



U.S. Department of Education
Office for Civil Rights
Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

June 4, 2024

RE: Rockford Public Schools' Violations of Title VI of the Civil Rights Act of 1964

Dear Chicago Office:

Like many school districts in Illinois and across the country, Rockford Public Schools (“RPS”), a school district located in Winnebago County, Illinois, stations law enforcement officers in its schools. These officers, known as “School Resource Officers” (“SROs”), are provided to RPS through a written agreement with the Rockford Police Department and they have the same powers as any other police officer, including the ability to issue municipal citations, or tickets, to RPS students for conduct that occurs in school. All too often, however, the important distinction between matters of regular school discipline that should be addressed at the school level and matters of school safety that might warrant law enforcement involvement has been blurred, with RPS unnecessarily referring students to SROs for routine school disciplinary matters. RPS’s SRO referral practice means that its SROs essentially function as a disciplinary arm for RPS, addressing minor behaviors that should be handled as an educational matter by parents, teachers, and school leaders—and not as a law enforcement matter by police officers.

RPS’s SRO referral practice is not only unjust, it is also discriminatory. As set forth in more detail below, students of color at RPS—and particularly Black students—have been unlawfully targeted and impacted by RPS’s SRO referral practice. First, students of color report that SROs target them and their friends and treat them differently than White students. In fact, data shows RPS’s SRO referral practice disproportionately affects Black students; Black students are 3.2 times more likely to receive an SRO referral than their White peers. Second, RPS has a history of targeting students of color for SRO referrals and other forms of exclusionary discipline in a racially discriminatory manner and silencing members of the community who speak out against this discrimination. RPS’s more frequent use of exclusionary disciplinary measures against Black students, including referring them to law enforcement—especially in cases where such measures are not recommended by the RPS Code of Conduct—constitutes a departure from RPS’s own policies to discriminate against Black students. RPS’s SRO referral practice and its discrimination against Black students violates Title VI of the Civil Rights Act of 1964—which prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin.

As detailed in this Complaint, RPS improperly sanctions typical student behaviors through unnecessary referrals to SROs. These referrals cause significant harm to students. More frequent SRO interactions are associated with reduced academic performance, feelings of decreased connection and support with teachers and peers, and higher rates of dropout.¹ In addition, compared to their White peers, Black students more frequently reported feeling less safe when police are present in schools.² Moreover, once students are referred by RPS staff to SROs, SROs frequently issue referred students municipal tickets, which can result in unaffordable fines and fees over \$750, despite the existence of an Illinois state law that prohibits the imposition of monetary fines or fees as a school disciplinary consequence.³ If a student wishes to contest a ticket, they must miss school to attend a municipal administrative adjudication hearing where they have no right to appointed counsel.⁴

RPS's pervasive SRO referral practice has led to the criminalization of youthful misbehavior in the district, exposed youth and their families to debt, and created a direct pathway from schools into a municipal adjudication system designed for adults. Black students bear the brunt of this harm. Black students are more frequently referred to SROs for the same alleged behavioral violations relative to White students, and as a result are also disproportionately issued financially burdensome municipal tickets.

Complainants respectfully request that the United States Department of Education, Office for Civil Rights ("OCR") order any and all relief it deems appropriate to address the issues and deficiencies identified in this complaint, and require RPS to ensure that its disciplinary practices, including any reliance on SROs, do not discriminate or violate Title VI. Any such remedy should guarantee that RPS monitors its disciplinary processes so that they do not result in discriminatory effects or outcomes.

I. Background on Rockford Public Schools and its Practices

RPS educates a diverse group of students. RPS serves nearly 30,000 students across its 41 schools. RPS states that its vision "is for all 41 schools to provide a first-class public education for Rockford families."⁵ RPS's student body is 30.8% Black, 26.1% White, 31.4% Hispanic, 3.9% Asian, 0.2% American Indian, 0.1% Pacific Islander, and 7.5% multi-racial. Over 70 languages are spoken by RPS families. Nearly 70% of RPS students are low-income. RPS has a four-year graduation rate of 68.9%, with White students having a 75.1% graduation

¹ See Tara Bartlett et al., *Reimagining School Safety Without Resource Officers*, Ariz. State Univ. Sw. Interdisc. Rsch. Center (Sept. 2021) at 1, https://sirc.asu.edu/sites/default/files/school_safety_alternatives.pdf.

² See Johnathan Nakamoto, Rebeca Cerna, and Alexis Stern, *High School Students' Perceptions of Police Vary By Student Race and Ethnicity: Findings From an Analysis of the California Healthy Kids Survey, 2017/18*, WestEd (2019) at 5, <https://www.wested.org/wp-content/uploads/2019/05/resource-high-school-students-perceptions-of-police.pdf>.

³ See 105 Ill. Comp. Stat. § 5/10-22.6(i) ("A student may not be issued a monetary fine or fee as a disciplinary consequence").

⁴ See Jodi S. Cohen & Jennifer Smith Richards, *The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior*, ProPublica (Apr. 28, 2022, 5:00 AM), <https://www.propublica.org/article/illinois-school-police-tickets-fines>.

⁵ Rockford Public Schools, <https://www.rps205.com/> (last visited May 18, 2024).

rate and Black students having a 54.8% graduation rate.⁶ 43.6% of RPS students who take Advanced Placement (AP) courses are White, while only 10.9% of those students are Black.⁷ RPS's staff is notably less diverse and does not reflect the demographics of its student body. Currently, only 3.1% of teachers in RPS are Black.⁸

RPS has a long history of using exclusionary discipline to address student behaviors. The district is consistently in the top five in Illinois for in-school suspensions, out-of-school suspensions, and expulsions.⁹ RPS also relies heavily on a form of expulsion called “expulsion-in-abeyance” (“EIA”), which results in the student being excluded from their home school and sent to an alternative school site.¹⁰ This form of discipline is not reported to the State as part of discipline data collection and RPS’s reliance on it makes its disciplinary practices appear in state data collection to be less exclusionary than they actually are in practice.¹¹ EIAs are especially harmful for students with disabilities, who effectively are forced to waive their rights under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. RPS’s Black students are disproportionately subjected to various forms of exclusionary discipline compared to other students. Because RPS as a whole consistently has suspension rates that are among the top 20% in Illinois, it has been required by the State Board of Education to create a “District Discipline Improvement Plan” and to review and/or revise its Student Code of Conduct annually.¹² In its 2022-2023 District Discipline Improvement Plan, RPS explained that as a result of this review, its Code of Conduct “was comprehensively revised to reduce exclusionary practices, support students at-risk, provide school-based interventions, and reduce the removal of students to alternative programs due to disciplinary infractions.”¹³ The Code of Conduct breaks down offense into four “levels,” from Level 1 to Level 4, with Level 1 being the most minor infractions.¹⁴ Despite the recent revision, RPS continues to overwhelmingly rely on exclusionary

⁶ See *Rockford SD 205: Graduation Rate*, Illinois Report Card, <https://www.illinoisreportcard.com/District.aspx?source=trends&source2=graduationrate&Districtid=04101205025> (last visited May 18, 2024).

⁷ See *Rockford SD 205: Advanced Academic Programs*, Illinois Report Card, <https://www.illinoisreportcard.com/District.aspx?source=studentcharacteristics&source2=acenrollment&Districtid=04101205025> (last visited May 18, 2024).

⁸ See *Rockford SD 205: Demographics*, Illinois Report Card, <https://www.illinoisreportcard.com/district.aspx?source=teachers&source2=teacherdemographics&Districtid=04101205025> (last visited May 18, 2024).

⁹ See Peter Medlin, *‘It really doesn’t do anything to repair the harm’: How Rockford schools wield a lesser-known form of exclusionary discipline*, Northern Public Radio (June 9, 2022, 10:46 AM), <https://www.northernpublicradio.org/wnij-news/2022-06-09/it-really-doesnt-do-anything-to-repair-the-harm-how-rockford-schools-wield-a-lesser-known-form-of-exclusionary-discipline>.

¹⁰ *Id.*

¹¹ *Id.*

¹² RPS has had suspension rates amongst the top 20% in the state since at least the 2015-2016 academic year (with the exception of 2020-2021). See *District Discipline Improvement Plan*, Rockford Public Schools 205 (Apr. 12, 2022) at 3, <https://resources.finalsite.net/images/v1654017190/rps205com/bq6xjt11pxkpisc0hlc/612022DistrictDisciplineImprovementPlan.pdf>. See also 105 Ill. Comp. Stat. § 5/2-3.162(b).

¹³ *District Discipline Improvement Plan*, *supra* note 12.

¹⁴ See Rockford Public Schools 2023-2024 Code of Conduct, https://resources.finalsite.net/images/v1657719531/rps205com/qgnrgg3epy8ntpsc2j5p/CodeOfConduct_Eng.pdf (last visited May 18, 2024).

discipline.¹⁵ RPS’s Black students continue to be subjected to higher rates of exclusionary discipline than White students, and are sometimes subjected to exclusionary discipline even in cases where exclusionary discipline is not recommended by the RPS Code of Conduct.

RPS has an agreement with the Rockford Police Department and, as part of its zero-tolerance approach to school discipline, routinely refers students to SROs for minor alleged violations of the Code of Conduct.¹⁶ When RPS staff refer students to SROs, SROs in RPS frequently issue municipal tickets.¹⁷

The impact of RPS’s exclusionary tactics against students of color have repeatedly played out in weekly municipal hearings at Rockford City Hall, where RPS students and their families are subjected to exorbitant fines and forced to miss school. The MacArthur Justice Center and the National Center for Youth Law attended about a dozen municipal ordinance violation hearings to observe the results of student referrals. In the times we attended these hearings, the ticketed students were almost exclusively students of color.

