

Cops and No Counselors

How the Lack of School Mental Health Staff
Is Harming Students



ACLU

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Acknowledgements

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Executive Summary

The U.S. Department of Education recently required every public school to report the number of social workers, nurses, and psychologists employed for the first time in history. Data about school counselors had been required previously, but this report provides the first state-level student-to-staff ratio comparison for these other school-based mental health personnel, along with school counselors. It reviews state-level student-to-school-based mental health personnel ratios as well as data concerning law enforcement in schools. The report also reviews school arrests and referrals to law enforcement data, with particular attention to disparities by race and disability status. A key finding of the report is that schools are under-resourced and students are overcriminalized.

Today's school children are experiencing record levels of depression and anxiety, alongside multiple forms of trauma. According to the Centers for Disease Control and Prevention, the suicide rate among children ages 10 to 17 increased by 70 percent between 2006 and 2016.¹ Approximately 72 percent of children in the United States will have experienced at least one major stressful event—such as witnessing violence, experiencing abuse, or experiencing the loss of a loved one—before the age of 18.²

School counselors, nurses, social workers, and psychologists are frequently the first to see children who are sick, stressed, traumatized, may act out, or may hurt themselves or others. This is especially true in low-income districts where other resources are scarce. Students are 21 times more likely to visit school-based health centers for treatment than anywhere else.³ Schools that employ more school-based mental health providers see improved attendance rates, lower rates of suspension and other disciplinary incidents, expulsion, improved academic achievement and career preparation, and improved graduation rates.⁴ Data shows that school staff who provide health and mental health services to our children not only improve the health outcomes for those students, but also improve school safety.⁵ However, there is no evidence that police in schools improve school safety—indeed, in many cases they are causing harm.⁶ When in schools, police do what they are trained to do—detain, handcuff, and arrest. This leads to greater student alienation and a poorer school climate.

Given this information, we would expect school boards, school principals, and government leaders to be working to remove law enforcement from our schools and using every available resource to build up school-based health professionals. But that has not been the trend. Instead, funding for police in schools has been on the rise, while our public schools face a critical shortage of counselors, nurses, psychologists, and social workers. As this report reveals, millions of students are in schools with law enforcement but no support staff:

- 1.7 million students are in schools with police but no counselors.
- 3 million students are in schools with police but no nurses.
- 6 million students are in schools with police but no school psychologists.
- 10 million students are in schools with police but no social workers.
- 14 million students are in schools with police but no counselor, nurse, psychologist, or social worker.

Our report reveals that schools fortunate enough to have mental health professionals are still grossly understaffed. Professional standards recommend at least one counselor and one social worker for every 250 students, and at least one nurse and one psychologist for every 750 students and every 700 students

respectively. These staffing recommendations reflect a minimum requirement. Nonetheless, 90 percent of students in public schools fail to meet this standard when supporting students. Even in schools with a significant lack of health support staff, law enforcement presence is flourishing. Many states reported 2-3 times as many police officers in schools than social workers. Additionally, five states reported more police officers in schools than nurses.

The consequences for these funding decisions fall on the most vulnerable students. Teachers are often not equipped to deal with the special needs posed by children with disabilities. Furthermore, historically marginalized students, such as students of color, may attend schools with fewer resources and supports. When there are no other behavioral resources at hand, some teachers request help from law enforcement. This results in an increased criminalization of our youth: we found that schools with police reported 3.5 times as many arrests as schools without police. As a result, students with disabilities and students of color are most frequently criminalized. Consider these findings:

- Students with disabilities were arrested at a rate 2.9 times that of students without disabilities. In some states, they were 10 times as likely to be arrested than their counterparts.
- Black students were arrested at a rate 3 times that of white students. In some states, they were 8 times as likely to be arrested.
- Pacific Island/Native Hawaiian and Native American students were arrested at a rate 2 times that of white students.
- Latinx students were arrested at a rate 1.3 times that of white students.
- Black girls made up 16 percent of the female student population but were 39 percent of girls arrested in school. Black girls were arrested at a rate 4 times that of white girls. In North Carolina, Iowa, and Michigan, Black girls were more than 8 times as likely to be arrested than white girls.
- Native American girls had a school arrest rate 3.5 times that of white girls. Native American girls were 12 percent of girls in Montana but were 62 percent of female arrests in that state.
- Black and Latino boys with disabilities were 3 percent of students but were 12 percent of school arrests.

This report presents detailed results, state by state. It outlines which states have the least support staff and greatest police presence. In addition, it puts this data in context by reviewing the history of how we got here. Lastly, it presents key recommendations to reverse course, including:

- Federal, state, and local dollars must prioritize counselors, psychologists, social workers, and nurses instead of police.
- The Department of Education should not just continue to collect the data on school support staff and student interactions with police, it should also take steps to ensure the data is more complete and accurate.

Introduction

The nation's children are facing a crisis. They walk into schools and classrooms burdened by a barrage of social, emotional, and psychological issues. Today's school children are experiencing record levels of depression and anxiety alongside multiple forms of trauma.⁷

Mental Health and Schools. According to the Centers for Disease Control, the suicide rate among children ages 10 to 17 increased by 70 percent between 2006 and 2016.⁸ The recent wave of school shootings reminds us that unaddressed needs of children can result in tragic crisis. It is estimated that nearly 35 million children in the U.S. have experienced at least one event that could lead to childhood trauma.⁹ About 72 percent of children in the U.S. will have experienced at least one traumatic event such as witnessing violence, experiencing abuse, or experiencing the loss of a loved one before the age of 18.¹⁰ The majority of mental health needs first emerge during adolescence and are most effectively treated during this period.¹¹ The data suggests 1 in 5 youth will develop mental health difficulties eventually warranting a diagnosis, and 1 in 10 youth will be impacted by their mental health needs enough to require additional supports from schools.¹² These mental health concerns can have serious impacts on students as they progress through school, and it contributes to nearly half of the youth eventually dropping out.¹³

Up to 80 percent of youth in need of mental health services do not receive services in their communities because existing mental health services are inadequate.¹⁴ Of those who do receive assistance, 70 percent to 80 percent of youth receive their mental health services in their schools.¹⁵ Students are 21 times more likely to visit school-based health centers for mental health than community mental health centers.¹⁶ This is especially true in low-income districts where other resources are scarce. Therefore, school-based mental health providers (SBMH providers)—such as school counselors, nurses, social workers, and psychologists—are frequently the first to see children who are sick, stressed, traumatized, act out, or hurt themselves or others. These SBMH providers are trained to address students' needs. Research has shown that school-based mental health providers improve school climate¹⁷ and other positive outcomes for students.¹⁸ Data shows that school staff who provide health and mental health services to our children not only improve the health outcomes for those students,¹⁹ but also improve school safety.²⁰ Furthermore, schools that employ more SBMH providers see improved attendance rates, lower rates of suspension and other disciplinary incidents,²¹ lower rates of expulsion,²² improved academic achievement and career preparation,²³ and improved graduation rates.²⁴

Police and Schools. On the other hand, no data indicates that police in schools improve either the students' mental health, educational outcomes, or their safety—indeed, in many cases they are causing harm.²⁵ When in schools, police do what they are trained to do—detain, handcuff, and arrest. This leads to greater student alienation and a poorer school climate. It also leads to greater and greater criminalization of our youth. There is no conclusive evidence to support that school policing measures actually make schools—or students—safer.²⁶ For example, a recent evaluation of the impact of North Carolina's state grant program for school resource officers (SROs) concluded that middle schools that used state grants to hire and train SROs did not report reductions in serious incidents like assaults, homicide, bomb threats, possession and use of alcohol and drugs, or the possession of weapons.²⁷ In fact, there is some evidence suggesting that these measures actually harm youth. Research has indicated that having school-based police contributes to less inclusive school climates, and this makes students less safe.²⁸ A 2018 study reviewing the impact of federal grants for school police on 2.5 million students in Texas found a 6 percent increase middle school discipline rates, a 2.5 percent

decrease in high school graduation rates, and a 4 percent decrease in college enrollment rates. Another 2018 study found more police in New York City neighborhoods hurt the test scores of Black male students.

