



SEASON 5 EPISODE 8

Why Policing Our Schools Backfires

School resource officers are often called upon in middle and high schools to help with routine discipline. But for many children, especially those with disabilities, a law enforcement response to their behavior can lead to the school-to-prison pipeline. Reporter Claire McInerney tells one family's story in Texas.

Mitzi Miller:

I'm Mitzi Miller, and this is 70 Million. [School resource officers](#) are a staple in middle and high schools. Across the country, there are [between 14,000 and 20,000 police officers](#) stationed in public schools. In Texas, the conversation around safety and school resource officers, or SROs, took a drastic turn, one that has had national repercussions. In May 2022, a gunman killed 19 students and two teachers at Robb Elementary in Uvalde, Texas. Over the summer, the school district's chief of police was fired after evidence surfaced showing officers took [more than an hour to stop](#) the shooter. By fall, the district had suspended all police department operations. Uvalde is an extreme case, but there's long-running criticism of SROs in less violent situations. One critique is that SROs are often used for routine discipline. Teachers call an SRO to deal with disruptive students so they can focus on the rest of the class. But the problem with SROs addressing classroom behavior is that they might [look at a student through a criminal justice lens](#).

Fernando de Urioste:

Sitting there just saying, "Hey, when you're ready, if it goes too far, I'm going to just pop that kid out. I got the cuffs right here," that's really what that situation was, as opposed to, say, the counselor coming in and saying like, "Hey, I'm going to help deescalate this situation. Let's talk to the kid."

Miller:

One set of students that has a lot of interactions with SROs are those with disabilities. For example, a common behavior for students with autism is saying extreme things. Here's former special education teacher, Fernando de Urioste.

de Urioste:

They don't understand the social norms or it's particularly playing into their disability. They go, "Hey, I'm going to kill myself."

Miller:

Autism experts say that's not necessarily a threat. Because schools often have a resource officer but not a counselor, these incidents are being addressed by a police officer. The entire system seems to be rigged against helping students. Reporter Claire McInerney takes us to Texas to learn about the relationship between students with special needs and school resource officers and the changes some would like to see.

Claire McInerney:

Hello. I'm Claire.

Alex:

I'm Alex.

McInerney:

You're Alex?

Alex:

Mm-hmm.

McInerney:

Okay. That's easy to remember. I have a brother named Alex.

K:

Hi.

McInerney:

How are you guys doing?

K:

Doing good. How are you?

McInerney:

Thanks so much for letting me come talk with you.

Hi. I didn't know it at the time. But when I first meet 10-year-old Alex at his house and he introduces himself, it's a big deal.

K:

Autism for Alex is his autism is lack of socializing. He struggles to socialize in ways that neurotypical children do.

McInerney:

That's Alex's mom K. We're using her first initial and only Alex's first name to protect their privacy. She told me that just this summer, Alex has felt comfortable introducing himself to strangers, even though it's something she's been working on with him for years. I was only the second person he'd introduced himself to.

K:

We work on communicating and tones, because the tones aren't great. And he'll come in here and say something and it just sounds horrible, and then so he's working on that.

McInerney:

This lack of tonal awareness is common for people with autism. The disorder, which [impacts one in 44 children in the US](#), makes communicating and interacting with others a challenge. Aside from having to work on his social skills, Alex is like a lot of 10-year-old boys.

Alex:

The only thing I like to do for fun is watch YouTube and play my Nintendo Switch and PlayStation.

McInerney:

Okay. What do you play on the Nintendo Switch?

Alex:

Oh, Fortnite, Kirby Forgotten Land. There's a lot.

McInerney:

The fact that Alex is making strides on his social skills is significant because a few years ago he had an experience that set him back. And that's why I came to visit with him and his mom in Weatherford, Texas, a midsize city about 30 miles west of Fort Worth. This incident happened in November of 2019 at the public school Alex attended. He was in first grade at the time.

K:

He got to school a little after 9:00, and I work in Fort Worth. So I drove to work. And a little after 11, the school starts calling me. There was an incident. They need me to come up there.