One student, Jane, a Black freshman girl, shared her story of discriminatory treatment at Rockford’s East High School.¹⁸ Jane appeared at Rockford City Hall with a ticket for possession of a marijuana bowl. Jane reported that the SRO claimed they searched her belongings because they had received a report of smoking in the bathroom and Jane was allegedly the only person in the bathroom at the time of the report. This was a patently false statement by the SRO, as the bathroom stalls were full of other students. Jane believes that she may have been singled out and searched because she was Black. Her Black friend was also searched in this same incident. During her interrogation by the SRO, Jane tried to point out the false statement, only for the SRO to berate and insult her. At one point, the SRO told Jane, “Grow the [f***] up and stop acting like a little brat.” Understandably, this made Jane cry. The SRO—someone who she thought she was supposed to be able to trust and who was supposedly tasked with keeping her safe—instead made her feel unsafe and insecure. As a result of the incident, Jane was suspended for several days and was forced to miss an additional full day of school to attend her hearing. She found it difficult to catch up on schoolwork afterward.

Jane’s experiences of discriminatory treatment extend beyond ticketing. In one

¹⁵ On April 16, 2024, RPS adopted a revised Code of Conduct effective for the 2024-2025 school year. The 2024-2025 Code of Conduct continues to permit school staff to refer students to SROs for minor disciplinary infractions.

¹⁶ See Intergovernmental Agreement with City of Rockford for Police Services (July 1, 2023).

¹⁷ RPS is, unfortunately, not the only Illinois school district using municipal tickets in this way. In 2022, an investigation by ProPublica and the Chicago Tribune documented the prevalence and devastating impact of students receiving municipal tickets at school. See Ruth Talbot, Jennifer Smith Richards, and Jodi S. Cohen, *Do Police Give Students Tickets in Your Illinois School District?*, ProPublica (July 21, 2022), <https://projects.propublica.org/illinois-school-police-tickets-fines/>. In the wake of that reporting, the Illinois Attorney General’s office initiated a civil rights investigation into another district due to practices very similar to RPS’s with regards to school discipline and SROs because data indicated the district more frequently refers students of color to SROs for minor behavioral violations, including truancy. See Jennifer Smith Richards & Jodi S. Cohen, *Civil rights investigation opened into Illinois’ largest high school district following Tribune-ProPublica investigation*, Chicago Tribune (May 26, 2022, 6:00 AM), <https://www.chicagotribune.com/2022/05/26/civil-rights-investigation-opened-into-illinois-largest-high-school-district-following-tribune-propublica-investigation/>. That investigation is ongoing.

¹⁸ Pseudonym used to protect Jane’s privacy.

incident, Jane and her White friend were called to the school administrator’s office for violating the dress code. Though Jane and her White friend were wearing matching clothes, the administrators spoke to her White friend “gently,” but asked Jane aggressive questions, such as “Are you high?” and “Why do you think it’s okay to wear that?” When Jane asked to speak with her mom, school administrators scathingly told her that her mother would not come to help her.

Even before Jane ever got in trouble, the presence of SROs has made Jane “feel on edge,” and that she needs to “watch her back.” She is particularly concerned because she has seen the way that SROs behave to discipline students, and she is afraid it will happen to her. This school year, Jane has observed at least two instances of SROs forcefully breaking up fights. In one incident, two female students were fighting, and the SRO grabbed one of them by the arms. The student told the SRO that the hold was hurting her and asked him to stop; he slammed her against a glass wall. In another incident where two students were fighting, the SRO pushed even students who were not involved in the fight. In a separate incident told to her by a friend, an SRO reached his hand under a closed bathroom stall to forcibly search the pockets of a student. Jane states that the presence of SROs has affected her school culture beyond creating fear for physical safety. Jane has experienced being pulled out of class on several occasions to be randomly searched, and has seen the same happen to her friends. This interrupts learning substantially.

While this story reflects the experiences of one student who was subjected to discrimination by RPS and its SROs, the data detailed below demonstrates that these experiences are representative of those of many other students of color within RPS.

II. RPS Has a History of Targeting Students for SRO Referrals and Other Exclusionary Discipline in a Racially Discriminatory Manner

RPS has both a history and current practice of engaging in a myriad of harmful exclusionary disciplinary practices towards students of color. RPS teachers and staff members have repeatedly employed selectively harsh discipline against Black students. For instance, during the 2021-2022 school year, a Black student from Auburn High School was expelled for over one year (March 4, 2022 to June 4, 2023) over a Category 4 Fighting violation, despite evidence that the student was not at fault: multiple other students reported that the disciplined student had not instigated the altercation, the student who started the altercation admitted to doing so, video footage revealed that the disciplined student had tried to avoid the altercation, and a teacher was on the scene yet chose not to intervene for seven minutes.¹⁹ The teacher on scene did not provide a report, and the administrator’s

¹⁹ See Rockford Public Schools 205 School Board Meeting, March 29, 2022, at 22:02, <https://www.youtube.com/watch?v=aGfnS9GxqVY&list=PLb0id7cx44zrZSnQzDMQcOfnaGuRv9vwA&index=9> (“I currently mentor a student at Auburn High School who is up for expulsion from 3-4-22 to 6-9-23 for Fighting Category 4; a student who was clearly trying to avoid a situation, a situation that previously went on for approximately seven minutes with no teacher intervention while a teacher was present. A situation instigated by peers who admitted to instigating the situation, and witness statements . . . a physical altercation that was started by another student who admitted they started the physical altercation, video evidence that shows the student trying to avoid the situation proves he is not the aggressor. . . why are we allowing student of color to be unequivally punished?”) (last visited May 18, 2024).

reporting of the incident was inconsistent with multiple statements of witnesses who were present during the altercation.²⁰ Further, when the initial administrator assigned to the case suggested a less exclusionary punishment for the student—a four-day out-of-school suspension—the administrator was removed from the case and replaced with another.²¹ The student was bullied and assaulted first, yet not only did Auburn High School staff fail to intervene, they implemented extraordinarily punitive disciplinary actions against the student.²²

In another example, during the 2022-2023 school year, a Black Auburn High School student was given a three-day out-of-school suspension, loss of privileges, and was barred from walking the stage at her graduation, after she was “attacked” by another student who was bullying her teammate.²³ The student was prohibited from writing a statement of denial, despite the RPS Code of Conduct specifically noting that students who deny their disciplinary charges “must be given an opportunity to explain the reasons for the denial to the administrator who issued the suspension.”²⁴ Further, the student’s mother notified the school principal that some of the corrective actions taken against her daughter—including social exclusion—were not in the Code of Conduct.²⁵ In response, the principal did not revoke the charge; rather, she notified the student’s mother that she would consider removing the charge depending on the student’s behavior. The school principal clearly used her discretion to impose a harsher punishment on the student than what the Code prescribed.

RPS’s SRO referral process is an extension of these racially discriminatory exclusionary disciplinary practices. When students are referred by RPS staff to the SRO, the SRO can take any action that any other police officer can take. The consequences can be devastating. In 2021, an SRO body-slammed a 14-year-old student of color—because the student was walking in the hallway during class—resulting in a skull fracture and permanent brain damage.²⁶ After the incident came to light, various community members attended school board meetings to speak out in opposition to RPS’s reliance on SROs to

²⁰ *Id.* at 23:25 (“Why is there no report from the teacher who was in the classroom when this incident took place? Why did the administrator report differently from the witnesses’ statements that were in the classroom?”) (last visited May 18, 2024).

²¹ *Id.* at 22:55 (“Why was the first administrator removed from disciplinary action when they suggested student be suspended for a period of four days due to zero tolerance and that student was trying to avoid altercation. When this student’s mother called up there the day after to ask to speak with said administrator, she was then advised that the administrator was no longer handling the situation.”) (last visited May 18, 2024).

²² *Id.* at 23:55 (“the student I mentor’s disciplinary file has two tardies and has been in two physical altercations with video documentation showing him being bullied and assaulted first in both situations without any interventions.”) (last visited May 18, 2024).

²³ See Rockford Public Schools 205 School Board Meeting, February 14, 2023 at 24:56, <https://www.youtube.com/watch?v=6FBCHD-S5Bo&list=PLb0id7cx44zrSX1DC9mx6bi52hOCasW0k&index=58> (last visited May 18, 2024).

²⁴ *Id.* at 26:09 (“every student who was willing to write a statement about what happened was denied by Mr. Pemberton,” the Auburn High School Athletic Director) (last visited May 18, 2024); Rockford Public Schools 2022-2023 Code of Conduct.

²⁵ See *id.* at 26:35 (“My mom then asked for it to be removed because where in the student conduct was the social exclusion exists. Miss Keffer [(the school principal)] then stated she would consider taking it off closer to graduation based on my behavior”).