The impacts of increased police presence in schools have been sweeping: a dramatic increase in contact with law enforcement, an expansion in the types of roles police play in schools, an increase in student referrals to police, an increase in student arrests, and accountability problems stemming from student-police contact. The presence of permanent school police shifts the focus from learning and supporting students to over-disciplining and criminalizing them. Students are removed from classes, subjected to physical restraint, interrogation, and other risks to their rights to education, due process,²⁹ and equal treatment. Data from the National Center for Education Statistics indicates that compared to police in schools with predominantly white students, police in schools with predominantly students of color are significantly more likely to have duties focused on maintaining school discipline while being less likely to coordinate with emergency teams and police in the presence of an actual threat.³⁰

Law enforcement officers are often not prepared or qualified to work with children. Roughly 25 percent of school police surveyed by Education Week stated that they had no experience with youth before working in schools.³¹ Police are trained to focus on law and order, not student social and emotional well-being. This lack of training and education undermines effective behavior management.³² The tools of law enforcement, unlike the tools of SBMH providers, include pepper spray, handcuffs, tasers, and guns, and are ill-suited to the classroom. A 2018 report by the Advancement Project documented and mapped over 60 instances of police brutality in schools over the past eight years.³³

Even when students report having a positive view of their school police, the officers are not perceived as contributing to keeping the school drug-free or improving school safety.³⁴ Law enforcement creates more hostile environments, and when students perceive their schools to be hostile, they are less likely to be engaged in school and, in turn, demonstrate reduced achievement.³⁵ The presence of sworn law enforcement is also associated with increases in student arrests for low-level incidents.³⁶ Schools employing school police see increases in student offenses and school-based arrests by as much as 400 percent.³⁷ In a recent survey of 400 SROs, one out of three officers reported that their school does not specify the types of disciplinary issues that they can intervene in.³⁸ This lack of accountability and clarity results in an inappropriate use of force for minor misbehaviors and harm to students.

The use of police in schools has its roots in the fear and animus of desegregation. Students of color are more likely to go to a school with a law enforcement officer, more likely to be referred to law enforcement, and more likely to be arrested at school. Research also demonstrates that students who attend schools with high percentages of Black students and students from low-income families are more likely to attend schools with tough security measures like metal detectors, random “contraband” sweeps, security guards, and security cameras, even when controlling for the level of serious misconduct in schools or violence in school neighborhoods. Students with disabilities are disproportionately arrested and physically harmed by school police as well.³⁹

Although it was recently rescinded by the Trump administration, the Departments of Education and Justice issued guidance in 2014’s “Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline,” highlighting the fact that schools can be held responsible for school policing that furthers racial discrimination against students:

Schools cannot divest themselves of responsibility for the nondiscriminatory administration of school safety measures and student discipline by relying on school resource officers, school district police officers,

*contract or private security companies, security guards or other contractors, or law enforcement personnel. To the contrary, the Departments may hold schools accountable for discriminatory actions taken by such parties.*⁴⁰

Despite the well-documented harm of school police and lack of evidence that policing measures make schools safer, the use of school police and similar measures has drastically increased over the past decades. In 1975, only one percent of schools were patrolled by police officers.⁴¹

Since then, that number has ballooned to encompass nearly half of all public schools (48 percent), according to the National Center for Education Statistics (NCES).⁴² Historically, the growth in police being assigned to schools has been driven more by national media attention about school violence and the availability of grant funding (federal and state) than by an actual uptick in violent incidents in specific schools⁴³ or any evidence of the effectiveness of this approach.

Following the 1999 Columbine High School shooting, President Clinton called for the first round of Community Oriented Policing Services (COPS) grants as a response that would allow for school/police partnerships focused on “school crime, drug use, and discipline problems.”⁴⁴ COPS is a unit of the U.S. Department of Justice.⁴⁵ After the Sandy Hook tragedy in 2012, President Obama allocated another \$45 million⁴⁶ into COPS to fund additional school police.⁴⁷ Federal grants were supplemented by state grants and local monies to sustain SRO programs. The millions of dollars that have gone into school policing from COPS from 1995-2016 can be viewed in a time-lapse map in ACLU’s 2017 report.⁴⁸ The report also explores the impact of school police on school discipline, student privacy rights, abuse of force, and more.

“We must arm school counselors across the country with the appropriate counselor to student ratio (1 to 250). School counselors, social workers and school psychologists [are] all on the mental health frontlines.”

— Dr. Laura Hodges, Nationally Certified School Counselor, in a statement to the Federal Commission on School Safety⁴⁹

The number of security guards has exploded as well. According to the National Center for Education Statistics (NCES), the percentage of students who reported security guards or assigned police officers after the Columbine tragedy increased from 54 percent to 70 percent from 1999 to 2015.⁵⁰ During the same time period, the number of school counselors reported to the NCES only increased by 5 percent, after adjusting for the growth in student enrollment growth.⁵¹

In 2018, due to high-profile school shootings, there was another substantial uptick in the number of schools with police officers. Within six months of the Parkland school shooting, more than \$1 billion was added to school security budgets by state legislatures, with funding for School Resource Officers (SROs)⁵² being one of the largest items.⁵³ Other school hardening measures are also on the rise. Increasingly, students are subjected to open-ended risk assessments and are involuntarily held for mental health evaluations. Information they post on social media is routinely collected and shared among state agencies. Kindergarten teachers are coming up with memorable rhymes to drill security protocols into their students’ minds. The youngest students are cowering in closets and bathrooms, while law enforcement officers pretend to be intruders, banging on doors, and shooting blank bullets in an effort to train students and teachers on what to do if there is an active assailant at their school.⁵⁴

Report Overview. This report uses data from the 2015-16 academic year collected through the U.S. Department of Education’s Civil Rights Data Collection (CRDC) to better understand access to school-based mental health (SBMH) services in relation to police in schools. The CRDC recently required every public school to report the number of social workers, nurses, and psychologists employed for the first time in history (reporting on school counselors had been previously reported).⁵⁵ This report provides the first state-level student-to-staff ratio analysis of SBMH personnel, as well as state-level reporting of law enforcement personnel. Furthermore, to examine the potential impact of school policing, the report analyzes school arrests and law enforcement referrals by state and by race and disability status. To better understand the harm, this report provides the first intersectional analysis of this data by race and gender.

A key finding of this report is that millions of students are being underserved and lack access to critical supports. These glaring deficits in mental health staff for students are inexcusable, especially in comparison to the number of reported law enforcement in schools. Students with unmet behavioral and mental health needs, combined with law enforcement with limited training and ill-defined roles has resulted in disastrous consequences. The analysis related to school policing measures also demonstrate glaring racial and disability-status disparities in school arrests and referrals to law enforcement. Specifically, the findings indicate that, indeed, this surge in police officers contributes to a biased application of discipline and over-criminalization of students of color and students with disabilities.

The report highlights that, now more than ever, school boards and administrators need guidance to navigate their responsibility to ensure each of their students are safe from discriminatory discipline, especially when they engage law enforcement. The report concludes with recommendations for improving student safety, well-being, opportunity to learn, and school climate, and ensuring that these measures work to prevent discrimination and eliminate the disproportionate impact of school policing on students of color and students with disabilities.



Mental Health and Law Enforcement Staffing in Public Schools

Mental Health Providers in Public Schools

School counselors, social workers, nurses, and psychologists each play a critical role in supporting youth and addressing barriers to school success. The specific roles of each of these school-based mental health providers (SBMH providers) are detailed in Table 1, both by the official federal designated definition⁵⁶ and by the more descriptive definition from the relevant provider associations.

TABLE 1
Definitions for School-Based Mental Health (SBMH) Providers

	FEDERAL DATA DEFINITION ⁵⁷	PROFESSIONAL DEFINITION ⁵⁸
SCHOOL COUNSELOR	Professional staff member assigned specific duties and school time for activities like counseling with students and parents, consulting with other staff, evaluating student abilities, and implementing guidance programs.	Providers who are typically the first SBMH providers to interact with students when they are struggling. School counselors not only have specialized knowledge in supporting students as they navigate the curriculum, but they also have training in establishing safe learning environments, monitoring and responding to behavior to improve school climates, and creating relationships between students, teachers, and parents that promote greater interpersonal connections.
SOCIAL WORKER	Certified, licensed, or otherwise qualified professional who provides social services and assistance to improve the social and psychological functioning of children and their families and to maximize the family well-being and the academic functioning of the children.	Provider that helps families and school staff navigate community systems to better support the students’ needs. They assist with the various barriers such as poverty, inadequate healthcare, community violence, homelessness, domestic violence, and other issues that impact students and their performance in school. School social workers also facilitate innovative prevention and intervention programs in areas like substance abuse, bullying, anger management, and more.

PSYCHOLOGIST	Licensed professional who evaluates and analyzes students' behavior by measuring and interpreting their intellectual, emotional, and social development, and diagnosing their educational and personal problems.	Providers who are trained in both psychology and education with specialized knowledge in advocacy for children and specialized knowledge meant to address learning, motivation, behavior, mental health, social development, and childhood disabilities. They are also critical to ensure evidence-based assessments and interventions for students. A report by the National Association of School Psychologists (NASP) found that qualified school psychologists can help address issues such as "poverty, mental, and behavioral health issues, bullying, homelessness, increasing cultural and linguistic diversity." ⁵⁹
NURSE	Qualified health care professional who addresses the health needs of students. The provider meets the state standards and requirements for a nurse.	Provider who provides critical support to both physical and mental health. They help with behavioral screening and referrals to health care providers in the community. They also support treatment compliance where appropriate.