McInerney:

It had been a tough semester so far for Alex. He was supposed to be getting special education services, which meant he spent a lot of time with special ed staff at his school. But K was starting to question their tactics.

K:

He had started coming home with bruises on his arms.

McInerney:

Legally, school staff in Texas who are trained [are allowed to hold and restrain](#) students with disabilities. The law says that these holds and restraints can be used to prevent the child from harming themselves or others. And while the hold is happening, it must not hurt the child. K was starting to suspect that school staff were restraining her son much more than might be necessary.

K:

I understand he's difficult. I understand there's issues. But at no point in time should you grab a person, much less a child, so hard that it leaves marks on their arm.

McInerney:

That's what K was thinking about when she got the call about an incident at school. So she sped from her office in Fort Worth back to Weatherford. When she gets to the school...

K:

He's naked. He's in a seclusion room. He has peed on the floor. He's potty trained, by the way. And I walked in, and he's swinging on him.

McInerney:

This kind of outburst is intense, but not unusual for children with autism. K eventually calms Alex down and leaves the school to go work from home. She told the school to call her if anything else happened. Later that afternoon...

K:

I go to pick him up at 3:20. I'm there at 3:00. Nobody brings him out. I see the other kids coming out. And so I get out of my car, leave my car running, and go stand at the door, because I'm like, "I don't know what's going on, but we're not doing this." And that would be when the school resource officer let me into the school to tell me there had been an incident.

McInerney:

The incident was Alex, a seven-year-old kid with autism who already had an outburst that day and was agitated, told his teacher he was going to kill himself. This is extreme language, but people who work with kids with autism say it's also common when a child makes a statement about harming themselves or others in school. Staff is supposed to do a [threat assessment](#) to determine how credible the threat is. K is adamant that the school didn't give her son a fair assessment.

K:

I wasn't nice. I was mad and I was yelling. I was screaming. I was calling. I was like, "He saw his pediatrician this morning. Not suicidal. Call his therapist. He's not suicidal." I was like, "Bring me Alex." He explains they're going to put them on a 72 hour psych hold, that he's going to be transported to Cook's Children's Hospital for suicide. And I was like, "I don't believe he tried to kill himself." I was like, "This is retaliation because I went off about the bruises on his arm. Look at his arm." And they wouldn't listen.

McInerney:

Whether a child has autism or not, if they're threatening to kill themselves at school, [the proper procedure is to have the student evaluated](#) by a school counselor or mental health professional. So K was upset that the school resource officer got involved. We reached out to the Weatherford School District for comment on their SRO procedures but didn't hear back.

K:

They wouldn't bring me Alex. And they threatened to arrest me. They threatened to arrest him. Everybody was going to jail that day. I asked to drive him if they wanted to do the assessment. Let me drive him to Cook's. Nope. Can't do that either. It had to be in a police car. And they did. They took my

kid out to their car a little after 4:00. And I looked in the backseat. There's no car seat. And I said, "Where's his car seat?"

McInerney:

The officers ask to use the booster seat from her car. So she gives them her booster seat and the police drive Alex to the hospital 30 minutes away. When they get to the hospital, doctors and nurses determine that Alex is not suicidal and had an outburst typical of children with autism. Kay says this incident was traumatic for Alex and her. It changed his view of school and safety around adults, and it made her wonder if her son was safe at school.

K:

That was his last day ever to be in the school because at that point I had decided that I didn't know what to do.

McInerney:

School safety is on a lot of people's minds in Texas. In the final days of spring semester 2022, horrific violence rocked the state and the country. Here is local news station, KSAT 12.

KSAT 12 News Station:

Now we haven't been given an exact number of those injured in this shooting. Some were actually taken to Memorial Hospital in Uvalde.

McInerney:

In the months since [19 children and two adults were killed](#) in the school shooting at Robb Elementary in Uvalde, Texas, we've learned more about the police response and how they didn't intervene to save lives. There is video of dozens of law enforcement officers standing in the school hallways, waiting more than an hour to enter a classroom and stop the shooter. While many of these officers were not school resource officers, that response is still raising questions about the role of police in schools.

Greg Abbott:

I am livid.