²⁶ See *Moore v. Lauer*, No. 22-cv-50354, 2023 WL 3199821 (N.D. Ill. May 2, 2023).

address school disciplinary matters. Community members' attempts to address these discriminatory disciplinary practices have been rejected by RPS. When some community members spoke outside the designated public comments section in an October 2022 RPS Board meeting, the community members were arrested and banned from attending all future school board meetings.²⁷ In addition, a Rockford resident—also a member of a local advocacy group focused on racial justice and police brutality—who was recording that same school board meeting was assaulted by a school board member on the basis that the resident was “intimidat[ing]” the Board.²⁸

The Board also has a policy to prohibit members of the community to reference staff, administrators, or board members by name during the Petitions and Communications portion of board meetings.²⁹ But the Board's invocation of this policy has been clearly discriminatory. When a Rockford community member spoke out against the Assistant Principal of Auburn High School—who was involved in the body slamming incident referenced above—the Board President cited the policy, reminding the community member to not directly name the Assistant Principal in question.³⁰ The Board made no such reminder to a different community member who thanked, by name, the district's Chief DEI officer regarding a different matter.³¹ Taken together, the actions of the Board have had the effect of silencing members of the community who speak out against the disparate treatment of Black students and other students of color in RPS.

One of the teachers who testified at a Board meeting after the body slamming incident was Justin Saichek, a teacher at West Middle School and a proud alumnus of RPS. Mr. Saichek testified because, in his view, the body slamming incident was not an isolated occurrence and instead was emblematic of how RPS's use of SROs risks student safety. He reported that, in another instance, he was compelled to intervene in an SRO's interactions with a Black student. The student had previously been removed from classroom and was with the principal at the time of a fire drill. Mr. Saichek observed the principal placing the student into the “care” of an SRO during the fire drill, even though this student was not engaging in any disruptive behaviors at this time that would have warranted the involvement of law enforcement. Mr. Saichek observed the SRO stare the student down in an aggressive manner, tell the student that the student didn't want to f*** with the SRO, and grab the student by the wrist. Mr. Saichek was immediately concerned because he knew that this student had a disability and as a result of that disability needed additional behavioral supports. Mr. Saichek believed that the way the SRO was approaching this student was going to trigger the student

²⁷ See Peter Medlin, *Rockford community disappointed by school board's response to school violence protests*, Illinois Public Media Newsroom (Jan. 5, 2023), <https://illinoisnewsroom.org/rockford-community-disappointed-by-school-boards-response-to-school-violence-protests/>.

²⁸ *Id.*

²⁹ See, e.g., Rockford Public Schools 205 School Board Meeting, November 15, 2022 at 22:32, <https://www.youtube.com/watch?v=480BLY2jhWA&list=PLb0id7cx44zrZSnQzDMQcOfnaGuRv9vwA&index=32> (“I'd like to remind people about the guidelines that we've given not to name administrators or board members or staff members or students by name”) (last visited May 18, 2024).

³⁰ *Id.*

³¹ See Rockford Public Schools 205 School Board Meeting, March 14, 2023 at 41:11, <https://www.youtube.com/watch?v=HTa0FPbAI6s&list=PLb0id7cx44zrSX1DC9mx6bi52hOCasW0k&index=8> at (last visited May 18, 2024).

and was not responsive to the student's disability. Mr. Saichek intervened because he was afraid that if he did not, the situation would quickly escalate in a manner that was unsafe for the student. Mr. Saichek knew that the SRO was not an educator and likely was not privy to the student's IEP, and that even if he had been privy, he would not know how to interpret it.

RPS's exclusionary disciplinary practices towards students of color, and silencing of those who advocate for those students, do not take place in a vacuum. RPS also has a history of discriminating against teachers and staff of color. In a May 2023 Board meeting, a community member shed light on the district's discriminatory hiring practices, noting that the district refuses to hire Black teachers who comment on issues related to racial inequity and discrimination in the district. Specifically, the community member said, "these people [administrators] have been allowed to hire certain Black staff that buck down to the system of white supremacy. You keep their mouth shut . . . you don't talk about this stuff or you get fired. We all know that's been happening, that when a Black staff got into it with a White staff, the Black staff always got fired."³²

III. RPS's SRO Referral Practice Disproportionately Targets Black Students

RPS's Black students are significantly overrepresented amongst students whom RPS has referred to SROs. This overrepresentation harms RPS's Black students by exposing them to a higher rate of being ticketed, arrested, and/or entering the school-to-prison pipeline in some other manner.

Absent discrimination, the racial demographics of students referred to SROs would be estimated to approximately reflect the racial demographics of the student population as a whole.³³ Discrimination may result in the representation of a particular racial or demographic group referred to SROs for school disciplinary matters being substantially different than that group's representation within the overall student population.³⁴

In RPS, a substantial difference has existed for years in the comparison between Black student representation in the student population and Black student representation among those who are referred to SROs for minor school disciplinary matters. In the 2021-2022 school year, Black students represented 31.38% of the student population, yet received 53.1% of referrals to SROs, a 22-point difference. In the 2022-2023 school year, Black students represented 31.03% of the student population and received 54.7% of referrals to SROs, an almost 24-point difference. Similarly, in the 2023-2024 school year (until March 24, 2024), Black students represented 31.62% of the student population, but received 54.7% of referrals to SROs, again a 23-point difference.³⁵ See Table 1.

³² See Rockford Public Schools 205 School Board Meeting, May 23, 2023 at 36:58, <https://www.youtube.com/watch?v=7XLUjIntjU&list=PLb0id7cx44zrSX1DC9mx6bi52hOCasW0k&index=15> (last visited May 18, 2024).

³³ Of course, referring any students to law enforcement for minor disciplinary matters is not necessary as there are other less harmful ways for schools to address such conduct. See Section VI *infra*.

³⁴ See, e.g., *Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324, 337-339 (1977).

³⁵ All references to data from the 2023-2024 school year in this Complaint reflect data reported by RPS through March 24, 2024.

Table 1: Percentage Point Gap Between Percent Black Students in Total Student Body Versus Percent Black Students Who Received SRO Referrals

	Black Students – Total Student Body (%)	Black Students – SRO Referrals (%)	Percentage Point Gap
2021-2022	31.38%	53.1%	21.7%
2022-2023	31.03%	54.7%	23.7%

In the 2021-2022 school year, RPS issued 586 SRO referrals. If Black students were referred proportionate to their share of the student population of about 31%, they would have received approximately 184 referrals to SROs. Instead, they received 311 SRO referrals. In the 2022-2023 school year, RPS issued 763 referrals. If Black students were referred at a rate proportionate to their representation in the overall student population, Black students would have been issued about 237 referrals to SROs. Instead, they received 417 SRO referrals. Through March 24, 2024 during the 2023-2024 school year, RPS issued 590 total SRO referrals. If Black students were referred at a rate proportionate to their representation to the overall student population, they would have received 187 of those referrals. Instead, through March 24, they had received 321 SRO referrals more than two months before the end of the school year.

To summarize, the actual experiences of RPS students were grossly different than the proportionate projections. See Table 2. Black students received nearly twice as many referrals as they would be projected to receive if they were referred at a rate proportionate to their representation in the overall student population. Put another way, these gaps translate to *11.31 standard deviations* between the projected number and actual number of SRO referrals issued to Black students in the 2021-2022 school year, *14.10 standard deviations* in the 2022-2023 school year, and *11.90 standard deviations* in the 2023-2024 school year through March 24, 2024.³⁶

Table 2: Projected Proportionate Referrals, Actual Referrals, and Standard Deviations for SRO Referrals for Black Students

	2021-2022	2022-2023
Total SRO referrals issued to all students	586	763
<i>Projected</i> number of SRO referrals for Black students if Black students were referred at rate proportionate to their representation in student population	184	237
<i>Actual</i> number of SRO referrals issued to Black students	311	417
Difference between projected and actual SRO	127	180

³⁶ See, e.g., *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299, 309 (1977) (noting in dicta that a disparity of 2 or 3 standard deviations is “suspect”).

referrals		
Number of Standard Deviations between projected and actual number of SRO referrals issued	11.31	14.10

Another way to describe the overrepresentation of Black students is through the rate of referrals to SROs. The rate of referral is calculated by dividing the number of referrals to SROs experienced by a group of students by the total number of those students in the student population. In 2021-2022, Black students in RPS had a referral rate of 3.58% while White students had a referral rate of 1.58%; Black students with disabilities had a referral rate of 7.59% while White students with disabilities had a referral rate of 3.89%. In 2022-2023, Black students in RPS had a referral rate of 4.89% while White students had a referral rate of 1.58%; Black students with disabilities had a referral rate of 8.46% while White students with disabilities had a referral rate of 2.61%. RPS referred Black students and Black students with disabilities to SROs at a higher rate in 2022-2023 than the prior school year, while RPS did not increase the rate of referral for White students. Data from the 2023-2024 school year, through March 24, 2024, showed that the SRO referral rate for Black students was already as high as in 2021-2022 with over two months of the school year yet to come.

Table 3: SRO Referral Rates for Black Students, Black Students with Disabilities, White Students and White Students with Disabilities

	Black Students	Black Students with Disabilities	White Students	White Students with Disabilities
2021-2022	3.58%	7.59%	1.58%	3.89%
2022-2023	4.89%	8.46%	1.58%	2.61%

Referral rates can also be compared as referral ratios. For purposes of this complaint, referral ratio means the rate that Black students are referred to SROs compared to the rate that students of other racial groups are referred to SROs. Compared to all other students in RPS, the referral ratio for Black students was 2.47 in the 2021-2022 school year, 2.68 in the 2022-2023 school year, and 2.58 in the 2023-2024 school year through March 24, 2024. *See* Table 3. This means that the rate that Black students were referred to SROs was more *than two times greater* than the rate of all other students. These disparities were even greater for Black students with disabilities, who faced a referral ratio of 3.96 in the 2021-2022 school year, 3.48 in the 2022-2023 school year, and 3.46 in the 2023-2024 school year through March 24, 2024, compared to all other students. *See* Table 4. This means that the rate that Black students with disabilities were referred to SROs is nearly *four times greater* than the rate faced by all other students.