Note: Definitions are paraphrased from identified sources

Given the importance of these providers, experts and professional organizations provide recommended student-to-SBMH provider ratios. The American School Counselor Association recommends a ratio of 250 students per counselor.⁶⁰ The National Association of School Psychologists (NASP) recommends a ratio of 500-700 students per school psychologist, depending on the comprehensiveness of services being provided.⁶¹ School Social Work Association of America (SSWAA) recommends that social work services should also be provided at a ratio of 250 students to one social worker.⁶² Several states, along with the American Nurses Association, recommend a ratio of one school nurse to 750 students in healthy student populations.⁶³

This report presents the analyses of the 2015-16 federal Civil Rights Data Collection (CRDC) data to generate student-to-SBMH provider ratios for the 93,641 public schools in the U.S. overall and by state.⁶⁴ Despite evidence that the presence of SBMH personnel improves school climate and reduces violence, most schools have significantly less staff than recommended by experts and professional organizations. The following maps (Maps A-D) display the student-to-provider ratios for each type of provider (counselor, psychologists, social workers, and nurses) nationally and by state. The states meeting the recommended ratios are in blue. States failing to meet the ratios are in red.

School Counselors

The American School Counselor Association recommends a ratio of 250 students per counselor.⁶⁵ Over 90 percent of students attend schools with higher ratios. The national student-to-counselor ratio was 444:1. This suggests counselors are seriously overworked with student caseloads 78 percent greater than what is recommended by experts.

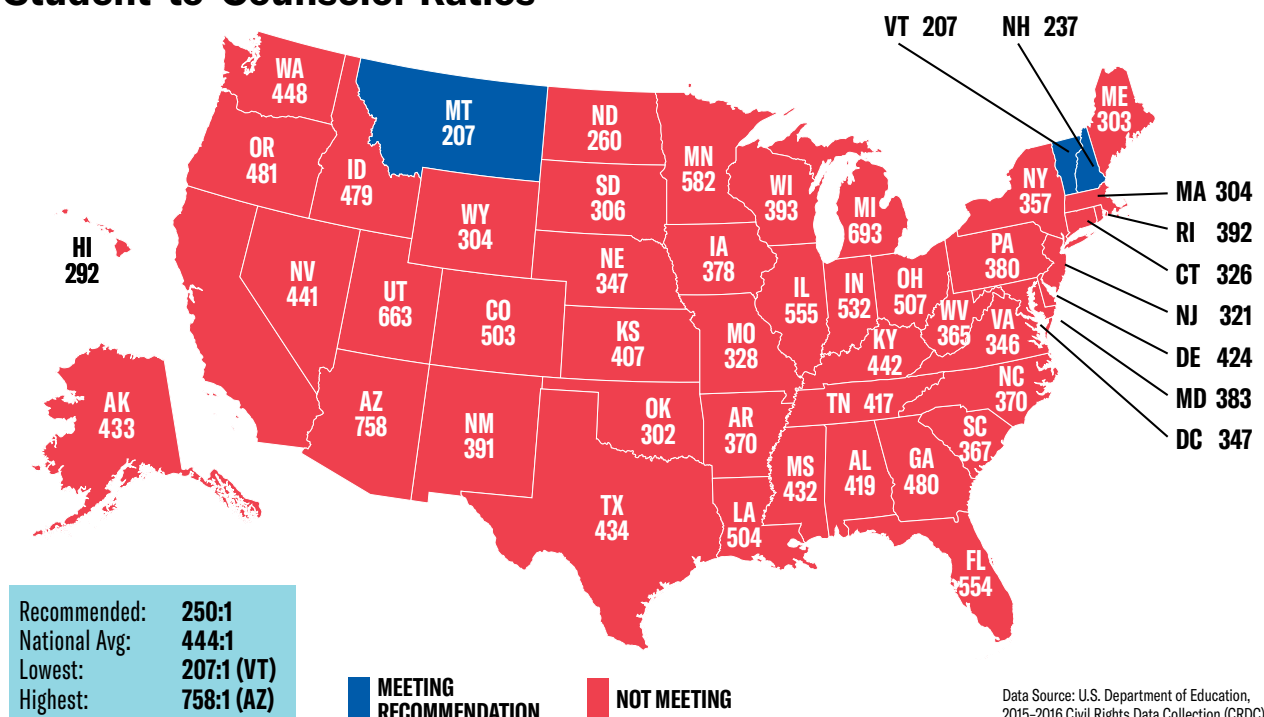
This crisis extends beyond unmet minimums. The U.S. Department of Education's 2016 First Look found

21 percent of high schools nationwide did not have access to any school counselor.⁶⁶ Our analysis of the most recent data reveals more than 24,000 schools (25 percent) reported having no counselor on staff (see Table A1 in Appendix).⁶⁷ Roughly 8.7 million students attend these schools. Although charter schools represent just 7 percent of public schools nationwide, they made up 15 percent of schools that reported no counselor.

As shown in Map A, the severity of the shortage of counselors varied largely by state. Montana and Vermont had the lowest student-to-counselor ratio and provided one counselor for every 207 students. Arizona (758-to-1), Michigan (693-to-1), and California (682-to-1) had the three highest counselor caseloads in the country. In California alone, 5.9 million of the state's 6.2 million students (96 percent) were in schools where counselor caseloads did not meet the 250:1 recommendation. The six New England states (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut) had the highest percentage of students attending schools that met the recommended counselor ratio.

MAP A

Student-to-Counselor Ratios



School Social Workers

According to the School Social Work Association of America, social work services should also be provided at a ratio of 250 students to one social worker.⁶⁸ Federal CRDC data reveals a ratio of 2,106 students to one social worker, creating a caseload for social workers nearly eight times greater than what is recommended by the experts. Map B shows the average student-to-social workers ratio by state. Less than 3 percent of schools nationwide, only about 3,000 schools, met the professional recommendation. More than 67,000 schools reported zero social workers serving their students.⁶⁹

Student-to-Social Worker Ratios

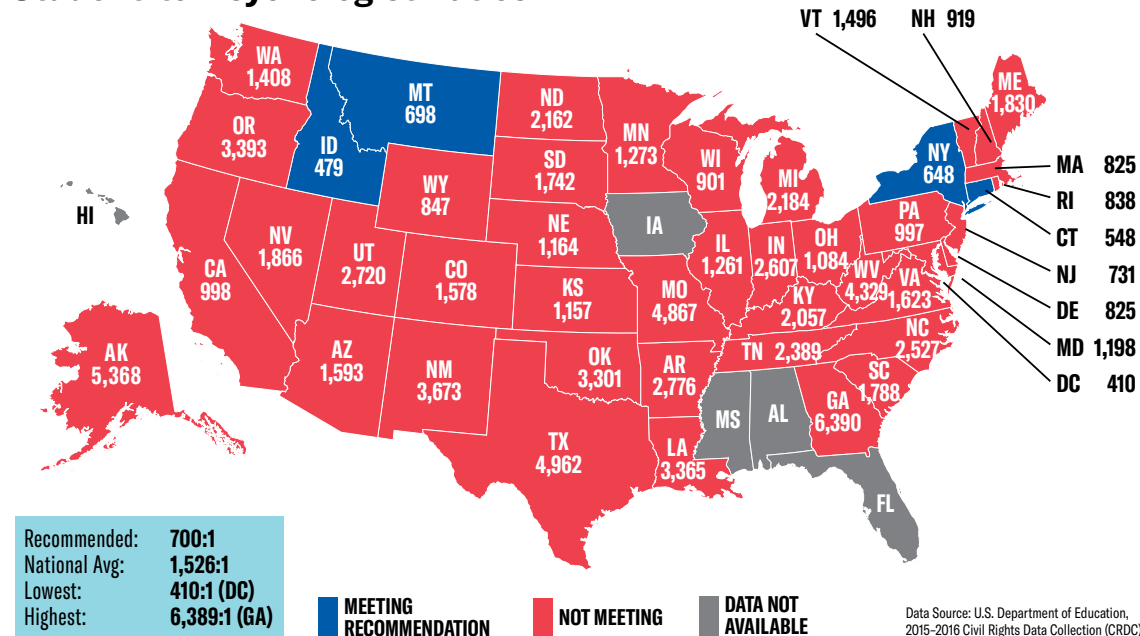


The National Association of School Psychologists (NASP) recommends a ratio of 500-700 students per school psychologist, depending on the comprehensiveness of services being provided.⁷⁰ Yet, the federal data shows a national average ratio of 1,526 students to one psychologist. This ratio failed to meet the minimum recommended ratio of students to psychologist and is over 200 percent to 300 percent greater than what is recommended by the experts. More than 19 million students, 43 percent of public school students, were enrolled in a school that failed to have a school psychologist. Map C shows the average student-to-psychologist ratio by state.