McInerney:

That's Texas Governor Greg Abbott in a clip from CNN in the days after it became public that the officers didn't intervene quickly.

Abbott:

My expectation is that the law enforcement leaders, that are leading the investigations, they get to the bottom of every fact, with absolute certainty. There are people who deserve answers the most, and those are the families whose lives have been destroyed. They need answers.

McInerney:

Despite that, Abbott called for [more "hardening" of Texas schools](#) before this school year, including [spending \\$50 million on bulletproof shields](#) for school resource officers. Other states have put school

security measures into law. Florida law now requires a school resource officer in every school building. While SROs are considered a tool for preventing violence in schools, in some cases they're also harming children. There are many families like Alex and K's around the country who have had negative encounters with an SRO, whether it was escalating a situation or arresting a student. And [students of color and students with disabilities are arrested at higher rates](#), according to a 2021 [Center for Public Integrity](#) analysis. We tried to get data from the biggest school districts in Texas, but many said they don't keep this kind of data. Before we talk about the consequences of having police in schools, let's first talk about the intention of having these officers in schools.

Mo Canady:

They're successful when they follow, quite frankly, the definition.

McInerney:

This is Mo Canady, the Executive Director of the [National Association of School Resource Officers](#).

Canady:

And that definition has three components to it. One is that school resource officers are certified sworn law enforcement officers. They're not armed guards. They're not security guards.

McInerney:

He says the second part of that definition is creating a bridge between youth and police with the goal of kids creating positive relationships with police early on.

Canady:

Then the third critical part of that definition is its collaborative effort between the school district and a law enforcement agency, that neither side of this equation goes off kind of half-cocked on their own, but that it's collaborative. It is a partnership from day one.

McInerney:

There's another way to look at that, according to Samantha Viano, a professor at George Mason University, who researches school safety.

Samantha Viano:

Most of what they're seeking is public relations. They want police and schools to improve the public's perception of police because the idea is that if they are interacting regularly with a friendly police officer in their school, that it will put a friendly face on police in general.

McInerney:

Both Canady and Viano say police have been in school since the 1950s, mainly for the goal of improving relations between police and their community. School resource officers became fixtures after the Columbine High School shooting in 1999. But Viano says they were commonplace before that.

Viano:

When school resource officers became more popular was in the 1990s, pre-Columbine, and likely in the 1980s as well, when they were placed in mostly dense urban high schools, particularly if those schools had really high rates of Black students or Hispanic students.

McInerney:

A study by the [National Center of Education Statistics](#) in 1998 shows that [as more police officers were placed in schools, it was mostly in schools with Black and brown students.](#)

Viano:

And that purpose was law enforcement. So the idea with the crime waves of the '80s and '90s, a lot of crime was taking place at schools, so the police were placed there as school resource officers to police students.

McInerney:

And as the police presence in schools grew, so did the criticism that school resource officers were creating a school-to-prison pipeline.

Viano:

So certainly in locations that are already over-policed, placing police officers in school full-time as school resource officers often led to more policing of the students. So there's some research on how placing school resource officers led to higher arrest rates and more disciplinary sanctions like suspension, and expulsion, particularly for Black students and at lower grade levels.

McInerney:

Canady, the head of the National Association of School Resource Officers, says that police and schools make schools safer, but only if the officers are trained properly and have a lot of experience.

Canady:

It's also the most vulnerable position you can put a law enforcement officer in. One of our legal guys refers to us as low-hanging fruit, on a regular basis, and there's a lot of truth to that. When an SRO has a bad day, it most definitely makes national news. And thankfully that's rarely, but it can still certainly happen.

McInerney:

Canady estimates that his organization has trained less than half of the school resource officers in the country. He says the key difference in their training versus regular police training-

Canady:

Is to learn how to better de-escalate situations. And to not escalate situations because we know that adolescents are thinking with their feelings in a lot of situations.

McInerney:

He says they also educate officers in understanding disabilities.

Canady:

So there's also the issue of understanding special needs students and those resources that are available. And, again, how to work effectively with students with special needs. And then it's also critically important that SROs are well-schooled around issues of implicit bias, around issues of diversity.