Table 4: SRO Referral Ratios for Black Students and Black Students with Disabilities Relative to All Other Students

	Referral Ratio – Black Students	Referral Ratio – Black Students with Disabilities
2021-2022	2.47	3.96

2022-2023	2.68	3.48
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SRO referrals are only part of the disproportionate harm to Black students. When Black students are referred by RPS staff to SROs for more “subjective” alleged school disciplinary violations—i.e., violations such as fighting, trespassing, and bus violations—they are much more likely to be issued municipal tickets by the SRO than their White peers.³⁷ Black students were issued over 75% of such tickets over a period of the 2018-2019 to 2023-2024 school years.³⁸ Only 2.7% of such tickets occurring after referral by RPS staff were issued to White students. The tickets can result in fines and fees of over \$750 dollars. These types of citations carry long-term consequences for the students who receive them.³⁹ See Section V *infra*. Black students disproportionately bear this harm for tickets issued for more subjective alleged violations.

IV. RPS Departs from its Policies to Punish Black Students More Harshly than Other Students

RPS’s more frequent use of exclusionary disciplinary measures against Black students, including referring them to law enforcement—especially in cases where such measures are not prescribed by the RPS Code of Conduct—constitutes a departure from the policies that RPS follows when disciplining other students.

First, there are some lower-level offenses where RPS’s policy indicates some form of school disciplinary response, without SRO referral, and for which RPS nonetheless only or primarily refers Black students to SROs. Rockford Public Schools Code of Conduct groups violations into four levels, with Level 1 being the most minor.⁴⁰ Level 1 violations include conduct such as “offensive language or gestures,” downloading “non-educational games” from the internet, or “eating/drinking on the bus.”⁴¹ RPS states:

The District seeks to avoid the unnecessary criminalization of our students; as such, police involvement should be limited to situations when it is necessary to protect the physical safety of students and staff or appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures including the use of security staff.⁴²

³⁷ For purposes of this complaint, RPS’s characterization of students’ alleged violations is included, though complainants cannot verify these allegations of RPS.

³⁸ These were defined as all tickets reported by RPS where the alleged underlying violation did not include drugs, alcohol, or weapons. Data obtained from the Rockford Police Department indicate that the tickets reported by RPS reflect fewer than half of the municipal tickets issued to students at RPS school sites by Rockford police. The Rockford Police Department did not provide racial demographics of students receiving tickets at RPS schools.

³⁹ See Cohen & Richards, *supra* note 4.

⁴⁰ See 2023-2024 Code of Conduct, *supra* note 14.

⁴¹ *Id.*

⁴² Rockford Public Schools Administrator Addendum 2023-2024.

But despite this statement, RPS refers some students—primarily Black students—to SROs for Level 1 violations. The Code of Conduct lists “corrective strategies” for each level of infraction. RPS utilizes the listed “corrective strategies” for White students and frequently departs from them for Black students, instead referring them to the SRO even when that is not listed for the alleged violation.

Among the twenty-one total SRO referrals issued for alleged Level 1 violations during the 2021-2022, 2022-2023, and the current school year through March 24, fifteen were issued to Black students. Only two were issued to White students. That 71% of those SRO referrals were issued to Black students is further evidence of racial discrimination at the point of referral to the SRO. This discrimination is particularly stark when assessing the specific Level 1 violations giving rise to SRO referrals. For example, between January 2021 and the current school year (up to March 24, 2024), seven SRO referrals were made pursuant to an alleged Level 1 violation for “Disobedience” or “Disruption of Learning Environment.” Of the seven SRO referrals for those two alleged Level 1 violations, six (85.7%) were issued to Black students, despite Black students only representing 31.5% of the total student body and only 55.5% of disciplinary referrals for these alleged violations. Furthermore, two of these SRO referrals (28.6%) were issued to Black students with disabilities, despite this student population accounting for only 5.0% of the total student body and only 14.2% of those disciplinary referrals.

Table 5: Examples of SRO Referrals Not Recommended in the RPS Code of Conduct

Years	Violation	Percent of SRO Referrals (Black Students)	Percent of Total Student Body (Black Students)	Percent of Total Disciplined for Violation (Black Students)
2021-2024	Disobedience/Disruption of Learning Environment (Level 1)	85.7%	31.5%	55.5%
2021-2022	Reckless Behavior – Gross Disobedience/Misconduct (Level 2)	77.3%	31.4%	59.6%

These discrepancies are also evident in SRO referrals for alleged Level 2 violations. For example, in the 2021-2022 school year, twenty-two SRO referrals were issued for alleged “Reckless Behavior - Gross Disobedience/Misconduct” violations. Of these twenty-two SRO referrals, seventeen (77.3%) were issued to Black students, though Black students represented only 31.4% of the total student body that school year and only 59.6% of the disciplinary referrals for this violation. For comparison, only two (9.1%) White students were referred to SROs for that same alleged violation despite White students accounting for 26.6% of the total student population and 15.7% of disciplinary referrals. And a similar pattern plays out across alleged Level 3 and 4 violations that are plainly not appropriate matters for law enforcement. For instance, this current school year, nine Black students were referred to the SRO and received municipal tickets for allegedly “trespassing”—i.e., showing up at an RPS school. Although twenty-seven White RPS students also had Level 3 or 4 “trespassing” violations, *not one* of those students was ticketed or referred to the SRO.

Second, for disciplinary matters not referred to SROs, there are some offenses for which only or primarily Black students receive the harshest school disciplinary consequences even beyond those recommended by the RPS Code of Conduct. The Code of Conduct was revised in 2022 by a District Discipline Improvement Plan Team to facilitate a reduced reliance on exclusionary discipline in the district.⁴³ But despite that revision, RPS continues to more frequently depart from its own policies—as outlined in the RPS Code of Conduct—to use more punitive, exclusionary disciplinary measures against Black students relative to White students. *See* Table 6.

For example, the 2022-2023 Code of Conduct does not recommend Out-of-School Suspensions for Level 1 “Reckless Behavior” violations; rather, the prescribed “corrective strategies” include Loss of Privileges, Teacher Detention, Administration Detention, No Pass List, or Overnight Suspension. However, in the 2022-2023 school year, seventy-one students were given Out-of-School Suspensions for Level 1 “Reckless Behavior” violations. Amongst these students, fifty-three (74.6%) were Black while only six (8.5%) were White. Of students recorded by RPS as having engaged in “Reckless Behavior” Level 1 violations, RPS gave Black students Out-of-School Suspensions at nearly triple the rate of White students. *See* Table 6.

Similarly, the recommended corrective strategies for Level 2 “Interference with School Personnel” violations include one to three days of In-School-Suspension, Overnight Suspension, one to three days of Bus Suspension, Detention, Loss of Privilege, No Pass List, or Temporary Removal from Classroom. In the 2022-2023 school year, 426 (59.1%) Black students and 148 (20.7%) White students were referred for Level 2 “Interference with School Personnel” violations. Yet only Black students (22) received an expulsion-based disciplinary action. *See* Table 6.

This trend persists across multiple behavioral violations. Though Out-of-School Suspensions are not suggested for Level 2 Physical Aggression violations, eighty-one Black students out of 133 students total (60.9%) received such disciplinary actions in the 2022-2023 school year, compared to just eighteen White students (13.5%). Similarly, while eight Black students out of fourteen total students (57.1%) received Out-of-School Suspensions for Level 2 Impeding Investigation violations—again, despite such disciplinary actions not being delineated in the Code of Conduct—only one White student (7.1%) received the same punishment. *See* Table 6.

These departures continued this academic year as well. The current RPS Code of Conduct does not recommend In-School-Suspensions for Level 1 “Disobedience Violations.” However, in the 2023-2024 school year through March 24, 350 Black students out of 566 students total (61.8%) received an In-School-Suspension for this violation. This is significantly greater than the number of White students (eighty-six, 15.2%) who received the same form of discipline. *See* Table 6. In administering these suspensions, RPS did not just deviate from the recommended corrective strategies listed in its Code of Conduct; rather it chose to *more*

⁴³ *See District Discipline Improvement Plan, supra* note 12 at 2 (“[T]he Student Code of Conduct was comprehensively revised to reduce exclusionary practices, support students-at-risk, provide school-based interventions, and reduce the removal of students to alternative programs due to disciplinary infractions.”).

frequently deviate from these recommendations—opting instead to administer harsher punishments than prescribed—primarily in instances involving the discipline of Black students.

These deviations resulting in harsher disciplinary consequences for Black students are not uncommon for RPS and occur across multiple behavior violations. For example, in the current school year through March 24, of the 1197 students who were given a disciplinary referral for Level 3 “Physical Aggression” violations, 779 (65.1%) were Black and 136 (11.4%) were White. Seventy-six students were subject to expulsion-based disciplinary actions, even though expulsion was not recommended discipline in the Code of Conduct for that violation. Sixty-six (87.8%) of the expelled students were Black, while only three (3.9%) were White. A similar departure from the Code of Conduct exists for Level 3 “Interference with School Personnel” violations. The Code of Conduct does not recommend expulsion as a corrective strategy for this violation. However, in the current school year through March 24, seventy-one students were subject to expulsion-based discipline for this violation: 47 (66.2%) Black students and only four (5.6%) White students. This percentage-gap (60.6%) is almost double the percentage-gap between the rates at which Black students and White students are given a disciplinary referral for this violation generally (52.9% and 18.9% of the students who were given a disciplinary referral for this violation were Black and White, respectively, representing a percentage-gap of 34%). See Table 6.

