

The Search for Rights

A school resource officer (SRO) is a positive icon on a campus, the presence of whom can often signal a safe campus. The SRO is also one who helps educators to keep the peace and encourages students to follow the rules/laws and succeed academically. Enforcing state and federal laws is one of the main jobs of an SRO and, when a person violates those laws on a campus, an SRO will follow procedures to try to ensure that justice is served. For example, when an SRO has probable cause to suspect a student is concealing something in violation of the law, the SRO may proceed with a search to obtain necessary evidence to support a prosecution in the case.

For school administrators, upholding the federal and state laws must also be a concern. When an SRO arrests a student, the campus administrators must follow through with their procedures of placing the student in a suspension or proceeding with a school hearing to place the student in an alternative discipline placement. Parents may legally challenge these administrative actions, questioning the actions of both the SRO and the school administration. As this case will show, it is not easy being an educator or an SRO in such a litigious environment.

THE CASE

Officer Sean O'Kelley has enjoyed his years at Coolidge High School (CHS) and, after seven years, he has grown to respect educators and their daily interactions with teenagers. He came to CHS after working with the Prairie Creek City Police Department for seventeen years. He always hoped he would end up at a school as an SRO because his passion was to help students understand that police officers are good, helpful, and dependable

people that should be trusted. Throughout his seven years here, he has been working with the superintendent and other administrators to ensure that the SRO program for Prairie Creek Schools (PCS) would be implemented for services to all five high school campuses, fifteen middle school campuses, and thirty-three elementary campuses.

As Officer O'Kelley was the first SRO in PCS and, because he made such a great argument for positioning SROs on campuses to increase campus safety and security, the board of trustees approved having one SRO placed at each of the five high schools, one SRO for every two middle schools, and one SRO for every three elementary schools. All twenty-three SROs would be state peace officers, which meant they would be able to carry a gun and have the powers of arrest. The board of trustees were so impressed with Officer O'Kelley's passion and dedication to the SRO program that they created their own Prairie Creek School Police Department and hired O'Kelley to serve as the chief of police.

Before the PCS trustees approved the twenty-three SROs, they worked with Chief O'Kelley to create the best SRO program to fit their community as a whole and each individual school population. To be hired, SROs had to proceed successfully through an extensive background check, fingerprinting, and psychological testing, and they were given guidelines/training. All administrators are also given this training so that they know the expectations and limitations of the SROs. A brief portion of the SRO handbook follows.

The Prairie Creek Schools School Resource Officer Program

SROs are to provide security to a school campus. Their primary focus is the prevention of crime, the enforcement of laws, and the education of those on campus about the law. The SRO will be considered as part of the campus staff and should get to know all educators, students, and parents related to their campus. All SROs will promote the guidelines outlined by the Prairie Creek Schools Board of Trustees.

- All SROs will enforce the penal code within the guidelines of their discretion, first and foremost. Security and law enforcement is the primary job of an SRO, and any search and seizures, breaking up fights, or making arrests, for example, are all duties of a peace officer and are expected of the SRO when an incident dictates.
- All SROs will be assigned to a particular school. When needed, they may be called to another school as backup and/or as additional provider of security. Additionally, SROs will be assigned to different night and weekend duties at their school's extra-curricular events and at school board meetings or other district functions as needed/scheduled.

- Visibility is paramount. All SROs should continuously be seen on campus, monitoring activities and all persons on a campus while on duty. For those who are not assigned to a single campus, visibility is expected on the days they are assigned to a campus.
- Counseling and law enforcement advice may be given to the students, staff, and parents via whole-group presentations or one-to-one educational sessions. A friendly, approachable, and accessible demeanor should be portrayed at all times.
- All SROs will have their own office and workspace. Each will have at least one computer that will have access to all school cameras, and all SROs should monitor them frequently. One secretary will be assigned to every four SROs at the elementary and middle school levels. One secretary will be assigned to each high school SRO.
- All SROs and school educators should be partners and work together to keep a campus safe and secure.
- The chain of command will be: SROs will report to Chief O'Kelley and the chief will report to the superintendent and board of trustees. All SROs will be supervised and evaluated by Chief O'Kelley, or his designees, and the superintendent and the board of trustees will supervise and evaluate Chief O'Kelley.

With all the guidelines in place, SROs were put in place for this school year and have been doing a great job in curbing violations of both the Student Code of Conduct (SCOC) and the penal code.

