March 2021

Re-Imagining Student Safety:
From School-Based Law Enforcement towards
a Safe, Healthy, and Inclusive School Climate

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Executive Summary

- Forty-eight states in the United States do not have the recommended student-to-school-counselor ratio. Schools lack sufficient funding to support the hiring of the recommended number of counselors.

- Millions of students go to school with a school resource officer but not a counselor, psychologist, or social worker.

- School resource officers (SROs) have been reported to use excessive force, provide information that leads to students' deportation, and disproportionately arrest students of color. Their presence in schools contributes to the "school-to-prison pipeline" and "school-to-deportation pipeline."

- National data sources have been proven to underreport student arrest data and therefore cannot demonstrate the magnitude of the problem reliably.

- Diverting funding from SROs, investing in School-Based Mental Health (SMBH) providers, and accurately reporting civil rights and education data related to SROs and student discipline can improve school climate and support students' mental health and academic outcomes.

Introduction

Police do not just patrol the neighborhood streets. They also patrol the nation's public school hallways.[1] School resource officers (SROs) have recently become a focus in the national conversation regarding racial justice and policing, although youth leaders have long led the way in calling for and continue to call for police-free schools across the country.[2] Evidence shows that the presence of SROs in schools contributes to the school-to-prison pipeline[3] and has a disproportionately negative effect on students of color. At the same time, there is a lack of school-based mental health providers who can provide students with social-emotional support. As a result, too many students go to school with a school resource officer but not a counselor or other mental health professional.[4]

Background

According to the National Center for Education Statistics, more than 52,000 school resource officers were reported to be in U.S. elementary and secondary public schools at least once a week during the 2015-2016 school year.[5] Forty-two percent of public schools reported having a full-time or part-time SRO.[6] Over 80 percent of public middle and high schools and 51 percent of public primary schools reported having one or more security staff present at least once a week during the 2017-2018 school year.[7]

SRO Program

As defined by the Office of Community Oriented Policing Services (COPS) from the U.S. Department of Justice, "School Resource Officers (SROs) are sworn law enforcement officers responsible for safety and crime prevention in schools."[8] SRO programs vary greatly by program and state, but in practice, SROs engage in activities such as mentorship and teaching in addition to their law enforcement duties.[9]

The U.S. Department of Justice subsidizes police in our nation's schools primarily through COPS grants and the Edward Byrne Memorial Justice Assistance Grant Program (JAG).[10] Since 1999, the COPS in Schools Program has spent approximately one billion dollars for school resource officers.[11] Schools also received state grants under the Safe and Drug-Free Schools and Communities Act until FY 2009 for violence prevention, including the hiring of SROs.[12] In response to school shootings in Parkland, Florida and Santa Fe, Texas in 2018, at least 26 states increased investments by more than $900 million into school safety programs.[13] Some states included funding for increased mental health services and specialists, while most others focused new funds on security upgrades and/or additional campus law enforcement.[14]

Investing in School-Based Mental Health

School-based mental health (SBMH) providers are defined as mental health professionals who work in schools, including school counselors, school psychologists, school social workers, and school nurses.[15] Research shows that social-emotional and mental health support positively impacts school climate and students' academic achievement, classroom behavior, on-task learning, and well-being.[16]

The COVID-19 pandemic has exacerbated pre-existing gaps in mental health services for students experiencing trauma and stress (e.g., bullying, depression, and thoughts of suicide).[17] From 2015-2018, there was a significant increase in major depressive episodes among Latino youth (age 12-17).[18] LGBTQ youth disproportionately experience thoughts of suicide and anxiety.[19]

October CDC guidance mentioned that there would be "potential adverse impacts on students' social-emotional, behavioral, and mental health" caused by the interruption of in-person classes.[20] In particular, the pandemic has negatively impacted LGBTQ youth's mental health, their ability to express their identity, and their access to mental health services.[21]