Finally, RPS’ reliance on Expulsion-in-Abeyance (“EIA”)—a an extremely harsh disciplinary measure that is not tracked by the state—disproportionately affects Black students and students with disabilities. Of all the EIAs granted in the past school year (up until March 2024), 61.2% were given to Black students, 24.4% were given to students with disabilities, and 13.6% were given specifically to Black students with disabilities. In comparison, Black students, students with disabilities, and black students with disabilities, represent 31.6%, 15.7%, and 5.82% of the total student population, respectively.

Table 6: Exclusionary disciplinary actions for Black and White students

Violation	Year	Disciplinary Action	Total Actions	Actions – Black Students	Actions - White Students
Reckless Behavior (Level 1)	2022-2023	Out-of-School Suspension	71	53 (74.6%)	6 (8.5%)
Interference with School Personnel (Level 2)	2022-2023	Expulsion	22	22 (100%)	0 (0%)
Physical Aggression (Level 2)	2022-2023	Out-of-School Suspension	133	81 (60.9%)	18 (13.5%)

Impeding Investigation (Level 2)	2022-2023	Out-of-School Suspension	14	8 (57.1%)	1 (7.1%)
Disobedience (Level 1)	2023-2024 (to 03/24/24)	In-School Suspension	566	350 (61.8%)	86 (15.2%)
Physical Aggression (Level 3)	2023-2024 (to 03/24/24)	Expulsion	76	66 (87.8%)	3 (3.9%)
Interference with School Personnel (Level 3)	2023-2024 (to 03/24/24)	Expulsion	71	47 (66.2%)	4 (5.6%)

V. RPS’s Practice of Referring Students to SROs for Minor Behavioral Infractions Impedes Important Educational Goals

RPS cannot demonstrate that its SRO referral practice promotes either classroom education or any other important educational goal.⁴⁴ In fact, RPS’s practice affirmatively undermines those goals.

RPS’s SRO referral practice is animated by a harmful zero-tolerance philosophy regarding school discipline rather than any educational goal or concern for student well-being.⁴⁵ This philosophy is reflected in Board Policy 7.150, which provides that “[i]nappropriate or disruptive behavior will not be tolerated and any student who engages in such activity will be subject to school disciplinary action in accordance with the District’s Discipline Code.”⁴⁶ RPS cannot show that its SRO referral practice furthers the aims of maintaining order, promoting school safety, or any effort to quell criminal activity among students in district schools. The behaviors for which RPS students commonly received SRO referrals often do not rise to the level of criminal behaviors.

In addition, the SRO referral practice does not further RPS’s stated mission to

⁴⁴ See *Elston v. Talladega County Bd. of Educ.*, 997 F.2d 1394, 1412 (11th Cir. 1193).

⁴⁵ Research has found that zero tolerance policies do not create more positive school climates, and are in fact associated with more negative achievement outcomes. See Russell Skiba et al., American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, 63 Am. Psych. 852, 854 (2008), <https://www.apa.org/pubs/reports/zero-tolerance.pdf>. Further, zero tolerance policies result in the disproportionate discipline of student of color, leading to more suspensions, expulsions, and referrals to law enforcement for such students. See also Catherine Winter, *Spare the Rod*, American Public Media Reports (Aug. 25, 2016), <https://www.apmreports.org/episode/2016/08/25/reforming-school-discipline>.

⁴⁶ See Rockford Public Schools Governing Policy 7.150 at 1, <https://resources.finalsite.net/images/v1591211620/rps205com/ry5bpzq9vpled1ul8yro/7150.pdf> (last visited May 18, 2024). On May 21, 2024, the Board adopted changes to the policy that clarify that “[l]aw enforcement officers do not serve in the role of a school administrator and should not be used as such,” and that “[i]n no instance shall a school administrator ask a law enforcement officer to handcuff a student.” But the revisions do not prevent students from being referred to law enforcement for minor violations and they are completely silent regarding municipal ticketing by SROs.

“collaboratively engage all students in a world class education.”⁴⁷ Research shows that school safety approaches emphasizing the presence of SROs on campus are not effective in making schools safer and are often associated with negative outcomes, including lower academic performance and higher levels of school violence, greater dropout rates, more antisocial behavior, and more interactions with the criminal justice system.⁴⁸ Students with more frequent interactions with SROs feel less connected and supported in their schools.⁴⁹ Studies have not found evidence that the presence of SROs prevents mass shootings, bullying, and disorder.⁵⁰ The presence of SROs in schools has also been linked to higher rates of chronic absenteeism, grade retention, and dropout.⁵¹ And students who have police or court involvement are significantly less likely to graduate than their peers who do not have such involvement.⁵²

Moreover, the use of SROs to address minor school misbehavior, as in RPS, may impede educational progress for the school as a whole, including for those students who are not referred to SROs. Schools with highly restrictive school climates have not been shown to have lower rates of problem behavior than other schools.⁵³ Instead, relying on police to address student behavior may compromise educational environments and outcomes.⁵⁴ It can foster a highly restrictive, distrustful environment that diminishes students’ views of teachers’ authority and can make it more difficult to maintain school order and safety and promote academic achievement.⁵⁵ As outlined in greater detail below, SRO school involvement has a

⁴⁷ *About RPS 205*, Rockford Public Schools, <https://www.rps205.com/about-rps-205> (last visited May 18, 2024).

⁴⁸ See Bartlett et al., *supra* note 1, at 1.

⁴⁹ See Emily Nuñez-Eddy et al., *Revisiting police presence on campus in post-covid times: the impact of school resource officers on student safety and school climate*, Ariz. State Univ. Sw. Interdisc. Rsch. Center (2021) at 17, https://sirc.asu.edu/sites/default/files/school_safety_sros.pdf.

⁵⁰ See Aaron Kupchik, *Research on the Impact of School Policing*, ACLU Pennsylvania (Aug. 2020), <https://fisafoundation.org/wp-content/uploads/2020/08/Research-on-School-Policing-by-Aaron-Kupchik-July-2020.pdf>. See also Deanna N. Devlin et al., *An evaluation of police officers in schools as a bullying intervention*, 71 *Evaluation and Program Planning* 12, 18 (2021), <https://www.sciencedirect.com/science/article/abs/pii/S0149718917301118?via%3Dihub>.

⁵¹ See Lucy S. Sorenson et al., *The Thin Blue Line in Schools: New Evidence on School-Based Policing Across the U.S.* (EdWorkingPaper No. 21-476), Annenberg Inst. at Brown Univ. (Oct. 2021) at 2, <https://files.eric.ed.gov/fulltext/ED616763.pdf>. See also Emily K. Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long Term Education Outcomes*, Educ. Rsch. Center at Univ. of Tex. Austin (Nov. 2018) at 3, <https://texaserc.utexas.edu/wp-content/uploads/2018/11/21-UTA034-Brief-BPCAB-11.1.18.pdf>.

⁵² See Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Just. Q.* 462, 473 (2006), <https://asu.elsevierpure.com/en/publications/who-will-graduate-disruption-of-high-school-education-by-arrest-a>.

⁵³ See Matthew J. Meyer & Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Educ. & Treatment of Child.* 333, 349 (1999), https://www.researchgate.net/profile/Peter-Leone-4/publication/241860674_A_Structural_Analysis_of_School_Violence_and_Disruption_Implications_for_Creating_Safer_Schools/links/00463528676693f220000000/A-Structural-Analysis-of-School-Violence-and-Disruption-Implications-for-Creating-Safer-Schools.pdf.

⁵⁴ See Aaron Kupchik & Geoff Ward, *Race, Poverty, and Exclusionary School Security: An Empirical Analysis of U.S. Elementary, Middle, and High Schools*, 12 *Youth Violence & Juv. Just.* 332, 333 (2014), <https://ed.buffalo.edu/content/dam/ed/safety-conference/Kupchik%20and%20Ward%20YVJJ%202014.pdf>.

⁵⁵ See Meyer & Leone, *supra* note 53, at 352. See also Madeleine Morris, *School Resource Officers: Do the Benefits of Student Safety Outweigh Their Negative Impacts?*, 41 *Childs.’s Legal Rts. J.* 193, 197 (2021), <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1246&context=clrj>.

significant negative impact on the economic and civic well-being of individual students, schools as a whole, and even entire communities.

A. Negative Impacts on Students

Because RPS's use of SRO referrals for school-based incidents reduces instructional time, school connectedness and opportunities for pro-social development, it results in negative academic outcomes for individual students.

RPS's SRO referral practice immediately impedes referred students' educational progress. A referral can result in a student being subject to exclusionary school discipline and being removed from the classroom. It can also mean that the referred student must leave school to attend an administrative adjudication hearing. In Rockford, in cases where the SRO issues a municipal ticket, the student is required to attend administrative adjudication proceedings, which are only in session on Wednesdays during the school day.⁵⁶ These tickets can also have longer term financial effects on students and their families. If students do not appear at this hearing, they may face default fines and fees of over \$750.⁵⁷ Municipalities may recover default fines and fees from the student or their parents for up to seven years via wage or tax refund garnishment, citations to discover assets, judgment liens, body-attachment orders, local debt recovery programs, or through debt collection agencies, thereby allowing municipalities to pursue collection of judgment debts for these types of tickets well past the age when the student reaches majority.⁵⁸ Further, these debts may affect the future credit scores of students and their parents as lenders may be able to see outstanding liens in the public record, and as creditors may report delinquent debt to consumer reporting agencies.