This lack of school psychologists is extremely troubling given that school psychologists are usually the staff most qualified to assess a student's safety risk to themselves and others. A NASP survey of school psychologists in 24 states found an estimated student-to-school psychologists ratio of 1,408 to one. This deficit translates to 63,000 additional school psychologists needed to provide students with the full range of psychological services and supports students need.

MAP C

Student-to-Psychologist Ratios

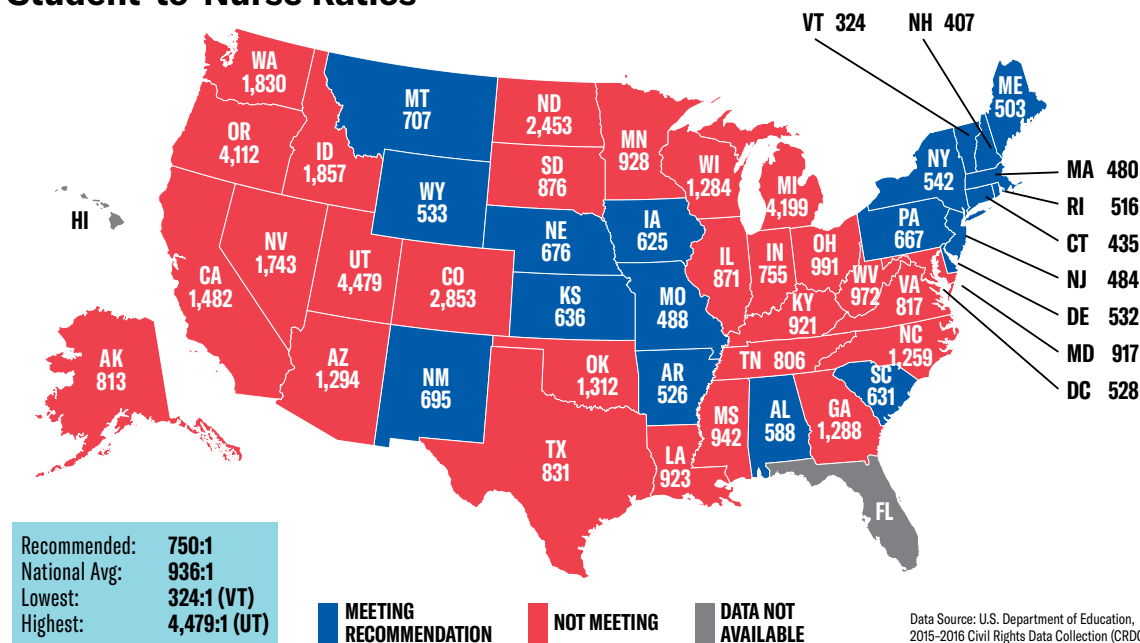


School Nurses

Several states, along with the American Nurses Association, recommend a ratio of one school nurse to 750 students in healthy student populations.⁷¹ According to the federal data, the national average is 936 students to one nurse. More than 70 percent of the nation's students attended schools that did not meet the recommended ratio. Over 33 percent of schools did not report a nurse on staff—this impacted 14.5 million students. Map D shows the average student-to-nurse ratio by state.

MAP D

Student-to-Nurse Ratios



In every category of SBMH providers, there are substantial deficits in support staff that are critical to student success and health. Social workers in schools are largely absent altogether. Counselors are overworked with over 1,000 students at some schools. The ratio of students to school psychologists to students is two to three times the recommended number. These glaring deficits in support staff for students are inexcusable, especially in comparison to the number of reported law enforcement in schools.

Police in Public Schools



To better understand the prevalence of police in schools, particularly in relation to the level of mental health staff, this report presents the latest available CRDC data for sworn law enforcement at the federal and state level. Due to the U.S. Department of Education’s “data anomaly” with the latest CRDC, both 2015-16 and 2013-14 data regarding sworn law enforcement are included (see Table 2).⁷² There are several types of sworn law enforcement stationed in schools, the most prominent being school district police officers and “school resource officers” (or “SRO”). The term SRO is sometimes used to refer to anyone who works in a school, wears a law enforcement-like uniform, and is responsible for a school’s security.⁷³ SROs differ from school safety officers, who are non-sworn civilians, typically with no arrest authority, that are employed by the local school.

TABLE 2

Federal Definitions For School Law Enforcement And Security Staff

SWORN LAW ENFORCEMENT OFFICER	Personnel with arrest authority, including school resource officers (SROs) employed by any entity. Duties include security, patrol, education, training, recording/reporting discipline, and more.
SECURITY GUARD	Individual who guards, patrols, and/or monitors the school premises to prevent theft, violence, and/or infraction of rules. A security guard may provide protection to individuals, and may operate x-ray and metal detector equipment. A security guard is not a sworn law enforcement officer.

Table 3 presents the raw numbers of law enforcement and security staff present in our nation's public schools—overall and by state. For comparison, the table also provides numbers of school-based mental health (SBMH) providers and teachers. As indicated, there were more sworn law enforcement officers (27,236) reported in our nation's schools than social workers (23,138). More than 4,800 schools actually reported more school police and security than overall SBMH providers. Many states reported two-to-three times as many police officers in schools than social workers. California, Illinois, and several other states reported more security guards than nurses.

Analysis of the CRDC school police data also shows the greatest number of students reporting police in schools were in D.C. and Tennessee, where 74 percent and 68 percent of schools reported law enforcement.⁷⁴ South Carolina, North Carolina, and Florida were third with 64 percent of schools reporting law enforcement. New York had the lowest with 17 percent of schools reporting any law enforcement in-part because of clear underreporting and failure of New York City Public Schools to report the number of law enforcement in schools. Other states also have deflated numbers because of underreporting. In California, many large districts failed to report the accurate number of school police. Los Angeles Unified School District, for example, reported less than 220 school police to the federal government in 2015-16 although an ACLU of Southern California report found at least 378 school police present.

TABLE 3

Raw Numbers of Support Staff, Police, and Security Guards by State

STATE	Students Enrolled	Counselors	Social Workers	Psychologists	Nurses	Teachers	Law Enforcement	Security Guards
NATION	49,977,268	112,586	23,138	32,754	53,389	3,190,980	27,236	27,737
AK	131,093	303	21	24	161	7,926	107	56
AL	744,506	1,779	86	26	1,265	46,578	668	176
AR	480,300	1,298	131	173	913	33,939	495	128
AZ	1,117,475	1,473	330	701	864	57,247	362	988
CA	6,217,689	9,123	1,014	6,233	4,196	279,695	2,080	4,228
CO	889,725	1,769	394	564	312	51,705	396	447
CT	531,922	1,630	916	971	1,223	44,284	261	812
DC	81,375	235	223	198	154	6,692	154	333
DE	136,411	322	54	165	257	9,380	68	47
FL	2,762,601	4,989	199	195	26	151,462	1,810	954
GA	1,745,762	3,640	331	273	1,355	111,692	1,228	210
HI	182,836	625	4	0	4	11,975	1	240
IA	499,264	1,321	56	35	798	35,414	152	73
ID	291,914	609	35	145	157	15,124	196	138
IL	2,005,522	3,610	2,707	1,591	2,302	134,991	950	2,882
IN	1,019,004	1,916	557	391	1,350	60,263	814	234
KS	486,050	1,196	357	420	765	35,011	292	126
KY	681,279	1,540	200	331	740	41,929	384	187
LA	716,071	1,421	362	213	776	48,763	571	233
MA	946,424	3,111	622	1,147	1,972	74,007	567	317
MD	893,472	2,335	385	745	974	63,448	503	285
ME	177,903	587	288	97	354	14,810	99	2
MI	1,509,170	2,178	1,436	691	359	81,121	507	724
MN	864,466	1,487	1,015	679	932	58,783	420	224
MO	915,033	2,789	407	188	1,874	66,554	751	323
MS	490,208	1,134	99	40	520	33,390	526	219
MT	148,087	715	60	212	209	11,519	136	19
NC	1,551,207	4,190	980	614	1,232	114,435	1,347	186
ND	110,022	423	168	51	45	9,439	76	40
NE	310,677	896	93	267	460	23,827	141	205
NH	181,916	767	76	198	447	14,933	133	19
NJ	1,358,709	4,231	2,076	1,859	2,808	118,344	689	2,619
NM	335,816	859	356	91	483	21,748	112	268
NV	465,312	1,054	53	249	267	25,436	114	215
NY	2,725,551	7,636	3,525	4,204	5,028	216,968	737	3,008
OH	1,719,439	3,390	354	1,586	1,735	106,288	860	747
OK	690,304	2,287	134	209	526	44,332	483	109
OR	566,070	1,176	64	167	138	28,582	238	107
PA	1,693,260	4,455	496	1,698	2,537	119,925	831	1,151
RI	141,210	360	206	168	273	11,606	71	17
SC	757,281	2,064	179	424	1,200	50,401	644	199
SD	137,100	448	40	79	157	10,022	102	21
TN	994,785	2,383	225	416	1,234	68,691	1,019	330
TX	5,256,939	12,106	386	1,059	6,326	347,403	2,912	2,047
UT	657,754	993	80	242	147	28,346	340	14
VA	1,279,045	3,701	619	788	1,566	91,281	856	929
VT	83,412	403	66	56	258	8,022	54	9
WA	1,079,724	2,410	75	767	590	56,290	273	334
WI	842,798	2,143	482	935	656	60,149	491	499
WV	278,716	764	18	64	287	19,056	138	49
WY	94,659	312	100	112	178	7,750	78	13