The Robotics Snitch

Chief O'Kelley was very impressed with the way the Prairie Creek School Board worked at getting the SROs on campus. He enjoyed visiting each campus, ensuring that each SRO understood the implementation process of the SRO program. He also felt confident that his SROs had enough professional development on how to execute the expectations of an SRO, and he just knew that whatever came their way, the SROs would do well in keeping their schools safe and secure.

During the day, the SROs make a habit of walking the halls and talking with the students while getting to know who are perceived as troublemakers and rule breakers. Their purpose is to be positive role models, providing guidance to students and educators and promoting security, such as providing a student hotline where students are able to report suspicious/inappropriate activity anonymously to the SRO through a phone message, text, or e-mail. When a report comes to an SRO and after assessing whether the allegation is a penal code violation, the SRO takes the report to an assistant principal (AP). Together, they formulate a plan of action to work through the anonymous tip.

In a recent event, an eighth grade student e-mailed his SRO, Officer Mark Cheney, and reported that he knew of a drug ring occurring on campus at CHS. The student named three students and observations of what has happened in the last two weeks to him and a friend. The e-mail contained the following:

My name is Brad Tracey, I am an 8th grader at Pike Middle School and I go to Coolidge High School for Robotics class. My friend is Zach Jacobs and he goes to Robotics class too. We mind our own business at CHS, but these three guys keep bothering us. They are Jerry Faze, Ronald Meyers, and Denzel Powers. They told us they were going to beat us up when we used the bathroom and when we were in the hall going to our bus. We don't use the bathroom anymore at Coolidge. Zach and I told them we weren't going to sell any drugs the last time we saw them, which was yesterday. But, we are really nervous that they are going to use a gun or knife on us, because they showed us that they have these weapons at school. They said we were going to die if we didn't do what they want. We don't want to die. My dad has a gun I can use, but I don't want to get in trouble. Can you help us?

Officer Cheney contacted the CHS SRO, Officer Kasey McLaughlin, and they discussed a plan of action. Officer Kasey knew the three high school students identified in the e-mail, two of whom are sophomores (Jerry [fifteen years old] and Ronald [sixteen years old]) and one of whom is a junior (Denzel [eighteen years old]). He had arrested Jerry last year for having marijuana and a switchblade on his person once and made another arrest this year for disruption of the learning environment after he was yelling at a teacher, calling her profane words during a math class.

Officer Kasey did not know Ronald very well, as Ronald had just moved to CHS from out of state just after Christmas break. However, Officer Kasey knew Denzel very well. Denzel had an arrest record that started when he was in seventh grade. His record included petty theft, vandalism, possession of narcotics, domestic violence (against his mother and younger sister), fighting on school grounds, and disruption of the learning environment. He was recognized as one of the ringleaders of a gang operating at CHS. This gang was believed to be able to get drugs on campus and was selling to other students. Unfortunately, the intelligence gathered on the gang had not yet turned into probable cause or an arrestable offense.

Officer Cheney and Officer Kasey met with their respective APs and the following was accomplished:

- 1 The plan of action: Chief O'Kelley was notified and told of the situation and of the plan of action, which he approved. The CHS APs (four total) and Officer Kasey went to each individual high school student's classroom, had each gather their things, and took each to the APs'

office. The APs and Officer Kasey walked behind each, escorting them to the APs' office so that they could see them at all times, especially looking for any attempts to get rid of evidence. Once in the APs' office, all were individually told that a tip was given about their alleged drug activity and weapons on campus.

2 Ronald and Jerry were separated and placed in different offices with an AP. In each room, the AP reminded the individuals of the tip that they had received and elaborated by telling that allegations of coercion to sell drugs was occurring on campus, including threats involving a weapon. They were told to write a statement about their knowledge of any drug activity on campus, which should include names, times, places, and types of drugs. After the statements were written and seeking a verbal answer, the AP asked each student questions about what was written and again verbally asked what each knew about any drug activity or weapons on campus. This was done purposefully to see whether there was any discrepancy between the verbal and written statements; there were several.