RPS's practice reflects the academic research, which shows that when police are in schools, they are often either directly involved with routine school discipline or their presence indirectly contributes to a harsher, more exclusionary climate.⁵⁹ Increased use of security personnel in schools is related to higher rates of lost instruction for students, and this relationship is even more pronounced at schools with more than 100 Black students.⁶⁰ Unnecessarily removing students from instructional settings undercuts students' educational prospects; the research consistently shows a positive relationship between instructional

⁵⁶ See *Code of Ordinances*, City of Rockford Department of Law, <https://www.rockfordil.gov/660/Code-Hearings> (last visited May 18, 2024) (explaining that Code of Ordinance citation hearings are scheduled for 1:00 pm on Wednesdays).

⁵⁷ See Rockford Municipal Code Ch. 1, § 1-9.

⁵⁸ See 65 Ill. Comp. Stat. § 5/1-2/1-8(a) (providing that “[a]ny fine . . . or costs imposed . . . remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the municipality and may be collected in accordance with applicable law”); 735 Ill. Comp. Stat. § 5/12-701 and 735 Ill. Comp. Stat. § 5/12-801 (wage or non-wage garnishment); 735 Ill. Comp. Stat. § 5/2-1402 (citations to discover assets); 735 Ill. Comp. Stat. § 5/12-101 (judgment liens); 735 Ill. Comp. Stat. § 5/12-107.5 (body-attachment orders).

⁵⁹ See Daniel J. Losen & Paul Martinez, *Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn*, Learning Pol’y Inst. (Oct. 1, 2020) at 34, https://learningpolicyinstitute.org/media/508/download?inline&file=CRDC_School_Discipline_REPORT.pdf.

⁶⁰ *Id.* at 33.

opportunity (time in school) and student achievement.⁶¹ In the long term, lost instructional time makes future academic tasks more difficult and, consequently, incentivizes students to misbehave to avoid increasingly difficult academic work.⁶² The interruption of educational opportunities makes it more likely that a student will leave school before graduating. Studies show that a first-time court appearance nearly quadruples the likelihood that a student will drop out.⁶³ As a result, RPS's reliance on SRO referrals to discipline students increases the referred students' risk of academic failure. Further, for Black students in particular, contact with police in middle school makes it more likely that they will be arrested as young adults.⁶⁴

RPS's reliance on SRO referrals to discipline students also endangers referred students' school connectedness—students' belief that adults within the school care about them and their educational progress. That sense of connectedness is critical to protect against a number of risk factors for poor academic and life outcomes.⁶⁵

For students to feel connected to a school community, they must perceive school authorities to be caring and fair. However, reliance on improper SRO referrals undermines these relationships.⁶⁶ Students of color, particularly Black students, report feeling less safe when police are present in schools when compared to their White peers.⁶⁷ Studies have found that students with more frequent interactions with SROs feel less connected and supported in their schools.⁶⁸ Increased school police presence leads students to a “shared sense of grievance” which decreases student ratings of school climate and academic engagement.⁶⁹ And because SRO referral decisions and the outcome of the SRO referral are often both subjective, both on the part of the school staff who made the referral and the SRO who decides on a law enforcement outcome, a referred student may view school and police authorities as unfair and untrustworthy.⁷⁰ Negative interaction with SROs on school

⁶¹ See M. Karega Rausch & Russell Skiba, *Unplanned Outcomes: Suspensions and Expulsions in Indiana*, 2 Educ. Pol'y Briefs 1, 6 (2004), <https://files.eric.ed.gov/fulltext/ED488917.pdf>.

⁶² See Aaron Kupchik, *Things are Tough All Over: Race, Ethnicity, Class and School Discipline*, 11 Punishment & Society 291, 307 (2009), <https://journals.sagepub.com/doi/10.1177/1462474509334552> (finding that lost instructional time served to aggravate students' academic deficits because they fell further behind their classmates).

⁶³ See Sweeten, *supra* note 52, at 473.

⁶⁴ See Anne McGlynn-Wright et al., *The Usual, Racialized, Suspects: The Consequence of Police Contacts with Black and White Youth on Adult Arrest*, 69 Social Problems 299, 299 (2022), <https://academic.oup.com/socpro/article/69/2/299/5953172>.

⁶⁵ See Centers for Disease Control and Prevention, *School Connectedness: Strategies for Increasing Protective Factors Among Youth* (2009), <https://stacks.cdc.gov/view/cdc/5767>.

⁶⁶ See Jaana Juvonen, *School Violence: Prevalence, Fears and Prevention*, RAND (2001) at 3, http://www.rand.org/pubs/issue_papers/IP219.html (concluding that the presence of police on campus can “breed a sense of mistrust among students”).

⁶⁷ See Nakamoto et al., *supra* note 2, at 5.

⁶⁸ See generally Elizabeth Pufall Jones et. al., *Disciplined and Disconnected: How Student Experience Exclusionary Discipline in Minnesota and the Promise of Non-Exclusionary Alternatives*, Ctr. for Promise (2018), <https://files.eric.ed.gov/fulltext/ED586336.pdf>.

⁶⁹ See Rachel Garver & Pedro Noguera, *For Safety's Sake: A Case Study of School Security Efforts and Their Impact on Education Reform*, 3 J. Applied Rsch. Child. 1, 23-24 (2012), <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss2/5/>.

⁷⁰ See Johanna Wald & Lisa Thurau, *First Do No Harm: How Educators and Police Can Work Together More Effectively To Preserve School Safety and Protect Vulnerable Students* (Mar. 2010) at 8,

campuses can thus damage students' views of teachers' authority and thus disrupt the learning environment.⁷¹

The consequences of reduced school connectedness are significant, both inside and outside the school environment. Students with high levels of connectedness to school have better attendance, higher grades, higher standardized test scores and fewer behavioral incidents than their peers who are less connected to school.⁷² School connectedness functions as a critical factor in supporting academic achievement for economically disadvantaged students and protects against health risks that reduce students' focus on academics and achievement.⁷³ Connectedness protects against a range of negative behaviors outside the classroom; connected students are less likely to attempt suicide, abuse illegal substances, engage in early sexual conduct, participate in violent or delinquent behavior or affiliate with gang members.⁷⁴ And school connectedness has a positive impact on a student's overall level of life satisfaction.⁷⁵ To the extent RPS's SRO referral practice decreases individual student's school connectedness, it puts students at greater risk for many poor academic and life outcomes.

Overreliance on SROs for typical student behavior, as occurring in RPS, can also undermine the necessary predicates for adolescent development within the school environment. If students believe that they have been referred unfairly or that their

https://www.njcn.org/uploads/digital-library/resource_1574_1.pdf. Even police officers stationed at schools report that requests by school staff to intervene are often driven more by the student involved rather than the seriousness of the offense. See Lisa H. Thureau & Johanna Wald, *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L. Sch. L. Rev. 977, 1015

(2009), https://digitalcommons.nyls.edu/nyls_law_review/vol54/iss4/5/; Clea A. McNeely et al., *Promoting School Connectedness: Evidence from the National Longitudinal Study of Adolescent Health*, 72 J. Sch. Health 138, 145 (2002), <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1746-1561.2002.tb06533.x?sid=nlm%3Apubmed> (finding that, in secondary schools where harsh discipline is widely used for minor rule infractions students rate their teachers as less caring and report feeling less belonging in school).

⁷¹ See Arrick Jackson, *Police-school Resource Officers' and Students' Perception of the Police and Offending*, 25 Policing: Int'l J. Police Strategies & Mgmt. 631, 634 (2002), <https://www.emerald.com/insight/content/doi/10.1108/13639510210437078/full/html> (finding that officers' presence on school campuses posed obstacles for free and open learning environments by damaging students' view of teachers' authority).

⁷² Indeed, middle school students with high degrees of school connectedness were 75 percent more likely to do well on measures of academic achievement and school attendance than their peers who were less engaged. Adena M. Klem & James P. Connell, *Relationships Matter: Linking Teacher Support to Student Engagement and Achievement*, 74 J. Sch. Health 262, 266 (2004), <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1746-1561.2004.tb08283.x?sid=nlm%3Apubmed>. See also Centers for Disease Control, *supra* note 65, at 5; Richard F. Catalano et al., *The Importance of Bonding to School for Healthy Development: Findings from the Social Development Research Group* 74 J. of Sch. Health 252, 256, 259 (2004), <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1746-1561.2004.tb08281.x?sid=nlm%3Apubmed>.

⁷³ See Bronwyn E. Becker & Suniya S. Luthar, *Social-Emotional Factors Affecting Achievement Outcomes Among Disadvantaged Students: Closing the Achievement Gap*, 37 Educ. Psych. 197-214 (2002), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3523355/>; Dorian Wilson, *The Interface of School Climate and School Connectedness and Relationships with Aggression and Victimization*, 74 J. Sch. Health 293, 298 (2004), <https://resources.finalsite.net/images/v1699634870/caiuorg/ehnv3z52l6evx3nquwdq/CommitmentsSchoolViolence-15.pdf>.

⁷⁴ Centers for Disease Control, *supra* note 65, at 5.