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

Based off the 2013-2014 CRDC data, the U.S. Department of Education (DOE) [raised concerns](#) about the 1.6 million students that were in schools with law enforcement and no counselors.⁷⁵ The most recent CRDC data analyzed here (from 2015-2016) indicate this gap still remains, and may even be widening. As Table 4 reveals, in 2015-2016, over 1.7 million students were found to be in schools with sworn law enforcement officers and no counselors. For illustrative purposes, Map E (see p. 22) provides a county-level comparison of the percentage of schools where there are school police and no counselors. There are many counties where more than 25 percent of schools have school police and no counselors

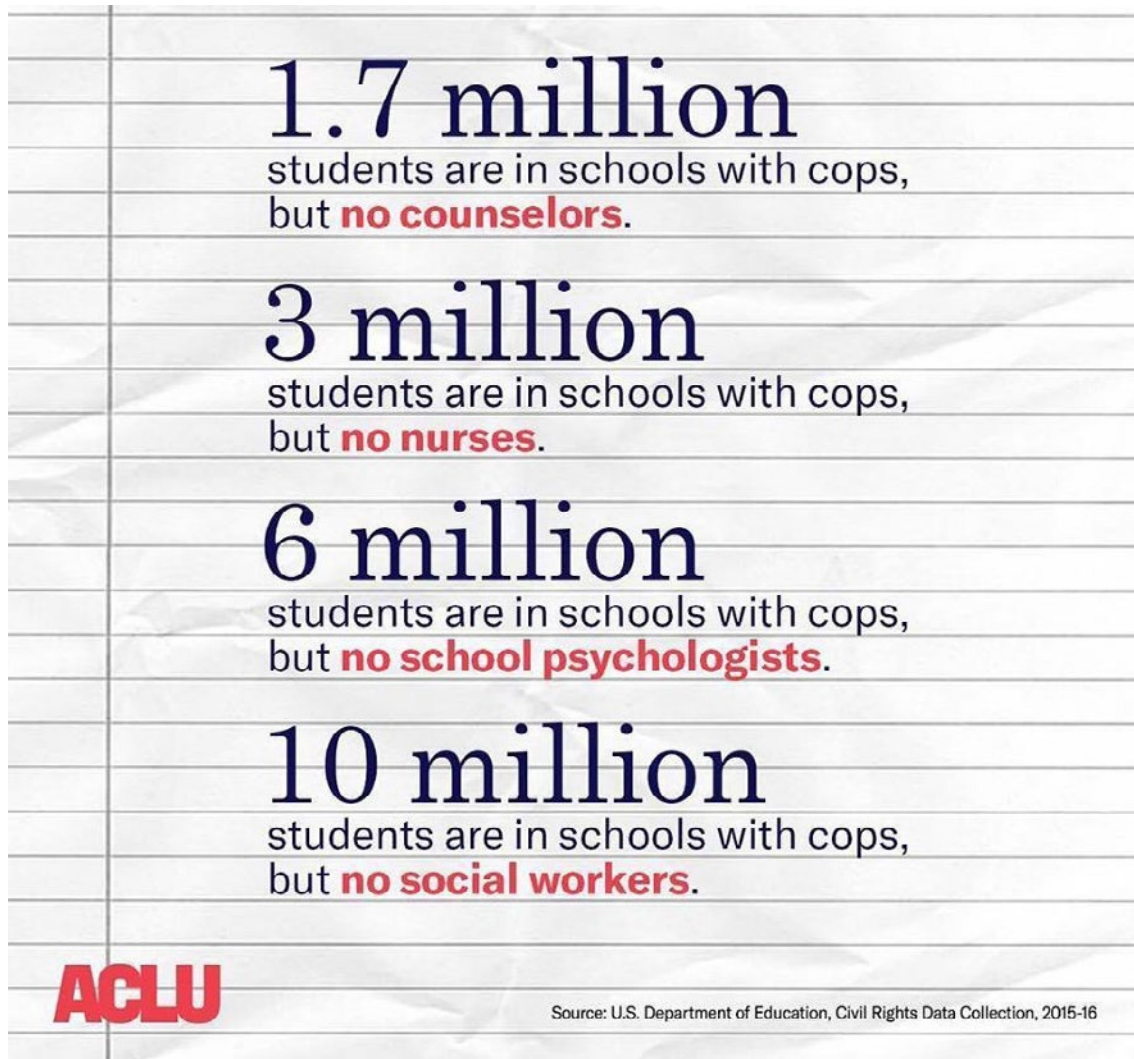


TABLE 4

School Police Compared to Psychologists, Nurses, Social Workers, and Counselors by State

STATE	% of Students in Schools Reporting Police	% of Students in Schools Reporting Police but no Counselor	% Students in Schools Reporting Police but no Psychologist, Nurse, Social Worker, and/or Counselor	Students Enrolled	# of Students in Schools Reporting Police	# of Students in Schools w/ Police but no Counselor	# of Students in Schools Reporting Police but no Psychologist, Nurse, Social Worker, and/or Counselor
NATION	43%	3.5%	31%	49,977,268	21,700,551	1,731,207	14,099,427
AK	41%	13.0%	39%	131,093	54,052	17,002	51,163
AL	52%	0.2%	51%*	744,506	388,364	1,224	385,627*
AR	63%	0.4%	54%	480,300	301,086	1,791	259,961
AZ	33%	7.7%	25%	1,117,475	365,027	86,501	275,811
CA	36%	6.3%	30%	6,217,689	2,229,646	390,072	1,873,624
CO	44%	3.0%	37%	889,725	390,596	27,131	328,458
CT	41%	7.3%	16%	531,922	215,668	38,906	82,584
DC	74%	25.1%	39%	81,375	60,230	20,457	32,018
DE	50%	5.5%	35%	136,411	68,803	7,536	47,921
FL	64%	3.8%	N/A	2,762,601	1,761,683	106,209	N/A
GA	57%	0.4%	44%	1,745,762	997,888	6,713	765,141
HI	N/A	N/A	N/A	182,836	N/A	N/A	N/A
IA	28%	0.8%	23%*	499,264	137,902	3,905	116,256*
ID	47%	3.0%	39%	291,914	137,792	8,742	112,821
IL	36%	5.6%	19%	2,005,522	714,375	111,336	388,004
IN	56%	10.5%	49%	1,019,004	573,867	106,653	499,445
KS	41%	2.1%	23%	486,050	201,139	10,231	113,021
KY	47%	2.3%	38%	681,279	317,586	15,406	261,112
LA	49%	6.6%	34%	716,071	347,832	47,528	240,441
MA	49%	5.4%	33%	946,424	466,769	51,515	312,529
MD	45%	4.3%	37%	893,472	403,111	38,232	326,383
ME	40%	1.2%	21%	177,903	70,893	2,205	38,225
MI	29%	7.3%	24%	1,509,170	433,840	110,534	363,950
MN	43%	9.2%	28%	864,466	372,734	79,361	245,667
MO	58%	0.4%	48%	915,033	534,729	3,314	439,297
MS	61%	5.3%	60%*	490,208	300,793	25,766	294,804*
MT	42%	0.4%	32%	148,087	61,470	558	47,385
NC	64%	0.5%	38%	1,551,207	988,453	8,247	593,972
ND	53%	0.3%	37%	110,022	57,799	280	40,461
NE	35%	1.3%	23%	310,677	107,992	3,938	71,128
NH	54%	0.0%	35%	181,916	98,893	0	64,455
NJ	33%	1.7%	9%	1,358,709	444,645	22,791	119,010
NM	25%	1.7%	15%	335,816	83,023	5,733	50,581
NV	36%	0.1%	21%	465,312	167,212	435	96,114
NY**	17%**	2.9%	9%**	2,725,551	466,297	78,794	236,917
OH	39%	4.5%	33%	1,719,439	677,244	76,972	563,720
OK	47%	0.9%	38%	690,304	321,739	6,411	265,741
OR	36%	5.7%	27%	566,070	204,523	32,193	152,140
PA**	33%**	0.8%	23%	1,693,260	560,134	13,151	385,592
RI	44%	2.8%	18%	141,210	62,179	3,937	25,459
SC	64%	0.6%	43%	757,281	488,129	4,805	323,264
SD	50%	1.9%	24%	137,100	68,881	2,670	32,812
TN	68%	1.0%	52%	994,785	677,149	9,666	513,163
TX	43%	0.9%	41%	5,256,939	2,281,971	48,595	2,178,659
UT	61%	10.7%	54%	657,754	403,958	70,267	352,077
VA	62%	0.2%	24%	1,279,045	787,336	3,194	303,779
VT	33%	0.1%	26%	83,412	27,677	116	22,092
WA	29%	0.7%	27%	1,079,724	309,579	8,010	295,299
WI	44%	0.9%	23%	842,798	367,245	7,951	195,374
WV	32%	0.3%	30%	278,716	89,318	789	83,696
WY	54%	3.6%	31%	94,659	51,030	3,434	28,941

