work grid
May 2017	<ul style="list-style-type: none"> ● Panel and questions—YWCA and Focused Interrupted Coalition ● Reviewing feedback/questions from previous meeting 	<ol style="list-style-type: none"> 1. YWCA statement 2. ERO Best Practices Comparison 3. YWCA presentation 4. Updated Phases of Work 5. Updated Parking Lot Data 6. Participant Questions 7. ERO Internal Working Committee Goals and Objectives
June 2017	<ul style="list-style-type: none"> ● Guests speaking in favor of EROs in schools: <ul style="list-style-type: none"> ○ Sean Storch, La Follette High School Principal ○ Patrice Hutchins, La Follette Social Worker ○ Johnnie Milton, La Follette Multicultural Service Coordinator ○ Jay Affeldt, Memorial High School Principal 	<ol style="list-style-type: none"> 1. Phases of Work 2. Key Points regarding MMSD's Use of EROs by Best Practice Area 3. ERO Internal Working Committee Goals and Objectives

	<ul style="list-style-type: none"> o Shane Olson, Memorial High School Education Resource Officer o Luis Yudice, MMSD School Safety Coordinator (retired) 	
July 2017	<ul style="list-style-type: none"> ● Circle Process ● Committee Dialogue 	<ol style="list-style-type: none"> 1. Phases of Work 2. Questions/responses from June meeting 3. Key Points regarding MMSD's Use of EROs by Best Practice Area 4. ERO Internal Working Committee Goals and Objectives
August 2017	<ul style="list-style-type: none"> ● Reconnect to July's meeting outcomes-emerging recommendations ● Proposed Small Group Structure to address prevailing questions and work time 	<ol style="list-style-type: none"> 1. Phases of Work 2. Exploring Recommendation Possibilities 3. School Security Assistant hourly rates
September 2017	<ul style="list-style-type: none"> ● Historical Context-National ● Small Group work time and share out ● ERO Internal Work Team 	<ol style="list-style-type: none"> 1. Exploring Potential Recommendations 2. Link to ACLU white paper titled "Bullies Blue: Origins and Consequences of School Policing" 3. Group work with August additions 4. ERO Internal Working Committee Goals and Objectives 5. Phases of Work
October 2017	<ul style="list-style-type: none"> ● Small Group work time and share out ● ERO Internal Work Team ● Timeline 	<ol style="list-style-type: none"> 1. Exploring Potential Recommendations 2. ERO Group Work with August meeting additions 3. Small Group Poster Paper (9/27/17) 4. Listening Sessions 5. Small Group Sharing Template

		<ol style="list-style-type: none"> 6. ERO Internal Working Committee Goals and Objectives 7. Phases of Work
December 2017	<ul style="list-style-type: none"> ● Introduction of Equity Tool ● Committee Consultation ● Panel presentations and questions/answers ● Review recommendations through lens of new learning and MMSD Equity Tool 	<ol style="list-style-type: none"> 1. MMSD Equity Tool 2. Historical Perspectives-presentation 3. Student Perspectives presentation 4. School and Community Perspectives presentation 5. Other School Districts outline 6. Role of the ERO presentation 7. Exploring Potential Recommendations 8. Phases of Work 9. ERO Ad Hoc report template
January 2018	<ul style="list-style-type: none"> ● Restorative Practices presentation ● Field work updates ● Review recommendations through lens of new learning and MMSD Equity Tool 	<ol style="list-style-type: none"> 1. Vision for Restorative Justice in MMSD 2. Excerpts from <u>The Little Book of Restorative Justice in Education</u> 3. Funding for Restorative Practices in MMSD for 2017/18 4. Restorative Justice: Promise and Challenge presentation from YWCA, Dane County TimeBank, MMSD 5. Recommendations for transition plan to remove police in schools and implement whole-school restorative justice from Dane County TimeBank, YWCA, and MMSD 6. Youth quotes 7. Small committee presentations/questions/answers

