

Counseling Not Criminalization in Schools Act

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Sens. Chris Murphy (D-CT), Elizabeth Warren (D-MA) and Tina Smith (D-MN)

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.¹ 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.² 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.³

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 nexus.⁴

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

- Schools with police officers reported nearly 3.5 times more arrests than schools without police.⁵
- Since 2013, more than 30,000 children under the age of ten have been arrested in the United States and school-based arrests were a major driver in this trend.⁶
- 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 three times the rate of white students and Black girls are arrested at four times the rate of white girls.⁷
 - Students with disabilities were nearly three times more likely to be arrested at school than students without disabilities.⁸
- While the presence of law enforcement on school campuses is growing, 90 percent of students attend schools where the number of counselors, social workers, nurses and psychologists do not meet recommended professional standards.⁹
 - 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.

Polling by Data for Progress found that the majority of the public (57%) supports decreasing the presence of

¹ 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.

² 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>.

³ 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>

⁴ Ibid.

⁵ Ibid.

⁶ 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>

⁷ 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>

⁸ Ibid.

⁹ Ibid.

police in schools and instead investing in behavioral mental health and emotional support for students.¹⁰

The Counseling Not Criminalization in Schools Act

The Counseling Not Criminalization in Schools Act will help reduce the over policing and criminalization of our nation's students by:

- Explicitly prohibiting federal funds to support the hiring, recruitment, and placement of police officers on K-12 school campuses.
- Establishing a \$5 billion grant program to support 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, facial recognition technology or software to mine the technology use of students;
 - Arm teachers, school leaders or any other school personnel on campus.

Endorsements:

The National Education Association; American Civil Liberties Union; The Leadership Conference on Civil and Human Rights; NAACP; NACCP Legal Defense Fund, Inc.; The Center for Law and Social Policy; CLASP A New Deal for Youth Changemakers; The Education Trust; Open Society Policy Center; The Center for Popular Democracy; Girls Inc.; Children's Defense Fund; Advancement Project National Office; National Women's Law Center; Human Rights Campaign; National Center for Youth Law; Drug Policy Alliance; Center for Disability Rights; National Juvenile Justice Network; National Center for Learning Disabilities; National Disability Rights Network (NDRN); GLSEN; YWCA USA; The Council of Parent Attorneys and Advocates; The Daniel Initiative; Southern Poverty Law Center Action Fund; Dignity in Schools; Communities for Just Schools Fund; The National Black Child Development Institute; Autistic Self Advocacy Network; Southern Coalition for Justice; Intercultural Development Research Association; First Focus Campaign for Children; The School Social Work Association of America; The National Parents Union; National Down Syndrome Congress; Alliance for Educational Justice; Committee for Children; Poverty & Race Research Action Council; Stand for Children; A Black Education Network; A Deal For Youth Changemakers; A Little Piece of Life; Advocating for Kids, Inc; American Association for People with Disabilities; Anti Police-Terror Project; Aztlan Media – Launch 2024; Bazelon Center for Mental Health Law; BiNet USA; Black Parallel School Board; Blacks in Law Enforcement of America; Blue Future; Blue Hills Civic Association; Breaking the Chains of Your Mind; CASA; Center for Learning Equity; Children's Haven: A Place of Healing and Hope, Inc.; Children's Law Center, Inc.; Chispa; Church World Service; Clearinghouse on Women's Issues; Coalition of Labor Union Women, AFL-CIO; Communities United for Restorative Youth Justice; Critical Exposure; Deep Center; Defending Rights & Dissent; Disability Rights Advocates; Disability Rights Education & Defense Fund; Education Justica Alliance; Ella Baker Center for Human Rights; EveryBlackGirl, Inc.; Feminist Majority Foundation; Health in Justice Action Lab; Hispanic Federation; Hour Children; Justice for Families; Justice Strategies; Justice Teams Network; Juvenile Law Center; LatinoJustice PRLDEF; Los Angeles United School District; Leaders Igniting Transformation; League of Women Voters of the United States; Legal Aid Justice Center; Mommieactivist and Sons; MomsRising; NAMINYS Criminal Justice Committee; National Alliance for Partnerships in Equity; National Black Justice Coalition; National Council of Churches; National Crittenton;

¹⁰ 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>

National Equality Action Team; National Immigration Law Center; New Athens Creative, Inc.; Next Level Vision, Inc.; Parents Organized for Public Education; Polemics: Journal of the Workingclass Struggle and National Writers Union; Policing and Social Justice Project; Project KnuckleHead; Public Advocacy for Kids; Public Justice; RACCE; Rebuilding Independence My Style; Sociedad Latina; SPACES In Action; Strategies for Youth; Students for Sensible Drug Policy; The Advocacy Institute; The Black Police Experience; The Choice Program at UMBC; The Gathering for Justice; The Institute for Compassion in Justice; The Justice Roundtable; The Sentencing Project; United Methodist Women; Urban Youth Collaborative; Vday; Who Speaks For Me; Women's Leadership Project; Working Narratives; Young Voices; Youth Over Guns; and Black & Pink Massachusetts; Special Education Equity for Kids (CT); Center for Children's Advocacy (CT); Arkansas Community Organizations; Baltimore People's Climate Movement; Baltimore Police Free Schools Coalition; Brighton Park Neighborhood Council; California Children's Trust; Center for Youth & Community Leadership in Education; Clevelanders Against Federal Policing; Collierville Community Justice; CT Students for a Dream; DC Prep PrepNext and ANC 1A07; DeCarcerate Memphis; Disability Rights Oregon; Education Law Center (PA); End Mass Incarceration Georgia Network; Equality California; Faith in New Jersey; Faith in Texas; Families and Friends of Louisiana's Incarcerated Children; Family Law Practice Clinic (CUNY School of Law); Florida Student Power Network; Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline; Hilton Head for Peace; Just City Memphis; Kentucky Student Voice Team; Lehigh Valley Stands Up; Living United for Change in Arizona; Make the Road Nevada; Make the Road New York; March for Our Lives DC; Next Level Vision DC; Nollie Jenkins Family Center, Inc.; One Pennsylvania – Education Rights Network; Our Revolution Ohio; Pa'lante Restorative Justice; Reclaim Our Schools LA; Rights & Democracy VT and NH; Silver State Equality – Nevada; Sisters of St. Dominic of Blauvelt, New York; Southern Maine Showing Up for Racial Justice; SURJ Ohio; Uplift MN LLC; Tenants and Workers United; LAUSD.