*Indicates data that appear to be underreported or inaccurate.

PINK SHADING = Higher than the average for all states.

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

STATE SPOTLIGHT

Nebraska

Rose Godinez and Scout Richters, ACLU of Nebraska

In December 2018, the ACLU of Nebraska published a report titled “From the Classroom to the Courtroom: A Review of Nebraska’s School Police Programs.” Below is a summary of that report:

In recent years, school safety concerns have led more and more schools to implement or expand programs that establish a permanent police presence in our schools. This national trend is mirrored in the Nebraska state experience. While perhaps well-intentioned, this trend risks significant negative consequences for the civil rights and civil liberties of all students but particularly youth of color, youth with disabilities, immigrant youth, and youth who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ). School police programs have a significant disproportionate impact on diverse communities.

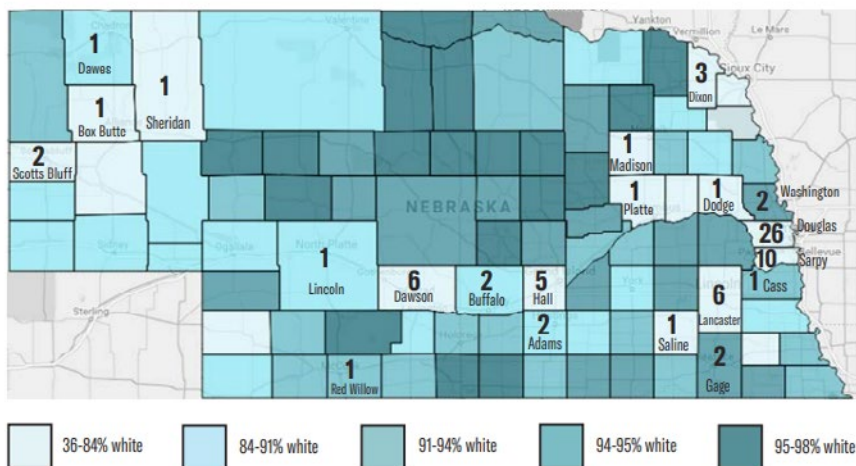
An increased police presence in schools leads to more system involvement via juvenile or criminal court. The same misconduct that would previously land a student in the principal’s office may today land them in front of a judge and come with lifelong collateral consequences negatively impacting their educational opportunities, job prospects, housing, voting rights, and ability to receive public benefits.

The ACLU does not support a permanent police presence in schools. However, we recognize the growing trend of establishing or expanding school police programs in Nebraska and undertook an extensive research project to gain a more complete understanding of the policies and practices guiding these programs among the public-school districts and law enforcement agencies. In the summer and fall of 2018, the ACLU utilized two extensive rounds of open records requests, conducted extensive legal and policy research, conducted a story banking project, and published a report in December 2018 to learn more about how these programs currently operate and whether they are meeting established best practices to safeguard the civil rights and civil liberties of our students.

School Police Officers in Nebraska

The map on the right reflects the number of school police officers by county, as reported by school districts within those counties in response to our June 2018 open records requests. The color scale reflects the racial diversity within Nebraska counties using the most recent U.S. Census data for the state.

As depicted in the map, racially diverse counties tend to have more school police than counties that are predominantly white. In fact, counties that are 94 percent or more white account for only 4 of 76 (5 percent) of school police officers in the state.



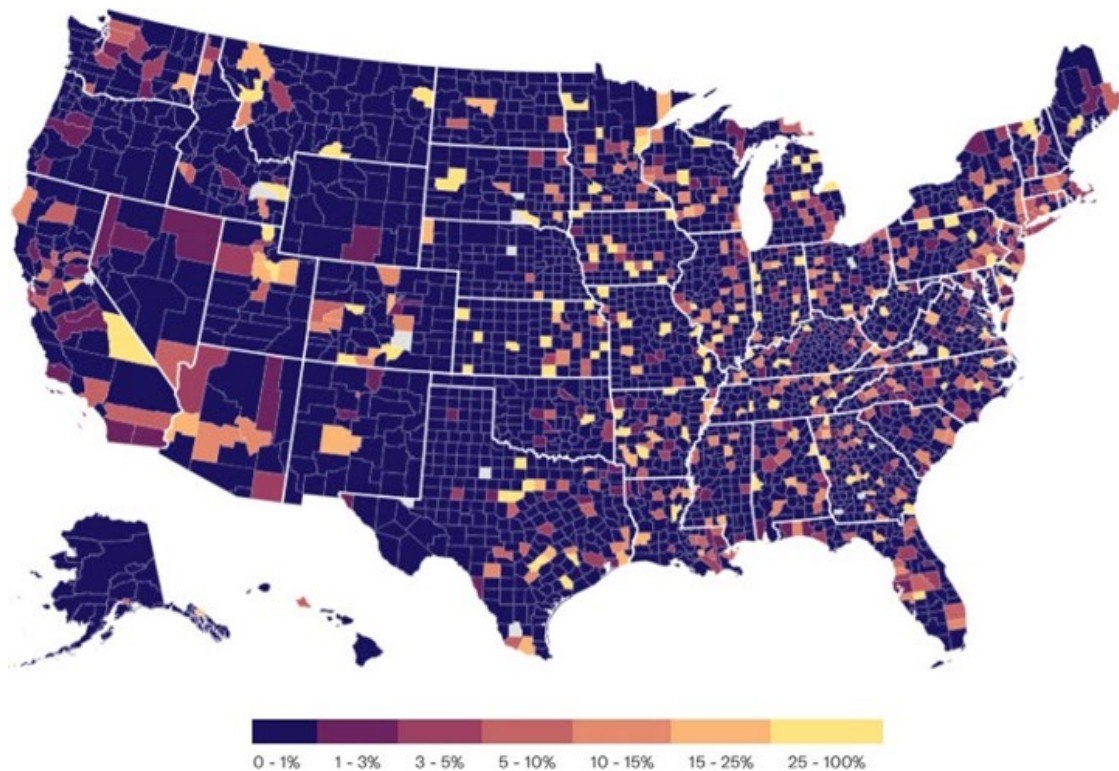
Below are a few key findings from the report:

- There is no standard state-based data collection to track the reasons students are referred to law enforcement disaggregated by demographic information of the student like race, gender, LGBTQ status, English Language Learner (ELL) status, and disability status. Only a small number of school districts and only some law enforcement agencies track this information.
- For school districts and law enforcement agencies that do track reasons for referrals, the vast majority fail to provide critical details to contextualize the incident and do not document the referral outcome.
- From the limited data that could be gathered on reasons students are referred to school police, the reasons most often cited were: 1.) assault, 2.) drug-related offenses, and 3.) disturbance. Additionally, high school students made up nearly half of all the referrals from K-12 schools that documented referral reasons.
- There are no standard provisions that must be part of a Memorandum of Understanding (MOU) or similar agreement between a school district and a law enforcement agency governing school police programs. Many MOUs governing Nebraska school police programs lack critical provisions to safeguard students' rights.
- There is no standard, minimum, or specific training requirements for school police in Nebraska public schools, even though the majority of law enforcement agencies that contract with school districts have their school police participate in some youth-centered specialized training.

