

NYCLU Recommendations for a Memorandum of Understanding Between Schools and Police

Clearly defining and limiting the role of police officers in schools is a critical step to making school a safe place for all students. A Memorandum of Understanding between police and schools should be student-centered, commit to protecting student privacy, clarify that educators are responsible for school discipline, mandate training for officers working with children, and ensure accountability and transparency.

HERE ARE SOME KEY PRINCIPLES THAT ANY MOU BETWEEN POLICE DEPARTMENTS AND SCHOOLS SHOULD INCLUDE:

1) School districts should send a strong message to their school communities that discrimination against students will not be tolerated. All students have a constitutional right to public education, regardless of race, ethnicity, immigration status, or national origin. Police presence in schools and the criminalization of school discipline can have a chilling effect on the ability of students and parents to access that right, and the discriminatory impact is well-documented. Districts must make it clear to their employees that they will be held accountable for both intentional and disparate impact discrimination.

2) School officials, not SROs or other police officers, must be primarily responsible for maintaining school discipline, administering codes of conduct, and addressing student misbehavior. An MOU should clearly delineate the roles and authority between school administrators, school resource officers, the police, and school security guards. Police officers, SROs, and security guards should be required to undergo training for working with children, countering implicit bias, and de-escalation techniques, as well as when to involve school staff to resolve a problem. Parents should be notified and asked for their consent before their child is questioned by police at school.

3) School districts have a responsibility to protect student privacy under the Family Educational Rights and Privacy Act (FERPA). Districts should prohibit any sharing of information regarding student disciplinary history, immigration status, or country of birth by staff, campus security guards, or school resource officers (SROs) to the fullest extent possible under the law. The New York State Department of Education issued guidance in 2017 explaining that requests from immigration agents to access student information are not sufficient to sidestep FERPA. School boards can also designate their schools as “sanctuary” zones in an MOU, where they can require immigration agents seeking student information or to enter a school campus to first approach the Superintendent’s Office to determine whether access to the school requires a judicial warrant.

4) Both school districts and police departments should commit to accountability and transparency measures to ensure that parents, teachers, students and community members have the opportunity to weigh in on the MOU and to evaluate the impact of police on school climate. Districts should seek community input on any agreement between schools and police, and revise the MOU accordingly. To ensure accountability, police officers should commit to keeping daily logs of their interactions with students and to public reporting on arrests, use of handcuffs and physical force, all charges against students, and all allegations of bullying, harassment and discrimination.

DOES YOUR SCHOOL HAVE POLICE OFFICERS?

To find out if your school has a Memorandum of Understanding with the police department, look on your school district or police department website, or contact your local school board.

If your school does have police officers and doesn't have a Memorandum of Understanding in place, let us know! NYCLU experts are happy to talk about how to go about advocating for guidelines to ensure that student safety and privacy come first. This list is not meant to be an exhaustive template for what the agreement should include, but is a place to start.