The situation is dire, as there is already a severe shortage of SBMH providers to support students in schools. According to the U.S. Department of Education, 48 states do not meet the recommended student-to-counselor ratio of 250:1.[22] In Arizona, NCES data shows that the student-to-counselor ratio is the worst in the country at 905 students per counselor—more than three times the professional standard.[23] The National Center for Education Statistics reports that 51 percent of public schools reported providing diagnostic mental health assessments to evaluate students for mental health disorders.[24] Only 38 percent of public schools offered mental health treatment services to students for mental health disorders.[25] About half of schools report that insufficient services are due to inadequate funding and inadequate access to licensed mental health professionals.[26] It is especially concerning that psychiatric and behavioral problems among students of color "often result in school punishment and incarceration, but rarely mental health care."[27]

A Lack of Accountability and Shared Standards for SROs

A student's first interaction with the justice system could be their encounter with an SRO. Currently, there are no mandatory national standards, training, and Memoranda of Understanding for SROs. Only

21 states and Washington, D.C. require an MOU and only 19 states and Washington, D.C. require SROs to be trained on youth-specific law enforcement.[28] Most SROs receive very little training on juvenile justice. A 2011 survey found that 37 states spent one percent or less of total training hours on juvenile justice issues.[29] Most police academies do not teach recruits on how to respond to youth's mental health, trauma or disability needs.[30]

National organizations including the American School Counselor Association and the National Association of School Psychologists recently stated that they "acknowledge and strongly oppose the harm that inappropriate use of force and inappropriate role in school discipline efforts by untrained or undertrained law enforcement in schools can cause, particularly for students of color and students with disabilities."[31]

Harmful Impacts of the School-to-Prison Pipeline

Zero-tolerance policies that result in corporal punishment, out-of-school suspension, and expulsion have been shown to disproportionately impact students of color and students with disabilities and result in profiling.[32] Additionally, school communities face harmful consequences when police officers are present. Schools with police have reported 3.5 times as many arrests as schools without police.[33] Research shows that students in schools with SROs are more likely to be arrested for low-level offenses.[34] Typical non-violent student behaviors such as disrupting class, violating the school's dress code, tantrums, or cursing can lead to a student's arrest when SROs are involved.[35] These behaviors do not warrant the involvement of law

SRO involvement resulted in students, including students of color and students with disabilities, being slammed or pinned too the ground, placed in a chokehold, tasered, pepper-sprayed, handcuffed, beaten, injured, and killed.[41]

enforcement but rather should be handled by the teacher in the classroom, a school-based mental health provider, or other school staff.

The presence of SROs may result in schools having harsher and exclusionary discipline practices. A California study by the Center for Civil Rights Remedies found a positive correlation between an increase in the ratio of security staff and the rate of lost instruction, with a stronger relationship between security staffing and the rate of lost instruction for Black students.[36] Students lose instruction when they are arrested, suspended, or expelled, which can have long term consequences and result in students being caught in the school-to-prison pipeline. An analysis of millions of school and juvenile justice records in Texas found that "students who were suspended and/or expelled, particularly those who were repeatedly disciplined, were more likely to be held back a grade or to drop out than were students not involved in the disciplinary system."[37] A national longitudinal study controlling for 60 variables including measures of demographics, socioeconomic status, and educational achievement found that "12 years after suspension, suspended youth were less likely than matched non-suspended youth to have earned bachelor's degrees or high school diplomas, and were more likely to be arrested and on probation."[38] One multivariate analysis controlling for student demographics including race, student attributes, student

academic performance, student discipline contact and county measures found that students who are suspended or expelled are three times more likely to be in contact with the juvenile justice system the following year than students who are not.[39]

SROs have been accused of using excessive force and responding in ways that do not match the offense. The Advancement Project's "We Came to Learn," report details 62 cases of excessive force perpetrated by school police from November 2010 to March 2018.[40] In many instances, SROs became involved in response to minor disciplinary offenses and/or typical students behavior such as breaking up a fight between peers, refusing to leave art class, or violating dress code policies. SRO involvement resulted in students, including students of color and students with disabilities, being slammed or pinned to the ground, placed in a chokehold, tasered, pepper-sprayed, handcuffed, beaten, injured, and killed.[41]