		8. Other District Models: Summary of Key Learning & Implications 9. MPD Policy and Procedure Review_12/17 10. Exploring Potential Recommendations 11. Phases of Work
February 2018	<ul style="list-style-type: none"> ● ERO Report and Field Work new learning ● Focusing consensus, step 1 	1. ERO Report 2012-13 through 2016-17 2. Equity Tool 3. Chart of recommendations
March 2018	<ul style="list-style-type: none"> ● Review of suggestions in small work groups ● Report out from small work groups/provide feedback ● Next steps to draft a proposal 	1. Chart of recommendations 2. Proposal Work Group from subgroup of ad hoc committee grouping recommendations from the larger document 3. List of suggestions
April 2018	<ul style="list-style-type: none"> ● Meeting cancelled due to weather 	
May 2018	<ul style="list-style-type: none"> ● Review of suggestions ● Next steps 	1. Chart of recommendations 2. Group 1 proposal summary 3. Responses to survey “If contract remains” 4. Responses to survey “If we terminate the contract” 5. Individual recommendation from Ad Hoc member Greg Rossetti
June 2018	<ul style="list-style-type: none"> ● Update on New Mandatory Reporting Requirements under 2017 Wisconsin Act 143 ● Review of suggestions ● Next steps 	1. Link to 2017 Wisconsin Act 143 2. Individual proposals from Ad Hoc members Payal Khandhar, Greg Rossetti, Dean Loumos, Heather Crowley, TJ Mertz, Abra Vigna, Justice Castaneda

July 2018	<ul style="list-style-type: none"> Proposed report 	<ol style="list-style-type: none"> Shared proposal document
July 2018	<ul style="list-style-type: none"> Proposed report 	<ol style="list-style-type: none"> Shared proposal document ERO contract 2016/17 through 2018/19 school years Board Policy 4224— Reporting Threats of School Violence Board Policy 4400— Investigation, Interrogation, Arrest, and Search MMSD Recommended Best Practices and Procedures for Calling the Police
August 2018	<ul style="list-style-type: none"> Proposed report 	<ol style="list-style-type: none"> Shared proposal document Current ERO contract Policy 4224 Policy 4400 MMSD Recommended Best Practices and Procedures for Calling the Police

Small Work Groups created:

- Historical Perspectives
- Student Perspectives
- School and Community Perspectives
- Other School Districts
- Role of the ERO

School Visits:

School and Community Perspectives Small Work Group - Interviews

Location	People Interviewed by Position Title
District Attorney's Office	1 District Attorney 2 Assistant District Attorneys in the juvenile unit 1 Victim/Witness Coordinator

Metro	2 Dane County Jail MMSD Teachers 2 Shelter MMSD Teachers 1 Juvenile Reception Center MMSD Teacher
La Follette	1 ERO 1 Behavior Education Plan responders 1 Security Guard According to follow-up notes schedule--9 teachers: 2 Social Workers 2 Assistant Principals 1 Bilingual Resource Specialist 1 Special Education Assistant 2 NH secretary 1 Librarian 1 Athletic Director 1 Coordinator of Student Engagement 1 Positive Behavior Specialist
East	Head Principal 3 Assistant Principals 3 Teachers 1 AVID Coordinator 1 Positive Behavior Intervention Support Coach 1 Multicultural Student Coach 2 Behavior Education Plan Responders 1 Special Education Responder 1 Social Worker
Operation Fresh Start	Staff Member
West	Head Principal School counselor Special Education Teacher AVID Coordinator Dean Behavioral Responders Assistant Principals Engagement Coordinator, Coach Special Educational Assistant for students with disabilities Security Assistant (10 years) Dean/Behavioral Work (5 years)

	Behavior Assistant Team (PBS Coordinator, MSC, Visitor Window person)
Memorial	2 Deans 2 Security Assistants Head Principal Assist Principal ERO Multicultural Services Coordinator Social Worker Special Education Teacher Teacher

Historical Perspectives Small Work Group:

1. Former MMSD superintendent Art Rainwater and chief of staff Mary Gulbrandsen
2. Noble Wray, former police chief
2. Wayne Strong, former initial ERO officer
3. Two former school security coordinators- Luis Yudice and Ted Balistreri

Various members of the committee met independently with students, staff, EROs and others as part of their own research.

Select Bibliography of Materials Consulted by the Committee and Sub-Committees

(Additional working documents are attached to the meeting agendas in [BoardDocs](#))

- American Civil Liberties Union (ACLU) (2017). [Bullies in Blue: The Origins and Consequences of School Policing](#).
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U.S. Department of Education and US Department of Justice (2016). [Safe School-based Enforcement through Collaboration, Understanding, and Respect \(SECURE\) Local Implementation Rubric.](#)

YWCA presentation to ERO Ad Hoc Committee (2017). [YWCA Restorative Justice.](#)