3 AP Tony Sears and Officer Kasey questioned Denzel in a third office after he wrote his statement. SRO Kasey stood in the back of the room while AP Sears conducted the verbal questioning. AP Sears asked Denzel whether there was anything that he wanted to say about the allegation of weapons and drugs on campus. Denzel stated, "*You can read can't you? Then read my statement!*" His statement read, "*I don't know nothing about no drugs on campus.*" Then, Mr. Sears told him that he would be searched and anything on his person, in his locker, or in his car that is illegal or prohibited would be seized. Denzel was directed to empty his pockets, but he refused, stating that he had rights that were being violated. When Mr. Sears asked which rights were being violated, Denzel just repeated that his rights were being violated. Mr. Sears then reminded Denzel that per the SCOC, he had every right to search and to seize anything that was found to be illegal or prohibited in a student's possession. Denzel continued to refuse to be searched and demanded that Mr. Sears call his dad and ask his permission before he searched anything else. At that, Mr. Sears told Denzel that he would go ahead and search his locker instead, as that was school property; Denzel continued to protest the search.

4 At the middle school, Officer Cheney and AP Teri Walker called Brad and Zach individually to the AP's office. They asked the boys to write a statement pertaining to the details that were in the e-mail that Brad had sent. They asked for specific times, dates, places, observations, dialogue, and actions. After Brad and Zach wrote their statements, they were asked to sign and date them. They were individually questioned verbally about what had occurred within the last two weeks and whether

any witnesses were available to write statements on their behalf. Both boys stated that no other witnesses were available as the three high school boys always caught them when no one else was around. Both of these verbal and written statements were aligned.

5 Back at the high school, Mr. Sears and Officer Kasey walked Denzel to his locker, which was in the hallway where English classrooms are located. Fifth period had just started, so the hallway was clear throughout the entire process. At the locker, Denzel refused to open it, citing again that his rights were being violated and voicing that neither he nor his parents gave anyone permission to search his locker. Mr. Sears acknowledged hearing what Denzel stated and repeated that according to the SCOC, he has the right to search any student and any student's possessions; hence, Mr. Sears cut off the lock and began the search. At first, nothing seemed amiss because the locker was full of textbooks, notebooks, and tennis shoes. However, as Mr. Sears removed each schoolbook, he opened them by exposing the spine and found three marijuana "joints" in three textbooks. As he continued to search, he noticed that the back locker wall and the locker ceiling seams appeared bent. As he investigated by running his fingers across the seam, he felt something between the two locker walls. As he pulled on what seemed to be paper, a wad of cash held by a rubber band materialized, and a list of drugs sold and money collected was attached. Because this search by Mr. Sears turned up illegal drugs, a law violation, Officer Kasey began the process of arresting Denzel for the offense of possession of drugs and had him spread his legs and arms apart, calling in the arrest to dispatch. He called for one of the SROs from another school to back him up at CHS.

6 After Denzel was told he was under arrest, he was told to spread his legs and extend his arms to his side and Officer Kasey began his search. He searched Denzel's upper body first, and as he was about to search his lower body, Denzel spun around and pushed Officer Kasey away from him. He tried to run, but Officer Kasey was too quick and tackled him to the ground, at which point he handcuffed him. After bringing Denzel to his feet, he continued to search his person and found a loaded .25 caliber semi-automatic handgun that Officer Kasey seized and secured. The officer then gathered the remaining evidence for submission as part of the criminal case.

7 When Mr. Sears got back to his office, he found that the other APs had collected statements from Jerry and Ronald, and they had searched each boy's person and found bags of up to three ounces of marijuana, along with marijuana rolling papers and a few hundred dollars on each boy. These boys were held in the APs' office until Officer Kasey could take them into police custody. When the APs searched the boy's

lockers, they found nothing, but when they searched Ronald's car, which was in the student parking lot, they found a loaded gun and two switchblades, which at that time were "prohibited weapons" in the state penal code.

All three boys were arrested, and the APs immediately contacted CHS Principal Kate Austin to brief her on the situation. They then prepared their expulsion paperwork for each boy, which would be a placement at the Juvenile Justice Disciplinary Alternative Educational Program (JJAEF), if not in jail. Each of the suspect's parents was called and told of their son's searches and seizures, what was found, and the arrest, which all of them already knew about because they were contacted by an SRO. Finally, the APs invited them to the discipline hearing for their sons, and they explained that because the boys were arrested on felony charges, an expulsion would be recommended at the hearing.