McInerney:

Of course, it's tricky. Canady is laying out the best-case scenario, experienced police officers, who want to work with students, school staff, and mental health professionals to address student behavior. Through the course of her research, Viano has spent a lot of time with SROs and met officers with very different outlooks on their jobs compared to what Canady hopes to see.

Viano:

I was shadowing a school resource officer in a high school and he pointed out a student with autism. And they were large, they were 18 years old, they were in high school, and pretty much said that if that student ever went too far, they would end up in his patrol car.

McInerney:

Fernando de Urioste is a former special ed teacher who lives in Austin. The day we talked, we sat in his backyard because of a COVID exposure and you can hear the Texas cicadas in the background. I came to talk to him because he saw this kind of attitude from SROs firsthand. Back in 2007, he was living in Austin and looking for a day job.

de Urioste:

So I was a musician at the time and some of my musician friends were substitute teaching and so I got into that because it's very flexible.

McInerney:

One of his first introductions to SROs was in the plans left for substitute teachers when Fernando would show up for a job, especially at a middle or high school. The teacher would often leave instruction saying, "If the kids were acting up, call the office and ask for the school resource officer."

de Urioste:

That's so that the student goes, "Oh wow, this is really serious. I'm getting escorted by a police officer to go see the principal now." And then maybe the principal's going to say, "Hey, you almost got arrested here and instead you're just getting suspended for two days."

McInerney:

In less severe cases, he says he witnessed school staff calling in the SRO to help with routine discipline, which is not the role of these officers by anyone's definition.

de Urioste:

The teacher sees the SRO in the hallway and say, "Hey, can you help me with this kid? He's misbehaving and he needs to go to the office." And so the SRO is right there. Can you help me take the kid and then I

can keep doing my job? And now the SRO is doing it. But once that becomes a pattern, all of a sudden it's this thing of using the SRO to establish the significance of this disciplinary procedure.

McInerney:

Fernando liked working in schools, so he eventually got a job as an aid in special education classrooms. Once he was working with students with disabilities, he encountered SROs more frequently. That's because his students on the autism spectrum or who had other emotional regulation challenges would make comments that legally are considered terroristic threats.

de Urioste:

Autistic kids very often will say really extreme things. They don't understand the social norms or its particularly applying into their disability. They go, "Hey, I'm going to kill myself." They go, "Are you really going to kill yourself?" "Yeah, I'll kill myself and I'm going to kill you two because you're asking me about it."

McInerney:

This is what Kay says happened with Alex, the 10-year-old with autism we heard from at the beginning. Being on the spectrum means a person [struggles to communicate and regulate their emotions](#). So when they're angry or frustrated, there's no range. It all feels extreme and they express it with extreme language. Here's Fernando again.

de Urioste:

So this is a question of whether it was really a terroristic threat. Does he even have any intent? Does he have any ability to carry out any of this stuff?

McInerney:

To be able to answer those questions, you have to really understand the student's disability and their triggers. Fernando, like most aids working in special ed rooms, didn't have training like the lead teacher. So at first when he heard a kid threaten violence, he got scared.

de Urioste:

And so they said that's a terroristic threat. They put the whole school into lockdown. They called the SRO in, they did the whole nine yards and arrested the kid. So now they say, "Well the kid's been arrested, it's a potential felony. We have to send him to alternative placement. We don't have a choice."

McInerney:

Fernando started to have a problem with that reaction from the school. He eventually became a lead teacher in a special ed classroom and when he heard the students say extreme things, he knew they were frustrated, overstimulated or dysregulated. Often these explosions came after they were forced to do something that was triggering, like walking in the hallway during the loud passing periods or attending an assembly where they felt overstimulated. And still, he saw SROs called to address these student outbursts.

de Urioste:

And this has just kept going on and on and now you're arresting him even though you've had arguably a whole year of this building up and building up. And so again, I think, I don't know if it's cynical or not, but you have a family that's asking for help. The school's refusing to give help. So why is the school refusing to give help? Probably because they don't really have the manpower to give the help.