To learn more about school safety in Nebraska and what the ACLU is doing to protect student rights, visit <https://www.aclunebraska.org/en/issues/youth-and-schools>.

County-Level Map of Percentage of Students in Schools Reporting Police and No Counselors

Data Source: U.S. Department of Education, 2015–2016 Civil Rights Data Collection (CRDC)



Access interactive map at www.aclu.org/schooldiscipline along with state and county-level staffing ratios.

Given the 2015-2016 CRDC data also reported on number of psychologist, nurse, and/or social worker, in addition to counselors, Table 4 also highlights the percent and number of students in schools with police but no psychologist, nurse, and/or social worker. Overall, nearly a third of our nation's students attended schools that reported having a law enforcement officer onsite while lacking any SBMH provider (i.e., counselor, nurse, psychologist, or social worker).⁷⁶ That adds up to tens of thousands of schools that are not equipped to meet the social, emotional, or behavioral needs of students. There were 14 million students enrolled in these schools (not counting students in Florida and Hawaii schools, as these two states that clearly failed to report accurate staffing data—see Appendix B).

In Arkansas, Utah, and Tennessee, more than half of schools reported police but no counselor, psychologist, nurse, and/or social worker. New Hampshire was the only state that had counselors in every school that had police, while over 25 percent of students enrolled in the District of Columbia were in schools reporting police and no counselors. Some state bore a disproportionate brunt of this mental-health-to-police disparity in their schools. For example, California enrolled 23 percent, or 390,000, of the nation's students in schools with police but no counselors.

School Arrests, Offenses, and Law Enforcement Referrals

Arrests and Referrals to Law Enforcement

According to this federal CRDC data, there were over 230,000 referrals to law enforcement⁷⁷ and 61,000 school arrests⁷⁸ in the 2015-2016 school year. The actual number is likely significantly higher due to the clear underreporting in some districts and states, which is discussed in detail in Appendix B, resulting in some states possibly having school arrest rates over three times higher than reported in this analysis of federal data. For example, the Florida Department of Juvenile Justice reported 7,341 school-related arrests in 2015-16, while the state reported only 1,919 school-related arrests to the U.S. Department of Education's CRDC.⁷⁹ Unfortunately, the federal government does not require schools to report the reasons students are arrested. However, previous research and state-reported data indicate that many school arrests arise from criminalizing common adolescent behaviors. For example, students have been charged for "disorderly conduct" for cursing, for "drug possession" for carrying a maple leaf, and for "disrupting school" by fake burping. A list of over 25 common adolescent behaviors that students have been arrested for can be found in our 2017 report and detailed in Appendix C.

State data from Florida also provides a useful case study for these purposes, as it is one of the only states that collects detailed youth arrest data. Over 60 percent of school arrests were for misdemeanors. Disorderly conduct was the second most charge for school arrest, and misdemeanor assault/battery (school fights) were the most common offense. Furthermore, data demonstrates a marked racial disparity when such types of misbehavior are the rationale for arrest. Disorderly conduct was the most common reason Black and Latina female students were arrested in Florida public schools. Black girls made up 22 percent of Florida's total female student population, but 74 percent of the female students arrested for disorderly conduct. In contrast, white male students were most often arrested for drug-related offenses.

The harm and underreporting of referrals to law enforcement should not be taken lightly. Although the Department of Education defines "referrals to law enforcement" to include school-related arrests, several schools and districts reported hundreds of arrests, yet zero referrals to law enforcement. These referrals or the issuance of citations and tickets for minor infractions still result in records that could be discovered by potential employers, colleges, and immigration authorities. For example, in Pennsylvania, low-level offenses such as harassment, disorderly conduct, and possession of alcohol may result in a juvenile receiving a summary citation. In this scenario, the student is not arrested but receives a ticket from a police officer compelling an appearance before a judge in adult court to respond to charges. While these citations may seem like a minor traffic ticket, they can carry long-term consequences for young people.⁸⁰

Our analysis of the federal CRDC data found that schools reporting police had an arrest rate of 2 per 10,000 students. This was 3.5 times the rate at schools where police were not present (6 per 10,000). In some states, the disparity in arrests between schools with and without police was even higher. For example, in Delaware, students attending schools with police were arrested at a rate of 72 arrests per 10,000, eight times the arrest rate for students attending schools without police (9 per 10,000). Although these data are cross-sectional and no causal analyses can be conducted, other reports have also found an increase in school police to be

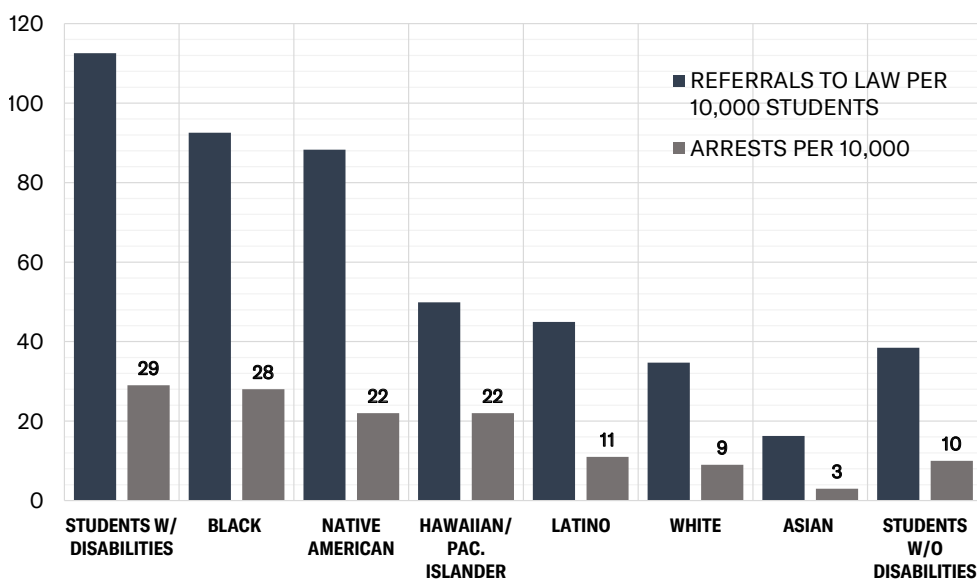
associated with school arrest. Schools that prioritize police over school-based mental health professionals create environments where typical adolescent behavior is criminalized. Having law enforcement on campus is a key contributor to this school-to-prison pipeline. The likelihood of a student dropping out of school increases significantly every time they touch the criminal justice system.⁸¹

Racial and Disability Status Disparities

The federal data highlights the disproportionate harm that school police have on students of color (specifically, Black, Native American, Hawaiian/Pacific Islander and Latinx students) and students with disabilities. As Chart 1 depicts, students with disabilities were arrested at a rate of 29 per 10,000 students, nearly three times higher than their non-disabled peers. Black students had an arrest rate of 28 per 10,000, which was three times that of white students. Native American and Pacific Island/Native Hawaiian students both had arrest rates of 22 per 10,000, more than twice the arrest rate of white students. Nationally, Latinx students were arrested at a rate 1.3 times that of white students (11 per 10,000 compared to 9 per 10,000).

CHART 1

School Arrests and Referrals to Law Enforcement per 10,000 Students by Race and Disability



Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

Table 5 provides state-level rates for school arrests for students overall and for students of color and students with disabilities, nationally and by state. As the data demonstrates, several states had school arrest rates multiple times higher than the national average. Overall, students were arrested at a rate of 12 per 10,000 nationwide, but several states had rates higher than 50 or 100 per 10,000 when it came to students with disabilities and Black students. The extent of Latinx/white disparities also varied by state. For example, Latinx 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 Pennsylvania and Connecticut.

Analyses of risk ratios for students of color and with disabilities by state reveal some states had disparities that even exceed the national average (see Table A4 in Appendix C). For example, in Maryland, students with disabilities had arrest rates that were 10 times as high as their non-disabled peers. Hawaii's students with disabilities had arrest rates 9 times that of their non-disabled peers. Iowa had an arrest rate 7 times that of their non-disabled peers, while Georgia and Connecticut had arrest rates more than 6 times that of their non-disabled peers.

Overall, students with disabilities were nearly 3 times more likely to be arrested than students *without* disabilities, and the risk multiplied at schools with police. While schools without police had an average arrest rate for students with disabilities of 17 per 10,000 students, schools with police had an average arrest rate for these students more than three times as high, at 51 per 10,000 students. Furthermore, students with disabilities were 12 percent of students but were 28 percent of students arrested at school in the 2015-16 school year (see Table A5 in Appendix C). The table also highlights the arrests and referrals composition index⁸² for students by race across all 50 states and D.C. Native American students, for example, are only 1 percent of students and 2 percent of arrests nationally, but in states like South Dakota, they are 1 percent of students and 46 percent of student arrests.