Instead of enforcement-focused exclusionary discipline practices, including arrests, schools can turn to alternative proven and promising strategies for effective school discipline, improving student behavior, maintaining school safety, and enhancing student achievement. School-wide approaches can include positive behavior intervention and supports, restorative justice programs, community service programs, and professional development programs offering teacher training on classroom management.[42]

Research shows that social emotional learning interventions in schools improve behavior, social and emotional skills, attitudes, and academic performance.[43]

The Impact of Policing on Students of Color

The Department of Education's Civil Rights Data Collection (CRDC) 2015-2016 data show a national, racial disproportionality for students of color in terms of arrests made on campus and other disciplinary actions.[44] Black, Native American, and Latino students are more likely than their White peers to attend schools with police officers on campus and are more likely to be referred to law enforcement or arrested while in school.[45]

SROs also negatively impact school climate, especially for students of color.[46] In California, a study showed that police presence in school made Black, Latino, and Asian students feel less safe compared to their White peers.[47] A recent study primarily conducted in urban school districts found that "African-American girls perceive that their racial identity negatively affects how SROs respond to them on campus."[48]

The Impact of School Policing Latino Students

SROs have a particularly disproportionate impact on Latino students, including undocumented students. Latino students were 3.5 times as likely to be arrested than White students in Rhode Island and more than twice as likely to be arrested in Arkansas, Pennsylvania,

Nationally, students with disabilities were 2.9 times more likely to be arrested than students without disabilities.

Massachusetts, Minnesota, North Dakota, New Jersey, South Dakota, Texas, and Connecticut.[49] Nationally, Latino students were arrested at 1.3 times the rate of White students.[50]

School-based Law Enforcement Meets Immigration Enforcement

When SROs provide information to immigration officers, it can lead to an arrest, a criminal record, denied legal status, or deportation.[51] There are currently 148 total jurisdictions nationwide with 287(g) agreements, which allow state and local agencies to act as immigration enforcement agents.[52] Even though student records should be protected by law,[53] they have fallen into the hands of Immigration and Customs Enforcement (ICE), fueling a "student-to-deportation pipeline." According to Lawyers for Civil Rights, at least 135 student incident reports generated by Boston Public Schools have been shared with ICE since 2014.[53] SRO involvement can lead to increased surveillance and serious consequences for undocumented students. Julia Brown, advocacy and outreach attorney at the Immigration Legal Advocacy Project, testified to the Portland School Board that:

> "Once a noncitizen child has been arrested or convicted of an offense, immigration agencies will see the arrest, adjudication, or conviction, if the child ever applies for an immigration benefit, like a green card or Special Immigrant Juvenile Status. Even a simple arrest could lead to complications in or denial of a youth's immigration application."[55]

Brown adds that "even if an SRO does not or would not contact ICE, students could reasonably fear that they would, and could even associate SROs with ICE."[56]

Approximately 94 percent of Latinos under 18 are U.S. born citizens.[57] Research from the Migration Policy Institute finds that more than half of Latino students surveyed feared that someone close to them would be arrested and deported.[58] About half of foreign-born students were afraid of being deported themselves.[59] More than half of Latino students surveyed reported symptoms of mental health conditions, with students who feared immigration enforcement having the worst mental health outcomes.[60] Therefore, the intersection between school-based law enforcement and immigration enforcement can have detrimental effects on the mental health and sense of safety of Latino students, especially undocumented students and students from mixed-status families.