McInerney:

Fernando says he started to become jaded about the attitude that it might be easier to get these kids to leave than try and help them manage their complex emotions. All school districts are [required to have an alternative school](#) to send students who are struggling to learn at their main school. Fernando saw a lot of his special ed kids sent to DAEP, the alternative school.

de Urioste:

I would say almost every year that I taught we were understaffed on TAs. And so you get into situations like that and you are either, you say we can manage these two or three high needs kids and then we neglect, in our case it was like 18, 19 other kids or we say we invest on the 19 other kids and these three kids, they're going to pop off and maybe they get sent to DAEP. That kind of calculus I do believe is going on.

McInerney:

Using SROs to justify forcing kids to leave a school is one of the reasons Fernando cites for leaving his job in the classroom. He now works for a law firm in Austin, helping parents of special education students advocate for themselves in legal proceedings. Right before he left the classroom, there was one incident with a student and an SRO that left a deep impression on him. When one particular student was in early elementary school, Fernando says he was diagnosed as having a severe cognitive disability and was put in a classroom with other students with intellectual disabilities. But then in seventh grade, Fernando started noticing that might no longer be the case.

de Urioste:

So he wasn't intellectually disabled, so he had autism and he became selectively mute in second grade and he just stopped talking and he didn't start talking until seventh grade.

McInerney:

When the student started talking, everyone realized he was incredibly smart, knew multiple languages, and should not be learning with the students with intellectual disabilities. He could return to a general education classroom if he got the right support. But when he came back to school in eighth grade, the school didn't set up any of those supports. The entire special ed department was severely understaffed that year. So the student toggled between being in a special ed class that wasn't right for him and a general ed class that he wasn't prepared for. Then one day of that student's eighth-grade year, Fernando says the student had a meltdown.

de Urioste:

He assaulted me in a classroom. He was self-contained. He was trying to get out of the room. It wasn't a safe situation. I wasn't containing him, but I was blocking him from the door. And so he struck me and then he smashed a pot and threatened to kill himself.

McInerney:

Fernando needed more people to help him de-escalate the situation, and the SRO was one of the people called.

de Urioste:

And they came up to me and they said, "Do you want to press charges on the student?" And so it was a really tough situation because I knew how I can get misused and the SRO was basically like, "We don't care. We'll do whatever you want to do. If you want them arrested, we'll arrest them. If you don't, we won't."

McInerney:

In a matter of moments, Fernando had to decide if he would press charges and potentially get this eighth grader charged with assault.

de Urioste:

And my thought process was, I have to decide fairly quickly what I want to do. And I said, "I don't think these parents understand what's going on with their kid. I've had meetings with them. They're not going to be able to get the help they need and this kid's not going to be able to get the help they need."

McInerney:

Fernando says as he made his decision, he was also considering that the school was actively taking away services from the special ed team.

de Urioste:

They're making us take things away from the kids, I know this. So probably better that he gets arrested now and something happens now than when he's 18. Because at that point, he's 14. And so I said, "I think he needs to get arrested."

McInerney:

Fernando says he was processed as a mental health case within the juvenile justice system.

de Urioste:

So he ended up getting wraparound services through that. Going through that process really highlighted that. I mean that it was just sheer luck that I think it worked out well for him and his parents didn't have any of those resources.

McInerney:

Fernando felt the parents didn't have enough money or knowledge about how to help their kid and the school was definitely not providing the right services. So he took a gamble by letting the kid enter the

criminal justice system. And in this instance, it actually got the student the help he needed. But in his current role as an advocate for parents, Fernando is seeing that the poor treatment of students with disabilities he saw at one middle school is actually a systemic issue across Texas.

de Urioste:

So I think a lot of people don't realize how many settlements the school district is paying out for things that they didn't do on the front end.

McInerney:

According to figures provided by Fernando from the law firm where he works, in the last year and a half in Texas, there were 550 requests sent to the courts for mediation between the families of special ed students and school districts. This means 550 lawsuits didn't go to trial and settled out of court. Fernando says he views the role of SROs differently since he left teaching. His experience taught him that not only do SROs often see students as criminals, but the schools are relying on them too much to handle discipline issues.

de Urioste:

Sitting there just saying, Hey, when you're ready, if it goes too far, I'm going to just pop that kid out. I got the cuffs right here. That's really what that situation was. As opposed to say the counselor coming in and saying like, Hey, I'm going to help deescalate the situation. Let's talk to the kid.