⁷⁵ See, e.g., Sukkyung You et al., *Relations Among School Connectedness, Hope, Life Satisfaction, and Bully Victimization*, 45 Psych. Sch. 446, 456 (2008), <https://psycnet.apa.org/record/2008-05316-007>.

punishment is disproportionate to their behavior, they may withdraw from relationships with school staff, lose trust in school authorities, and perceive that they do not have efficacy within school.⁷⁶

B. Negative Impacts on Schools

RPS's practice of relying on SROs to address school discipline does not increase, and may negatively impact, the safety, order and educational progress of the school as a whole.

While the Intergovernmental Agreement between RPS and the City of Rockford requires SROs to "provide school security during the school day and after school events," there is no evidence that SRO referrals improve school safety or school climate.⁷⁷ Instead, the negative impact of SRO involvement on school safety has been well-established over the last quarter century. A meta-analysis of 178 individual studies assessing the effectiveness of different school-based disciplinary interventions determined that the use of police to address student conduct does not reduce the occurrence of problem behavior in schools.⁷⁸ Fostering such restrictive environments may jeopardize instead of promote school safety.⁷⁹ In short, RPS's reliance on police to address student behavior may hinder its efforts. Additionally, employing highly-restrictive security measures may impede a school's educational progress by diverting resources that might otherwise be used to improve academic instruction and school culture.⁸⁰ Consequently, rather than improving school-wide academics and behavior, RPS's reliance on SRO referrals harms the overall school environment.

Increasingly, other school districts provide evidence that reliance on SROs is unnecessary to achieve school safety. Since a positive and safe school climate is essential to promoting students' learning, achievement, and engagement, many school districts are revisiting the presence of SROs and are exploring alternative programs that emphasize prevention over

⁷⁶ See Russell Skiba et al., American Psychological Association, Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations* (2006) at 69-70, <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf> (hereinafter "APA"); The Civil Rights Project at Harvard University & the Advancement Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies* (June 1, 2001) at 9-10, <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies>;

Jackson, *supra* note 71, at 634 (finding that officers' presence on school campuses was psychologically damaging to students, particularly in their view of authority and supportiveness of the learning environment). See also Karen F. Osterman, *Students' Need for Belonging in the School Community*, 70 Rev. Educ. Res. 323, 361 (2000), <https://journals.sagepub.com/doi/abs/10.3102/00346543070003323> (discussing the importance of students developing a sense of community in their schools).

⁷⁷ Intergovernmental Agreement, *supra* note 16.

⁷⁸ Catherine Y. Kim, *Policing School Discipline*, 77 Brook. L. Rev. 1, 26 (2012), <http://ssrn.com/abstract=2037579>.

⁷⁹ See Meyer & Leone, *supra* note 53, at 349-351.

⁸⁰ See Garver & Noguera, *supra* note 69, at 25.

punishment and are more pedagogically informed, inclusive, and cost-effective.⁸¹ Since the murder of George Floyd in May 2020, over 30 U.S. states have passed more than 140 new police oversight and reform laws, and several school districts (from Seattle, Oakland, and Los Angeles to Minneapolis) voted to gradually remove police from their schools.⁸² A district can simultaneously support school safety and academic achievement while reducing reliance on SRO referrals, suspension and expulsion. *See* Section VI *infra*.

C. Impact on the Community at Large

RPS's reliance on SRO referrals, particularly for minor violations that could be addressed by RPS educational staff, produces negative outcomes and a high cost for the Rockford community as a whole. Students who have police or court involvement are more likely to leave school before graduating, which consequently has a large negative impact on the economic future of that student's community. Because students who do not graduate are more likely to be unemployed, they are also substantially more likely to require government assistance than high school graduates.⁸³ The impact on the Black community is particularly stark since, among students who leave school before graduating, Black students are significantly less likely to be employed than Latino or White students.⁸⁴ Those who drop out (or are pushed out) of high school are also significantly more likely to be incarcerated than high school graduates.⁸⁵ Less tangibly, high school graduation promotes community ties and civic responsibility in young adults.⁸⁶ RPS's reliance on SRO referrals is not only counterproductive for the progress of Rockford's students and schools, but it also damages future outcomes for the entire community.

VI. There are More Effective Alternative Practices Available for RPS to Promote Safety and Order While Fulfilling its Educational Mission

There are alternative practices available that would be equally effective in serving RPS's educational mission while reducing harm to Black students.

In recent years, a number of school districts both within and outside of Illinois have

⁸¹ See Jill Cowan, Shawn Hubler & Kate Taylor, *Protestors Urged Defunding the Police. Schools in Big Cities Are Doing It*, N.Y. Times (Feb. 17, 2021), <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html>. See generally Leticia Villarreal Sosa, *School Resource Officers and Black Lives Matter Protests: It's Time for School Social Work to Take a Stand*, 42 Child. & Sch. 203 (2020), <https://academic.oup.com/cs/article-abstract/42/4/203/5909202?redirectedFrom=fulltext&login=false>.

⁸² See Steve Eder, Michael H. Keller & Blacki Migliozzi, *As New Police Reform Laws Sweep Across the U.S., Some Ask: Are They Enough?*, N.Y. Times (Apr. 18, 2021), <https://www.nytimes.com/2021/04/18/us/police-reform-bills.html>.

⁸³ See John M. Bridgeland et al., Civic Enterprises, *The Silent Epidemic: Perspectives of High School Dropouts* (2006) at 2, <https://docs.gatesfoundation.org/Documents/TheSilentEpidemic3-06FINAL.pdf>.

⁸⁴ See Paul Hirschfield, *Another Way Out: The Impact of Juvenile Arrests on High School Dropout*, 82 Soc. of Educ. 368, 368 (2009), <https://psycnet.apa.org/record/2009-23067-004>.

⁸⁵ See Bridgeland et al., *supra* note 83, at 2; cf. Becky Pettit & Bruce Western, *Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration*, 69 Am. Soc. Rev. 151, 153 (2004), <https://journals.sagepub.com/doi/10.1177/000312240406900201>.

⁸⁶ See Amanda Petteeruti, *Education Under Arrest: The Case Against Police in Schools*, Justice Policy Institute (Nov. 2021) at 24, https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

recognized the harm of criminalizing school-based behavior and have accordingly acted to limit police involvement in matters that can be handled by a school’s internal discipline system. In Illinois, since the murder of George Floyd, #PoliceFreeSchools campaigns have been working in Illinois to remove or reduce SRO presence from schools. Their efforts have largely been concentrated in Chicago, Waukegan, Urbana, Bloomington-Normal, Skokie, and Oak Park.⁸⁷

In particular, Chicago warrants deeper review for their use of model, replicable practices that are less discriminatory and appear to be at least equally effective at preserving school safety and supporting academic achievement. In August of 2020, Chicago Public Schools (“CPS”) cut the budget for SROs from \$33 million to \$15 million.⁸⁸ For each year going forward, each high school employing SROs had to opt in to continue having school police.⁸⁹ Beginning in 2020, 17 CPS schools removed SROs. In 2021, another 31 schools followed. Data from August 2022 shows that there are 59 officers assigned to 40 CPS schools, compared to 180 officers in June 2020.⁹⁰ CPS schools have used funds that would have gone to SROs to invest in alternatives.⁹¹

There is already promising data coming out of some CPS schools.⁹² For instance, in 2020, in schools where coaches with Alternatives, Inc.—an organization that has worked with CPS for over 20 years on alternatives to school policing—trained students and staff in restorative justice, reports of misconduct dropped by 31%, out-of-school suspensions dropped by 50%, and severe incident reports dropped by 43.8%.⁹³ As another example, the alternative solution of hiring a school culture coordinator, a role that focuses on holistic wellness and restorative justice, appears to be especially popular. In 2021, there were 51 school culture coordinators across CPS,

⁸⁷ See *Supporting the Call for Police Free Schools in Illinois*, Illinois Families for Public Schools, https://www.ilfps.org/police_free_schools (last visited, May 18, 2024).

⁸⁸ See Maya Riser-Kositsky, Stephen Sawchuk, & Holly Peele, *School Police: Which Districts Cut Them? Which Brought Them Back?*, *Edu. Weekly* (June 29, 2022), <https://www.edweek.org/leadership/which-districts-have-cut-school-policing-programs/2021/06>.

⁸⁹ Eileen Pomeroy & Mauricio Pena, *Chicago Schools Started Removing Police Two Years Ago. What’s Happened Since?*, *Chalkbeat Chi.* (Aug. 16, 2022), <https://www.chalkbeat.org/chicago/2022/8/16/23308391/chicago-public-schools-police-school-resource-officers-restorative-justice-whole-school-safety-plan/>.

⁹⁰ *Id.*

⁹¹ For instance, the Gordon S. Hubbard High School in West Lawn hired a dedicated staff member to coordinate social and emotional support for students. The Emil G. Hirsch Metropolitan High School in Greater Grand Crossing hired a full-time social worker. Hyde Park Academy in the South Side implemented a Whole School Safety Plan, which tasked a staff member with training the school community on restorative justice practices, creating a “peace room” (for mediation), and setting up a youth council for more peer-to-peer engagement. Kelly Garcia, *More than 30 Chicago High Schools Will Pursue Alternatives to Police Next Year*, *Injustice Watch* (July 21, 2021), <https://www.injusticewatch.org/news/2021/more-than-30-chicago-high-schools-will-pursue-alternatives-to-police-next-year/>.