Policing Students with Disabilities

Lastly, students with disabilities are disproportionately restrained, secluded, and arrested. Students with disabilities under IDEA (Individuals with Disabilities Education Act) represent 13 percent of the student population.[61] However, 80 percent of students subjected to physical restraint and 77 percent of students subjected to seclusion during the 2017-2018 school year were students with disabilities under IDEA.[62] School resource officers are among the school personnel who respond to student behavior

with restraint and seclusion.[63] Nationally, students with disabilities were 2.9 times more likely to be arrested than students without disabilities.[64] Nearly 700,000 English Learners (ELs) and 1.8 million Latino students have a disability.[65]

Lack of Reliable Data Collection and Reporting

Studies indicate a disparate negative impact of SROs on students of color, but the data is incomplete. Over 60 percent of the largest school districts reported zero school-related arrests for the 2015-2016 CRDC, suggesting that the data is incomplete or missing.[66] There are data discrepancies for 21 states, including New York, California, Florida, Massachusetts, and Illinois.[67] The Center for Civil Rights Remedies highlights districts' widespread noncompliance with federal data requirements on referrals to law enforcement and school-related arrests.[68] Policymakers and advocates need access to reliable data to identify disproportionate policing and arresting of particular populations of students. Harold Jordan, senior policy advocate for the American Civil Liberties Union of Pennsylvania, explains:

> "If you don't know how many young people are arrested, what they're arrested for, if you don't have a clear sense of what the practices are…then you're not going to have any control over, you know, what happens to young people. You're not go-

going to know, what happens to young people. You're not going to know to what extent administrators and school officials are doing the right thing and law enforcement is doing the right thing."[69]

Conclusion

Policy advocates, elected officials, and youth have put forth a number of solutions that center the safety, mental health, and inclusivity of all students. Legislation and policy must address the disproportionate impact of SROs and exclusionary discipline practices on students of color and students with disabilities, the lack of reliable discipline data, the need for increased school-based mental health providers, and the inclusion of restorative practices. Re-imagining student safety must always include student and youth voices and must equip all school leaders and staff with the tools to listen to and proactively support students rather than punish, exclude, and arrest them.

Endnotes

[1] Throughout this brief, "school" or "schools" generally refers to public elementary and secondary schools, school districts, or local educational agencies (LEA's) which receive federal funding.

[2] See: Advancement Project and Alliance for Education Justice, "We Came to Learn: A Call to Action for Police-Free Schools," 2017, https://wecametolearn.com/?fbclid=Iw AR1sS3bpmCCFeRrPvO1A6UTXALAb-S9MP3IG6ALApsP1wx1PBPs_M8jMyEy E (accessed December 16, 2020).

[3] In this brief, the school-to-prison pipeline refers to the connection between school discipline and juvenile detention and the school policies which push students into the criminal justice system by referring them to law enforcement or arresting them at school. See: Libby Nelson and Dara Lind, "The School to Prison Pipeline, Explained." Justice Policy Institute, February 24, 2015, http://www.justicepolicy.org/news/8775 (accessed December 13, 2020); and NAACP Legal Defense & Educational Fund, "Dismantling the School-to-Prison Pipeline," June 27, 2018, https://www.naacpldf.org/wp-content/uploads/Dismantling_the_ School_to_ Prison_ Pipeline__Criminal-Justice__.pdf (accessed December 13, 2020).

[4] During the 2015-2016 school year, there were 52,100 public school SROs. See: U.S. Department of Education, National Center for Education Statistics, 2015–16 School Survey on Crime and Safety (SSOCS), 2016, https://nces.ed.gov/surveys/ssocs/tables/tab_my01_2016_all.asp. During the same school year, there were 108,376 school counselors and only three states met the recommended student-to-school-counselor-ratio. See: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Public Elementary/Secondary Education Survey," 2015-16 v.1a, https://www.schoolcounselor.org/asca/media/asca/home/Ratios15-16.pdf. The average annual salary for an SRO is $70,636, which is higher than the average salary of school counselors, nurses, and most teachers. See: "School Resource Officer Salary," Salary Expert Powered by Economic Research Institute, https://www.salaryexpert.com/ salary/job/school-resource-officer/united-states (accessed December 13, 2020). In Arizona, a school resource officer on average cost schools $47,000 more than a counselor. See: Lily Altavena, "See Which Schools are Getting Counselors, Social Workers and Police Officers," AZCentral, December 6, 2019, https://www.azcentral.com/story/news/local/arizona-education/2019/12/06/search-arizona-schools-see-which-got-school-safety-grants-counselors/

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[5] U.S. Department of Education, National Center for Education Statistics, 2015–16 School Survey on Crime and Safety (SSOCS), 2016, Table 1, https://nces.ed.gov/surveys/ssocs/tables/tab_my01_2016_all.asp (accessed November 12, 2020).