Two days later, each boy had his own separate hearing. The first hearing was at the campus level with the principal, and the second hearing was at the district level with the hearing officer. The parents of Jerry and Ronald refused to come to the school, as their sons were still in juvenile detention. They told the administrators that they could do whatever they thought they needed to do and that they would not complain. Therefore, at the campus hearing, the principal upheld AP Sears's recommendation to expel Jerry and Ronald to the JJAEF for a minimum of one year. When Mr. Sears went to the district hearing, his recommendation was also upheld, and both Jerry and Ronald would be expelled for one year at the JJAEF.

At his discipline hearing, Denzel was not present as he was still in jail, but his parents showed up with a lawyer. Before the meeting could start, the lawyer served the principal, Mr. Sears, and Officer Kasey with court documents that stated they were being sued for violations of civil liberties. They also refused to stay for the hearing as they were sure Denzel would be out of jail in a matter of days and would be seen as innocent.

Principal Austin told them it was their choice to leave or stay for the campus-level hearing, but either way, the hearing would be held and, because drugs and weapons were found during the search, the recommendation could be expulsion for one year. Furthermore, as Denzel is eighteen years old and was arrested as an adult, he could spend his expulsion time in jail. It was explained that a teacher from the district would go to the jail to teach him his core courses, so that he would still have access to his education. The parents and their lawyer walked away as Mrs. Austin was trying to finish her last sentence.

After Denzel's parents and their lawyer left the principal's office, Mrs. Austin, Mr. Sears, and Officer Kasey came together to call the superintendent and Chief O'Kelley. They would need guidance from both

of them and the district lawyer on what steps to take for the allegations of violating Denzel's rights, which read,

- Each named defendant has violated Denzel's Fourth Amendment rights by searching and seizing without his or his parent's permission, which means that anything found during that search cannot be used as evidence. Additionally, the lawsuit listed that Denzel's Fourth Amendment right was violated further because Officer Kasey completed the search and seizure without a warrant.
- Each named defendant violated Denzel's Fourth and Fourteenth Amendment rights by violating his privacy in searching his locker and person without permission or explanation and in a school hallway where onlookers could see what was occurring.
- Each named defendant violated Denzel's Fourteenth Amendment rights by not equally protecting him because of his black skin color and automatically thinking the worst of him without provocation. Additionally, a violation of Denzel's due process rights occurred as Denzel was never given a chance to hear any allegations or to refute the allegation. Finally, according to Denzel, Officer Kasey never provided Denzel his Miranda Rights when he was arrested.

As Superintendent Littleton and Chief O'Kelley were listening to the conference call from Mrs. Austin, Mr. Sears, and Officer Kasey, the superintendent's secretary handed him a note that he and the Chief were about to be served by the same lawyer's messenger who was in the reception area. The documents showed that Denzel was suing the superintendent, the Chief, and the school board for violating his Fourteenth Amendment rights by allowing, through policy, Principal Austin, AP Sears, and Officer Kasey to harass, search, seize, and slander his name without provocation or reason. Dr. Littleton told Mrs. Austin, Mr. Sears, and Officer Kasey to meet the Chief and him after school so that all of them could sit down with the school district lawyer(s) and discuss where they would go from here.

WHAT ELSE DO I NEED TO KNOW?

The following is a brief insight into the issues presented in the case study, with a brief literature review to help give context to those issues.

The Fourth and Fourteenth Amendments and Miranda Rights

As educators and SROs work with students, it is important to know what and how federal and state laws affect public schools. Federal law does have a place on the campus; in fact, many states have aligned their state

constitutions and bill of rights to the federal Constitution and other laws. This means that it can be assumed that the state codes or statutes are also aligned to the federal law. For this case study, the two main federal laws that are important to know are the Fourth and the Fourteenth Amendments and the case law arising out of the *Miranda v. Arizona* supreme court case law. In the United States Constitution's Fourth Amendment, it is stated,

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (U.S. Const. amend. IV)

It essentially is referred to as the search-and-seizure amendment. Most states have a statute that reiterates the Fourth Amendment, and many school districts have a policy or rule that aligns to the state codes pertaining to searches and seizures at the school level. It is important that all educators and SROs on a campus understand search and seizure expectations. For example, some school districts only allow administrators to search a student and seize evidence on campus, whereas others relegate this duty to either the police or an administrator.

In the Fourteenth Amendment, two very important phrases are pertinent for school administrators to remember: due process and equal protection. Specifically, part of Section 1 of the Fourteenth Amendment reads, "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (U.S. Const. amend. XIV § 1).

