



## The Counseling not Criminalization in Schools Act

### **Background:**

Over the last 50 years, our nation's public schools have become sites for increased criminalization and surveillance of young people, particularly Black, Native American and Latinx students, immigrant students, students with disabilities, LGBTQ+ students and other historically marginalized students.<sup>1</sup> Since 1999, the Federal government has invested more than \$1 billion to subsidize the placement of police in schools, resulting in more than 46,000 school resource officers (SROs) patrolling the halls of K-12 schools throughout the nation.<sup>2</sup> At the same time, 90% of K-12 students throughout the nation attend a school that fails to meet adequate student to counselor, school nurse and social worker ratios.<sup>3</sup>

A growing body of research has not found any evidence that school police make schools safer. When police officers have a presence in schools, students are more likely to have their learning interrupted, more likely to be subjected to physical restraint and interrogation, and more likely to be referred to law enforcement and funneled into the school to confinement pathway.<sup>4</sup>

### **Public Schools are Under-Resourced, and Students are Over Criminalized:**

- Schools with police officers reported nearly 5 times more arrests than schools without police.<sup>5</sup>
- Since 2013, more than 30,000 children under the age of 10 have been arrested in the United States and school-based arrests were a major driver in this trend.<sup>6</sup>
- Students of color and students with disabilities are more likely to go to a school with a police officer, more likely to be referred to law enforcement and more likely to be arrested at school.
  - Black students were arrested at 3 times the rate of white students and Black girls are arrested at 4 times the rate of white girls.<sup>7</sup>
  - Students with disabilities were nearly 3 times more likely to be arrested at school than students without disabilities.<sup>8</sup>
- While the presence of law enforcement on school campuses is flourishing, 90 percent of students attend schools where the number of counselors, social workers, nurses and psychologists do not meet recommended professional standards.<sup>9</sup>
  - 1.7 million students attend schools with police but no counselors.
  - 3 million students attend schools with police but no school nurse.
  - 6 million students attend schools with police but no school psychologist.
  - 10 million students attend schools with police but no social workers.

<sup>1</sup> American Civil Liberties Union, "Bullies in Blue," (2017), Megan French-Marcelin and Sarah Hinger, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_bullies\\_in\\_blue\\_4\\_11\\_17\\_final.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf).

<sup>2</sup> Strategies for Youth, "Two Billion Dollars Later, States Begin to Regulate School Resource Officers in the Nation's Schools, A Survey of State Laws" Lisa H. Thurau and Lany W. Or, (2019), <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf>.

<sup>3</sup> American Civil Liberties Union, "Cops and No Counselors, How the Lack of Mental Health Staff is Harming Students," (2020), Amir Whitaker, Sylvia Torres-Guillen, Michelle Morton, Harold Jordan, Stephanie Coyle, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>

<sup>4</sup> Ibid.

<sup>5</sup> The Justice Policy Institute, "Education Under Arrest: The Case Against Police in Schools", The Justice Policy Institute, November, 2011, [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf)

<sup>6</sup> ABC News, "More than 30,000 Children under age 10 have been arrested in the US since 2013: FBI," October 1, 2019, Bill Hutchinson, <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

<sup>7</sup> American Civil Liberties Union, "Cops and No Counselors, How the Lack of Mental Health Staff is Harming Students," (2020), Amir Whitaker, Sylvia Torres-Guillen, Michelle Morton, Harold Jordan, Stephanie Coyle, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.



Recent polling by Data for Progress found that the majority of the public (57%) supports decreasing the presence of police in schools and instead investing in behavioral mental health and emotional support for students.<sup>10</sup>

### **The Counseling not Criminalization in Schools Act**

Rep. Pressley, Senator Murphy, Rep. Omar and Senator Warren's [Counseling not Criminalization in Schools Act](#) will help reduce the over policing and criminalization of our nation's students. The bill specifically does this by:

- Explicitly prohibiting federal funds to support the hiring, recruitment and placement of police officers on K-12 school campuses.
- Establishing a \$2.5 billion grant program to invest in school districts seeking to replace law enforcement officers with adequately trained personnel like counselors, social workers, nurses, mental health practitioners and trauma informed personnel, which have been proven to create safer and more inclusive learning environments in schools.
  - Grant funds may also be used to implement schoolwide behavioral interventions and supports, restorative justice programs and interventions and evidence-based trauma informed services to improve school climates.
  - Grant funds may not be used to:
    - Establish zero tolerance school discipline policies which result in students being suspended, expelled and referred to law enforcement at higher rates
    - Purchase, maintain or install surveillance technology, including metal detectors or software to mine the technology use of students
    - Arm teachers, school leaders or any other school personnel on campus.

### **Endorsements**

The Leadership Conference on Civil and Human Rights, NAACP Legal Defense and Educational Fund, The National Urban League, American Federation of Teachers, Boston Teachers Union, the Lawyers for Civil Rights Boston, National Women's Law Center, the Justice Collaborative, Center for Disability Rights, Inc., National Center for Disability Rights, National Education Association, the Center for Law and Social Policy (CLASP), Girls, Inc., GLSEN, Human Rights Campaign, Education Law Center, Advancement Project, Open Society Policy Center, the Center for Popular Democracy, Drug Policy Alliance, National Center for Learning Disabilities, the Daniel Initiative, the Council of Parent Attorneys and Advocates, the Criminalization of Poverty Project at the Institute for Policy Studies, the National Center for Youth Law, the National Black Child Development Institute (NBCDI), and PolicyLink.

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<sup>10</sup> Data for Progress, Memo: The Public Favors Support for Students, Not Policing Them," July 22, 2020, <https://www.dataforprogress.org/memos/public-favors-supporting-students>