



February 2024

Ellington Board of Education Lobbies for Improvements to School Resource Officer (SRO) Statutorily Required Reporting Processes

The Ellington Board of Education recognizes the immense challenge legislators face in representing a diverse set of stakeholders with varied interests. We intentionally identify legislation that will benefit school districts in rural, suburban, and urban communities. Ellington has been part of Connecticut's solution to these challenges demonstrating on an annual basis that ten Board Members of different political parties can work together to develop a legislative platform for the Connecticut General Assembly's consideration.

The Ellington Board of Education has unanimously approved this letter outlining its 2024 legislative priority. The Board directs its Superintendent of Schools, Dr. Scott Nicol, to work with Ellington's State Legislative Delegation (Senator Anwar—3rd District, Senator Kissel—7th District, Senator Gordon—35th District, Rep. Foster—57th District) to ensure the outlined concept be raised with the General Assembly's Education Committee.

The Education Committee is Co-Chaired by State Senator McCrory (2nd District—Bloomfield, Hartford & Windsor) and State Representative Currey (11th District—East Hartford and Manchester).

Improve School Resource Officer (SRO) Statutorily Required Reporting Processes

The 2015 Connecticut General Statute Section 10-233 requires that boards of education that have school resource officers (SROs) shall enter into a memorandum of understanding (MOU) with the local law enforcement agency. The statute was revised in 2023, as amended by Section 72 of PA 23-167 to require SRO Reports primarily for investigations and behavioral interventions relative to conflict escalating to violence or that of a crime.

The goal of these statutory changes is praiseworthy relative to SROs, law enforcement agencies, and boards of education monitoring the general patterns of investigations resulting in searches, citations, or arrests, especially of groups of students most affected by those investigations. However, the legal implications of the changes are most certainly problematic and yet, with legislative action, may be modified enhancing the intent of the law.

Concerning Legal Implications of SRO Report Sharing Scheme

The statutorily required reports, which include demographic information, including protected characteristics of race, gender, age, and disability status, and the details of the student incident and law enforcement actions taken, *aren't problematic*.

The problem is predicated on The Family Educational Rights and Privacy Act (FERPA) which requires that school districts protect the confidentiality of student education records. Although the SRO Reports will not contain student names, it is probable the reports will be considered education records and/or contain personally identifiable student information.

Our concern is that the law requires SRO Reports to be submitted to the Chief of Police, who submits them to the Superintendent, who must then submit them to the Board of Education. Additionally, this law appears to be a new and separate reporting requirement apart from a report the SRO must complete in their law enforcement capacity as required by their supervisor.

This sharing scheme of an additional SRO report presents FERPA challenges with little benefit for law enforcement or school districts.

- In many towns, by local charter and similar to the Town of Ellington, the Chief of Police is the First Selectmen or Mayor, who is an elected official with likely no law enforcement and/or educational administrative training or background.
- The Chief of Police has an educational record only to share it with the Superintendent with no other legal right to share it or refer to it in any way.
- The Superintendent will share an educational record with the Board of Education, in which Board members will now be aware of confidential student information.
- Board of Education members participating in a student expulsion hearing—having previously reviewed an SRO Report with confidential student information—may be legally challenged as being biased or prejudiced when making an expulsion decision.

Any suggested administrative remedy of removing Board of Education members from the student expulsion hearing process in lieu of a hearing officer to avoid a FERPA violation would a) constitute an unfunded mandate and b) eliminate a statutory preference of Boards of Education.

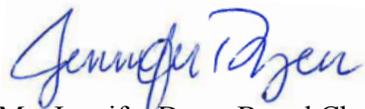
Recommendations for Statutory Improvement

It is important to emphasize that the goals of the new legislative requirements are commendable. Yet, these goals may be achieved with a modified process.

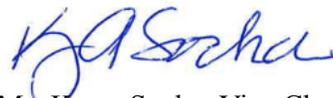
1. Require SROs to complete SRO Reports and share them with the Superintendent (who can, in turn, disclose them to other administrators and school staff with legitimate educational interests in the information, in compliance with FERPA).
2. Direct the Superintendent (or designee) to create disaggregated summary reports, which can then be shared with the Chief of Police and Board of Education on not less than an annual basis to ensure student confidentiality.

Please do not hesitate to contact any Ellington Board of Education member or our Superintendent of Schools Dr. Scott Nicol (snicol@ellingtonschools.net), should we be of further support for this important legislative matter.

Sincerely,



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