These phrases are what all educators, specifically administrators, must abide by when working with any person on a campus. When working with students, administrators must give due process, which means simply for an administrator to give a student a chance to tell his or her side of the story and to investigate and look for supporting evidence that will confirm or contradict that story. Equal protection is following federal, state, and local laws and enforcing them fairly and consistently for all.

The "Miranda Rights" dictated by the U.S. Supreme Court as a result of the 1966 U.S. Supreme Court case *Miranda v. Arizona* are used as a warning to a criminal suspect against self-incrimination and given by the police before an in-custody interrogation. A reasonable effort of the following must be given when a person is in police custody and is or is about to be questioned:

- You have the right to remain silent;
- anything you say can be used against you in a court of law;

- you have the right to an attorney and to have him present during questioning;
- if you cannot afford an attorney, one will be appointed for you by the proper court; and
- you have the right to terminate the interview at any time. (*Miranda v. Arizona* 1966)

The *Miranda Rights* do not have to be told to a person unless they are in custody; it exists to warn one that he/she is about to be questioned. If a person is under arrest for a crime and the officer is not going to question that person, there is no requirement of *Miranda*. However, some states or some city police departments can choose that the *Miranda Rights* will be read when anyone is arrested and/or questioned, but those are policies subject to administrative review by the agency, not the law.

Searches and Seizures

What is legal in schools when it comes to searches and seizures? Can any educator search and seize and can an SRO search and seize at will? Many different states have their own education codes that address searches and seizures in schools and most give educators the power to search and seize any student when a reasonable cause is gained. A search must be "justified at its inception and reasonable in scope" (Walsh, Kemmerer, & Maniotis, 2014, 373). A warrant is not needed by school employees to conduct a search; however, it is imperative that state and district codes are followed and understood before enforcing a search. Because SROs are peace officers, they will not search anyone unless they have probable cause (reasonable grounds for making a search or making an arrest).

For instance, not all states and/or school districts allow all educators to conduct a search and a seizure. What may be approved by a state legislature and/or by a school board is that those who can conduct a search and seizure are administrators who are the designated disciplinarians of the campus. Some also designate that the campus crisis team may conduct a search, which would mean teachers on the team would be able to search and seize when a suspicion or reasonable belief has been gained. Always try to be diligent in gaining a reasonable cause to search and seize so that any legal action against you or your employer can be defended.

Many courts throughout the nation have heard and decided cases that deal with searches and seizures at schools. One of the most referenced school court cases comes from *New Jersey v. T.L.O.* The New Jersey Court made the following points in the majority opinion for educators to follow when searching and seizing, as outlined by Walsh, Kemmerer, and Maniotis (2014):

- Establish reasonable cause for believing that the student is violating or has violated a student rule or a law, and
- ensure that the search is reasonable in scope in light of the age and sex of the student and the nature of the offense. (p. 366)

In short, school officials do have the responsibility to keep safety and order on school campuses and may, based on reasonable cause or reasonable belief, search a student who is violating or has violated the SCOC or criminal law. As with any other violation of the SCOC and/or law, a school official must always assess the violation in relation to the student's age, gender, and nature of the offense. In some states, students younger than the age of ten are exempt from certain consequences of the law because of their age.

For example, if a group of kindergarten boys are having a peeing contest in the bathroom and absently spray the walls as they relieve themselves, a consequence for this type of behavior may be that the boys clean up their mess and miss two recess days, along with a stern verbal reprimand. However, if this same incident occurred at the high school level, because of the expectations that high school students are held to because of their age, the consequences may be more severe and may include in-school suspension and a police ticket/citation.

Some court cases have upheld the ability of school officials to keep safety and order on a campus. In *Patman v. State of Georgia* (2000), Officer Dale Pope, from Clarke County Police Department on special detail, was informed by a secretary that a student smelled like marijuana. Officer Pope stopped Patman, a student at Clarke Central High School, and immediately smelled "a strong odor of marijuana." Officer Pope then frisked Patman and felt several packages of "little stamp bags" with which Pope was familiar as bags used to package marijuana. Because Patman smelled of marijuana, Pope believed Patman had marijuana in his pocket. When Officer Pope asked Patman what was in his pocket, Patman responded, "Pope, come on and let me slide." This statement was viewed as a confession, and Pope reached into Patman's pocket and found eight bags of marijuana. The court upheld the search and seizure, citing that Officer Pope had established that Patman smelled of marijuana, he felt the "little stamp bags," and Patman's statement gave probable cause for the search and seizure. If Patman was searched by school officials, all that would have been needed is a reasonable cause (also called reasonable suspicion), which would have been fulfilled by the secretary's observations and the strong marijuana odor coming from Patman.