[6] Ibid.

[7] Security staff include security guards, security personnel, School Resource Officers (SROs), and sworn law enforcement officers who are not SROs. See: U.S. Department of Education, National Center for Education Statistics, 2017–18 School Survey on Crime and Safety (SSOCS), 2018.

[8] Community Oriented Policing Services U.S. Department of Justice, "Supporting Safe Schools," https://cops.usdoj.gov/supportingsafeschools (accessed December 13, 2020).

[9] Joseph B. Ryan, et al., "The Growing Concerns Regarding School Resource Officers," Intervention in School and Clinic 53, no. 3 (June 11, 2017): 188-192; and Maurice Canady, Bernard James, and Dr. Janet Nease, "To Protect and Educate: The School Resource Officer and the Prevention of Violence in Schools," National Association of School Resource Officers. 2012. https://www.nasro.org/clientuploads/About-Mission/NASRO-To-Protect-and-Educate-nosecurity.pdf (accessed December 13, 2020)

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schools.org, May 2014, http://www.healthinschools.org/wp-content/uploads/2016/10/SEL-Federal-Funding-Guide_v2.pdf (accessed December 13, 2020).

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[14] Ibid.

[15] National Association of School Psychologists, "School-Based Mental Health Services: Improving Student Learning and Well-Being," Nasponline.org, 2016, https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/school-psychology-and-mental-health/school-based-mental-health-services (accessed December 13, 2020).

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[24] U.S. Department of Education, National Center for Education Statistics, 2017–18 School Survey on Crime and Safety (SSOCS), 2018; and Ke Wang, et al., "Indicators of School Crime and Safety: 2019," National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. (July 2020).

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[35] Matthew Theriot, "School Resource Officers and the Criminalization of Student Behavior," Journal of Criminal Justice 37 no. 3 (January 2009): 280-287, https://doi.org/10.1016/j.jcrimjus.2009.04.008; and Amir Whitaker et al., Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students American Civil Liberties Union, 2019), https://www.aclu.org/report/cops-and-no-counselors (accessed December 13, 2020).

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38 Janet Rosenbaum, "Educational and Criminal Justice Outcomes 12 Years After School Suspension." Youth & Society 52, no. 4 (2018): 515-547, https://doi.org/10.1177/0044118X17752208 (accessed December 14, 2020).

39 Libby Nelson and Dara Lind, "The School to Prison Pipeline, Explained." Justice Policy Institute, February 24, 2015, http://www.justicepolicy.org/news/8775 (accessed December 13, 2020); and Tony Fabelo, et al., "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement," (New York: Council of State Governments Justice Center and Public Policy Research Institute, 2011), https://knowledgecenter.csg.org/kc/system/files/Breaking_School_Rules.pdf (accessed December 13, 2020).

40 Advancement Project and Alliance for Educational Justice, We Came To Learn: A Call to Action for Police-Free Schools (Washington D.C., Advancement Project: 2018), https://advancementproject.org/wp-content/uploads/WCTLweb/(accessed December 14, 2020).

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42 Wettach, Jane and Owen, Jenni, "Instead of Suspension: Alternative Strategies for Effective School Discipline," (North Carolina: Duke Center for Child and Family Policy and Duke Law School, 2015), http://dx.doi.org/10.2139/ssrn.3652552 (accessed December 14, 2020).

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45 Amir Whitaker et al., Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students (American Civil Liberties Union, 2019), https://www.aclu.org/report/cops-and-no-counselors (accessed December 13, 2020).

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