McInerney:

Replacing SROs with counselors isn't a pipe dream for concerned people like Fernando. It's the ultimate goal for activists like Andrew Hairston. He's the director of the [Education Justice Project at Texas Appleseed](#), an organization that advocates for more just policies for Texans.

Andrew Hairston:

Well, if you have those folks embedding the school campus, providing support for teachers and young people, and taking away one of the many responsibilities that teachers are asked to take on in this moment, then you're just continually transforming the culture of the school and creating space for when things do go awry as they sometimes will, then you have adults who have authentic relationships with these kids who can say, look, I know you're acting out right now, but look at me. We're going to get through this together.

McInerney:

The Texas legislature has recently passed bills addressing policing in schools. One passed in 2019.

Hairston:

They explicitly stated that school police officers should not be involved in routine discipline in Texas classrooms.

McInerney:

Another bill passed in 2021 said counselors should spend [80% of their day performing counseling services](#) and not administrative tasks. The problem with those bills is that they don't lay out a way to enforce the legal mandates. Hairston says these bills don't go far enough because making policing better

in schools means sending police less frequently to deal with student behavior. Students with special needs often have a legal document filed with the school called an [individualized education plan](#), or an IEP that outlines how educators should work with them. For some kids, IEPs call for a one-to-one aid or time with another special ed teacher, and often it's money that prevents schools from meeting those IEP requirements. Hairston says, where the money is spent is where the improvement will be seen.

Hairston:

Look to the school policing budgets that you have in place at the district level and say that even if we took a percentage of the funding away for school policing in this moment and dedicated it to having enough TAs in place to meet the terms of IEPs across the state, then we would have a meaningful, tangible transformation of school environments for millions of kids across Texas.

McInerney:

But that is unlikely to happen anytime soon. The Texas legislature is not talking about removing officers. Instead, schools might welcome more SROs.

Alex:

Can me and him get McDonald's please?

K:

Can he and I. It's the proper way.

Alex:

Can he and I get McDonald's, please?

K:

Okay. I have no problem with that. If you and your brother would like to go to McDonald's, but you going to have to wait a minute. Would you like a soda or water or some milk?

Alex:

No.

K:

An apple to hold you over?

Alex:

No.

McInerney:

At his house in Weatherford, Texas, Alex isn't too shy to tell me about his dog and interrupts our interview to ask his mom, K to take him to McDonald's. It seems like typical 10-year-old behavior, but to his mom, this is a massive change.

K:

The kid you see now has only come out of darkness three months ago. So now he laughs and he jokes. He's interacting with people. I think it's getting better for him. I think he sees the light at the end of the tunnel.

McInerney:

K says, after the incident at the school where he was restrained, put in a police car and taken to a hospital, Alex's behavior at home dramatically changed.

K:

He used to wake me up by laughing and that went away and it went away and there was nothing. And from there it became loud screaming, help me, calling out for me to come help him, and that they were after him and that they were hurting him. And these are things he screams at the top of his lungs.

McInerney:

After the incident when he was seven, Alex was diagnosed with PTSD. He did attend a school that specializes in autism for a little bit, but he started to be restrained again, which K says was too triggering for him. So she started a new job where she can work from home and can homeschool him. While she disagrees with how SROs are involved with discipline issues for students with special needs, she believes in the goal of putting police in schools to create better relationships between kids and police.

K:

So I actually want to be pulled over so he can see how the interaction should be. Write a note, type on my phone, please make this positive for my son who views police differently. Not all policemen are good. Not all of them are bad though, and he needs to be able to form an opinion outside of, Hey, they take little kids and try to lock them in a hospital.

McInerney:

The bigger issue of how to improve police interactions in schools is out of K's hands. Now that Alex is doing better with his PTSD, her goal is to get him to interact better with adults and strangers, something he's struggled with since the incident.

Miller:

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