In another case, *A. H. v. State of Florida* (2003), a PE teacher, Matthew Koff, noticed that A. H.'s speech was slurred after asking several times for him to repeat and then spell his name. Koff, having no special training with children on drugs but educating himself by reading pamphlets

in college, felt that something was not right with A. H. and went to the assistant principal (AP), whom he told that A. H. may be "on something." The assistant principal then called A. H. in, told him that he was suspected of taking something like drugs, and when A. H. stated he did not take anything, he was instructed to empty his pockets. The AP then opened A. H.'s wallet and found a bag of leafy green material and a razor blade.

The State did not uphold this search and seizure because there was not a reasonable belief that A. H. was "on something." The primary reason Koff reported A. H. to the AP was due to A. H.'s not being able to articulate his name so that Koff could understand. This does not justify as reasonable cause and, hence, the search and seizure was not upheld (*A. H., A Child, Appellant v. State of Florida*, 2003). Note that in this Florida case, if the AP had been able to articulate that Koff's observations were confirmed and that the AP's personal experiences of observing or dealing with persons under the influence of alcohol or drugs led him personally to believe that A. H. was indeed intoxicated, it may have been reasonable to investigate further.

What these cases illustrate is that the school official must ascertain a reasonable cause before a search and seizure can be performed. This means that a school official must have some sort of articulable information or evidence that will lead someone to believe that the student has something that is in violation of the SCOC and/or the penal statutes. Furthermore, when it comes to police officers and SROs on campuses, it is best not to involve them until the higher level of articulable information and/or probable cause is present to search and/or seize a student. The SRO may observe you as you search a student as a witness, however. To be knowledgeable and current of SRO programs and the duties that SROs should be able to perform on a campus, check with your district policies and visit the links below.

- National Association of School Resources Officers (NASRO), <http://www.nasro.org>
- Community Oriented Policing Services <http://www.cops.usdoj.gov/default.asp?Item=54>
- The National School Shield <http://www.nrschoolshield.com/index.html>

Campus and District Hearings

One of the most important things for all educators, but especially administrators who discipline students is to study the SCOC, which should be viewed as the law of the land for your school district and campus (Trujillo-Jenks & Trujillo, 2013). Within the code, there are different sections that

point to the different types of violations, such as expellable, serious, major, and minor violations. The different types of violations are described in each section and detail what is expected from an administrator when disciplining students.

When studying the SCOC, discipline administrators must understand what type of consequences may be given to students who violate the rules. They must also understand at what age an arrest may happen, when family court will be involved, or where students go when they are expelled. It is important to recognize how discipline is documented at the district level and how that documented information is sent to the state. Most important to understand is the number of days required by law to give a suspension, contact a parent in writing, and have a discipline hearing.

When it comes to discipline hearings, it would be good to know what violations of the SCOC would warrant a student's being placed in a disciplinary alternative education program (DAEP), which does include JJAEP. Understanding how discipline hearings work in your district is crucial, especially if there is more than one level of hearings needed to place a student in a DAEP. A DAEP is sometimes a separate campus on its own but may be on another campus, like a school within a school. The DAEP campus is for students who have been expelled or committed a serious violation of the SCOC and/or the penal code. DAEP is also for students who are persistent rule breakers and who have tallied multiple violations of the SCOC. A set time frame is set for the student to stay at DAEP before being allowed to make it back to campus.

For a student who is in special education, the campus hearing must start with a manifestation hearing, or LINK (connection) individualized educational plan (IEP) meeting. This meeting is the special education meeting that must determine the answers to two main questions per the Individuals with Disabilities and Educational Act (IDEA):

- 1 Was the conduct in question caused by, or had a direct and substantial relationship to, the child's disability; or
- 2 was the conduct in question the direct result of the local education agency's failure to implement the IEP. (Wright, 2006, pp. 11-12).