⁹² See, e.g., Lauren Rich, Nicholas Mader & Aida Pacheco-Applegate, *Restorative Justice Programming and Student Behavioral and Disciplinary Outcomes*, Chapin Hall at the Univ. of Chicago (2017) at 1, https://www.chapinhall.org/wp-content/uploads/CPS_Report_-_403_SOW_41_Umoja_Restorative_Justice_2.22.18.pdf; Jennifer L. DePaoli, Laura E. Hernández, Roberta C. Furger & Linda Darling-Hammond, *A Restorative Approach for Equitable Education*, Learning Pol’y Inst. (Mar. 2021) at 2, https://learningpolicyinstitute.org/media/492/download?inline&file=WCE_Restorative%20Approach_Equitable_Education_BRIEF.pdf.

⁹³ Curtis Black, *What’s the Alternative to Police in Schools?*, *Chi. Reporter* (June 11, 2020), <https://www.chicagoreporter.com/whats-the-alternative-to-police-in-schools-restorative-justice/>.

including many who worked alongside SROs; the first school in CPS to create this position saw a 78% decrease in serious disruptive behaviors among students in three years.⁹⁴

The results in Chicago reflect national research showing that school districts that implemented restorative justice practices as an alternative to traditional school discipline measures have cited overall drops in in- and out-of-school suspensions.⁹⁵ Restorative practices are rooted in Indigenous conceptions and traditions of justice that value human dignity and respect, emphasize healing and accountability, and strive to repair relationships and promote safer communities.⁹⁶ In seeking justice, restorative practices utilize dialogue and relational pedagogies to orient the student with the person or people harmed to humanize the injury having been committed.⁹⁷ These practices foster a listening culture which positively impacts student practices of respect, empathy, trust, critical thinking, and problem solving, and facilitates shared leadership in addressing changes across school campuses.⁹⁸

When restorative practices are implemented with fidelity, they successfully promote dialogue and accountability, create a stronger sense of community, improve relationships, reduce exclusionary discipline referrals, and increase equity in discipline.⁹⁹ When used in the context of school safety, restorative practices have also been shown to be an effective alternative to punitive responses to wrongdoing.¹⁰⁰ For example, the Dallas Independent School District experienced a 70% decrease in in-school suspensions, a 77% decrease in out-of-school suspensions, and a 50% cut to the number of students sent to an alternative place of learning.¹⁰¹ Likewise, a 2021 literature review concluded that restorative practices contribute to safe learning environments and the development of positive, supportive, and authentic relationships.

Research across the country supports the effectiveness of other less discriminatory alternatives to SROs such as Positive Behavior Interventions and Supports (PBIS). PBIS is a data-driven support system that relies on both social and academic interventions (rather than

⁹⁴ See Garcia, *supra* note 91.

⁹⁵ See Bartlett et al., *supra* note 1, at 35.

⁹⁶ See *id.* at 34.

⁹⁷ Abbe Gregory & Katherine R. Evans, *The Starts and Stumbles of Restorative Justice in Education: Where Do We Go From Here?*, Nat. Ed. Pol’y Ctr. at 3, <https://files.eric.ed.gov/fulltext/ED605800.pdf>. See also Karen Gravett, Carol A. Taylor & Nikki Fairchild, *Pedagogies of mattering: re-conceptualising relational pedagogies in higher education*, 29 *Teaching in Higher Educ.* 388, 392 (Sept. 2021),

<https://www.tandfonline.com/doi/epdf/10.1080/13562517.2021.1989580?needAccess=true>; Ray Boyd, Neil MacNeill & Greg Sullivan, *Relational pedagogy: putting balance back into students’ learning*, 4 *Curriculum & Leadership J.* 1, 1 (2006), https://www.academia.edu/32091027/2006_C_and_L_Relational_pedagogy_putting_balance_back_into_students_learning.

⁹⁸ See Trista Hollweck, Kristin Reimer & Karen Bouchard, *A Missing Piece: Embedding Restorative Justice and Relational Pedagogy into the Teacher Education Classroom*, 15 *The New Educator* 246, 250 (2019), <https://www.tandfonline.com/doi/full/10.1080/1547688X.2019.1626678>.

⁹⁹ *Id.*

¹⁰⁰ See generally David R. Karp & Beau Breslin, *Restorative Justice In School Communities*, 33 *Youth & Soc’y* 249 (2001), <https://journals.sagepub.com/doi/10.1177/0044118X01033002006>.

¹⁰¹ Cindy Long, *Restorative Discipline Makes Huge Impact in Texas Elementary and Middle Schools*, NEA TODAY (Aug. 25, 2016), <https://www.nea.org/advocating-for-change/new-fromnea/restorative-discipline-makes-huge-impact-texas-elementary-and> (last visited May 18, 2024).

disciplinary ones) to address and guide student behaviors and outcomes.¹⁰² The research literature considers correctly-implemented PBIS as a promising practice to address issues related to school climate, student discipline, and bullying.¹⁰³ A recent meta-analysis of 29 studies found that PBIS resulted in statistically significant reductions in student discipline and improvements in academic achievement.¹⁰⁴

Research also shows that replacing SRO referrals with suspension and expulsion—common forms of discipline in RPS, particularly for Black students—is *not* an effective alternative. Approaches that rely upon excluding students from the classroom environment have increased racial disparities in school discipline and yielded similarly negative results for students, schools and communities.¹⁰⁵ In addition to SRO referrals, other forms of exclusionary discipline, including suspension and expulsion, substantially impede the educational progress of individual students and schools and fail to improve student behaviors.¹⁰⁶ Reliance on exclusionary discipline methods harms all students, but particularly harms Black students.¹⁰⁷ In Rockford, these disparities are already apparent in internal disciplinary referrals. *See supra* Section IV. Relying on suspension and expulsion as the alternative to SRO referrals would only exacerbate those disparities.

Therefore, in examining and implementing alternatives to its current practice of referring students to SROs, RPS should not turn to an increased reliance on exclusionary discipline, which has been proven to result in similar negative repercussions for students, schools and communities. There are instead replicable practices for reducing reliance on police-student contact, suspension and expulsion that support school safety and promote academic achievement.

VII. Conclusion

Title VI of the Civil Rights Act of 1964 provides that recipients of federal financial assistance may not discriminate on the basis of race, color, or national origin. 42 U.S.C. § 2000d. Specifically, Title VI prohibits a recipient from discriminating against a protected

¹⁰² See Christine Alter, *Positive Behavioral Interventions and Supports (PBIS)*, Encyclopedia of Autism Spectrum Disorders (July 5, 2018) at 1, https://link.springer.com/referenceworkentry/10.1007/978-1-4614-6435-8_102148-1.

¹⁰³ See Catherine P. Bradshaw, *Preventing Bullying through Positive Behavioral Interventions and Supports (PBIS): A Multitiered Approach to Prevention and Integration*, 52 *Theory Into Prac.* 288, 289 (2013), https://www.naesp.org/sites/default/files/images/as/PBIS_Bullying_TIPs.pdf; Jeffrey Sprague, Vicki Nishioka & Stephen G. Smith, *Safe Schools, Positive Behavior Supports, and Mental Health Supports*, 6 *J. Sch. Violence* 93, 103 (2007), https://www.tandfonline.com/doi/abs/10.1300/J202v06n02_06; see also Tracy E. Waasdorp, Catherine P. Bradshaw & Philip J. Leaf, *The Impact of Schoolwide Positive Behavioral Interventions and Supports on Bullying and Peer Rejection*, 166 *Archives Pediatric & Adolescent Med.* 149, 149 (2012), <https://jamanetwork.com/journals/jamapediatrics/fullarticle/1107694>.

¹⁰⁴ See Ahhyun Lee & Nicholas A. Gage, *Updating and expanding systematic reviews and meta-analyses on the effects of school-wide positive behavior interventions and supports*, 57 *Psych. Sch.* 783, 783 (2020), <https://onlinelibrary.wiley.com/doi/abs/10.1002/pits.22336>.

¹⁰⁵ See generally APA, *supra* note 77, at 49-51 (summarizing research showing that a student receiving exclusionary discipline is a predictor of school dropout).

¹⁰⁶ *Id.* at 44-48.

¹⁰⁷ U.S. Dep't of Educ., Office for Civil Rights, *The Transformed Civil Rights Data Collection* (Mar. 12, 2012) at 2, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf> (summarizing the disciplinary data contained in the 2009-10 Civil Rights Data Collection, a national collection sampling half of the nation's school districts).

group either through disparate treatment of that group or through practices or policies that have a discriminatory effect on that group. 34 C.F.R. § 100.3(b)(1)-(2). Discrimination can be shown “through the overt acts of the defendant [.]” *Brown v. William Rainey Harper Coll.*, No. 16 C 1071, 2017 WL 3278822, at *13 (N.D. Ill. Aug. 1, 2017). Discrimination can also be shown through circumstantial evidence. *Village of Arlington Heights v. Metro. House. Dev. Corp.*, 429 U.S. 252, 266 (1977). RPS discriminates against Black students based on their race in its SRO referral practice, and thus violates Title VI.

Complainants respectfully request that OCR issue findings that RPS’s SRO referral practice violates Title VI of the Civil Rights Act of 1964 by discriminating against RPS’s Black students and order corrective action to end this discrimination. Complainants request that OCR order any and all relief it deems appropriate to address the issues and deficiencies identified in this complaint, and require RPS to ensure that its disciplinary practices, including any reliance on SROs, do not discriminate or violate Title VI. Any such remedy should guarantee that RPS monitors its disciplinary processes so that they do not result in discriminatory effects or outcomes.

Respectfully submitted,

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