If the IEP committee's answer is "yes" to one or both of the questions above, the student will have a behavior intervention plan developed. Also, the committee can decide what is in the best interest of the student: leave him or her on campus with stricter consequences or allow the recommendation to DAEP to be heard. Additionally, if the student has been arrested for both a penal code and SCOC violation, such as bringing a weapon on campus, the student will automatically go to DAEP, as that would be considered an expellable offense, even if "yes" is the answer to both questions. If the IEP

committee answers "no" to both questions, the hearing will continue as it would for a general education student.

Document, document, document when dealing with student discipline. Be prepared to defend how you proceed with a student, specifically the consequences that are given for a violation of the SCOC. This defense will be documented in your notes, student and educator statements, physical evidence, and anything else that will help to support your decision. Additionally, campus and district hearings can be stressful, so be sure to follow your school district policies, and always have all data needed to make a sound decision. Understanding how a manifestation determination meeting should occur will also help you to have a smoother hearing. As Dwyer (1997) stated, "There is nothing in IDEA that restricts schools from disciplining children with disabilities. In fact, some would say that, by not addressing these dangerous behaviors, the student with special needs is not receiving an 'appropriate' education" (paragraph 4).

NCZ—NO CONSEQUENCE ZONE

Answer the questions below by applying what you know about this case and thinking about the steps you would take if you were faced with this situation or a similar one.

- 1 Unfortunately, discipline in schools encompasses everything from tardiness, to mutual fighting, to murder because some students are bold in breaking the law while on campus. List the different discipline issues that are occurring on your campus and assess how the educators are working on decreasing these issues.
- 2 Crime Stopper Hotlines have been implemented on many campuses across the nation.
 - a. Do you have such a tip line, and what kinds of reasonable cause must you have before you move forward on disciplining a student, according to your state and district codes and policies?
 - b. What does your SRO need to do or know to pursue a tip received from the hotline?
 - c. How could the administrators and SROs have avoided the lawsuit in the case study?
 - d. Is there anything that you would have done differently?
- 3 The SRO is an excellent resource and backup for administrators and all educators. Understanding their role and what is expected of them will help educators to perform their duties ethically and according to the law.
 - a. What are your school district's expectations and guidelines for SROs?

- b. What are the specifics listed in your school's policies and in the SCOC concerning search and seizures?
 - c. What is the administrator's role, and what is the SROs role in search and seizures?
 - d. What are the ramifications of an administrator who does not fully understand the purpose or duties of an SRO on a campus?
- 4 Discipline hearings can be emotional and tense, especially for parents who believe their child has been targeted unfairly. Discipline hearings are used as the last resort, usually when a recommendation for placing a student in a DAEP is being discussed.
- a. Find the mandatory violations and expellable violations in your SCOC.
 - b. Discuss what it means to expel a student from your campus: Where does the student go?
 - c. What is needed for setting up and proceeding with a discipline hearing in your district, and discuss how it differs from the information presented in this case and in the *What Else Do I Need to Know* section.
 - d. In some school districts, there are two levels for a student to be heard at a hearing: campus level and district level. How many levels does your district have, and what is the reason?
- 5 Looking at the big picture,
- a. what are the social ramifications for the two eighth graders specifically, and all eighth graders in that school district as a whole? Do eighth graders in your school district have an opportunity to earn high school credit at the high school?
 - b. What needs to occur at the middle school and the high school to ensure the safety of those eighth graders attending class at the high school?

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The Jealous Shooter

Safety, order, and civility: These are the cornerstones of a healthy campus, and each of us knows what it is when we see it. Districts should be sure to define how safety, order, and civility can be maintained on their campuses, and administrators should be consistent in their attempts to ensure that each person who sets foot on the campus adheres to rules designed to keep the campus safe, orderly, and civil. The safety of students and educators on a campus is a large responsibility for any educator but of particular interest of the campus administrators and especially the school resource officers (SROs).

However, how do educators work through a situation where a person on campus decides to violate the sacred safety, order, and civility of a campus? What rules, policies, or laws are in place to help educators and SROs to protect a campus from unlawful and criminal acts? What should educators do when the unlawful act comes from a student? The following case focuses on a relationship between two students that has deteriorated. This relationship becomes a disaster.

THE CASE

Basketball season is always full of excitement at Ortega High School (OHS) because both the boy's and girl's basketball teams are in the playoffs for the state champions. Both teams have been the state champions for the past two years. Every game has been sold out this year, and the teams have proven to be worth the money that fans have spent. The fans are very enthusiastic yellers and chanters and also courteous and gracious winners, so no real drama occurs that the assistant principals and SROs at OHS could not