For many students, the consequence of a traditional school arrest varies little from a referral to law enforcement. Both can have lifetime consequences for students, and both contribute to the historic inequalities faced by students of color and students with disabilities. Examination of rates of school referrals of law enforcement finds similar disparities based on race and disability states (see Table 6). As the data demonstrates, several states had school referral rates multiple times higher than the national average.

STATE SPOTLIGHT

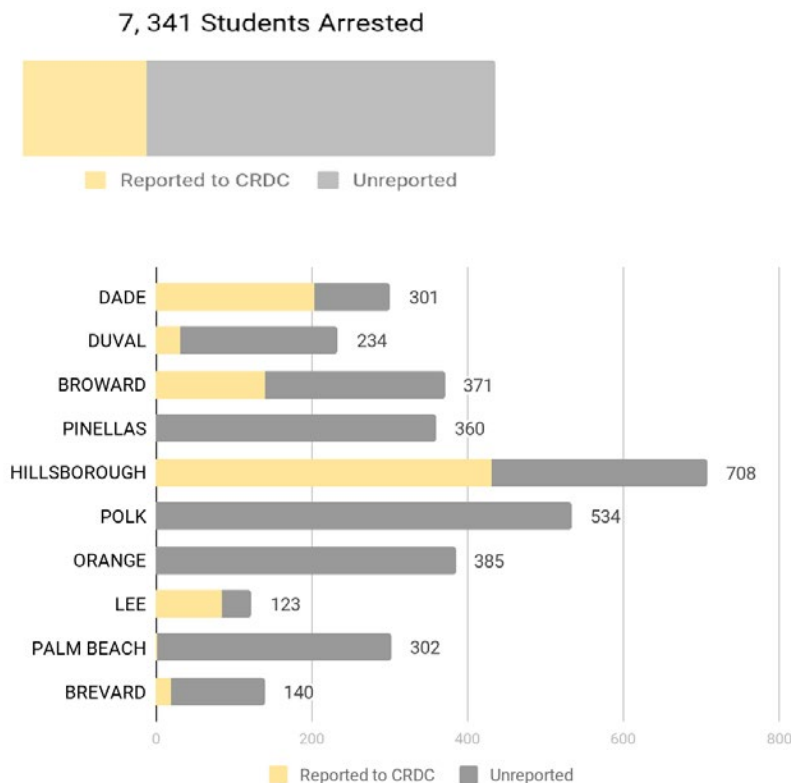
Florida

By Michelle Morton, ACLU of Florida

Along with significant discrepancies in reporting staffing, Florida is failing to accurately report student arrest data. The CRDC and the Florida Department of Juvenile Justice (FLDJJ) are measuring the same metric—school-related arrests—but are reaching very different numbers.¹⁴¹ Both reports claim to include arrests of students for offenses happening on school grounds, on school transportation, and during off-campus school events. The FLDJJ does not include other offenses, such as violations of probation or court related charges, and theoretically may not include every referral by a school official (if the offense happened at an off-campus, non-school function).

Yet, Florida reported just 26 percent of the total number of students arrested in 2015-16 to the CRDC—only 1,919 students compared to the 7,341 students reported to be arrested for school-related offenses by the FLDJJ.

This discrepancy must be addressed to ensure Florida is accurately represented on the national level, especially given recent policy changes requiring armed staff or law enforcement in every school. Such a police presence in school is unprecedented and must be monitored closely for its impact on young lives



Florida Turns to Police for School Discipline

A gun in every school

In 2018, Florida became the first state in the nation to require armed staff or law enforcement officers to be present at every public K-12 school in the state. This legislation was a hasty reaction to the school shooting at Marjory Stoneman Douglas High School in Parkland, Fla., where 17 students and faculty lost their lives. This reactionary policy is not supported by evidence that the presence of armed officers—or armed civilians—is effective at preventing school attacks. Predictably, school arrests have increased since this policy was adopted, despite the fact that community youth arrest rates in the state continue to fall.

Along with the new school policing policy and increased funding and directives for school hardening measures, the law established a statewide anonymous threat reporting mobile app and an integrated data system and increased the sharing of student data, even when confidential, among state actors. Although not authorized by the law, the state's Department of Education is also purchasing a statewide social media monitoring tool that would feed into the integrated data system. Although the law made steps toward expanding access to care for students with unmet mental health needs, as a whole, it shifted the state's approach to school safety back toward treating students as suspects and took unprecedented steps toward undermining student civil rights.

Initial recommendations from a school safety commission established by the act present further risks to student civil rights and school climate. While the Marjory Stoneman Douglas School Safety Commission is recommending evidence-based supports—such as increased student mental health supports, clear roles for school police, and required minimal training for school police—it is also calling for unprecedented invasions on student privacy. Such problematic recommendations include that law enforcement be given unfettered, real-time access to surveillance cameras and expanded access to student records; that mental health providers be required to report any threats and share confidential information; that the state require more student offenses be referred to law enforcement; and that all students with individualized education plans (IEPs) for severe behavioral issues be subjected to threat assessments. Such measures are certain to erode student trust and school climate and worsen student outcomes.

To learn more about school safety in Florida and what the ACLU of Florida is doing to protect student rights, visit www.aclufl.org/school-safety-advocacy-toolkit.

TABLE 5

School Arrests by Race and Disability Status by State per 10,000

STATE	Students Enrolled	Arrests Total	All Students	Students with Disabilities	Black	Native American	Pac. Islander	Latino	White	Asian	Students without Disabilities
NATION	49,977,268	61,812	12	29	28	22	22	11	9	3	10
AK	131,093	4	0	0	0	1	0	0	0	0	24
AL	744,506	1,077	14	34	27	20	0	10	8	5	6
AR	480,300	751	16	31	27	11	38	23	10	3	10
AZ	1,117,475	1,640	15	33	29	35	9	16	10	2	10
CA	6,217,689	3,411	5	14	18	13	8	5	4	2	10
CO	889,725	347	4	6	11	11	15	5	3	1	10
CT	531,922	1,750	33	100	71	42	0	53	18	9	15
DC	81,375	169	21	48	27	0	0	10	0	0	18
DE	136,411	465	34	65	54	0	0	26	25	8	14
FL	2,762,601	1,919	7	16	14	15	7	5	5	1	10
GA	1,745,762	3,980	23	51	36	31	23	17	14	6	8
HI	182,836	672	37	108	39	61	57	28	33	24	12
IA	499,264	1,230	25	57	125	51	80	22	31	13	8
ID	291,914	138	5	13	6	20	0	5	4	0	5
IL	2,005,522	3,605	18	47	42	29	13	17	11	5	8
IN	1,019,004	1,850	18	40	38	47	19	14	22	3	7
KS	486,050	521	11	27	29	21	15	9	8	1	17
KY	681,279	451	7	16	24	16	0	4	5	0	9
LA	716,071	1,143	16	25	26	15	0	12	7	3	11
MA	946,424	343	4	8	8	0	0	9	3	1	8
MD	893,472	2,136	24	65	39	38	23	14	16	2	6
ME	177,903	56	3	6	0	0	0	0	3	7	10
MI	1,509,170	699	5	10	12	5	9	6	3	1	11
MN	864,466	1,195	14	31	35	38	0	16	15	1	12
MO	915,033	1,487	16	39	45	18	15	9	12	6	13
MS	490,208	793	16	32	21	0	0	12	12	4	13
MT	148,087	326	22	49	13	80	40	18	14	0	11
NC	1,551,207	604	4	11	9	2	0	3	2	0	12
ND	110,022	200	18	59	50	48	47	29	11	10	14
NE	310,677	205	7	14	11	34	0	8	5	0	10
NH	181,916	220	12	22	54	29	0	6	12	7	7
NJ	1,358,709	1,379	10	24	24	8	0	12	6	2	9
NM	335,816	188	6	8	3	11	0	5	6	0	13
NV	465,312	1,194	26	67	50	84	40	23	23	9	17
NY	2,725,551	849	3	7	6	4	0	2	4	0	9
OH	1,719,439	967	6	13	12	0	0	6	4	2	12
OK	690,304	1,054	15	28	39	17	26	9	13	7	15
OR	566,070	201	4	7	3	2	4	4	4	1	12
PA	1,693,260	5,647	33	81	81	43	21	51	21	8	14
RI	141,210	231	16	35	46	126	0	24	7	0	8
SC	757,281	2,046	27	51	46	13	15	11	16	5	11
SD	137,100	270	20	54	5	80	0	25	10	0	11
TN	994,785	1,464	15	28	27	8	28	10	11	3	5
TX	5,256,939	8,920	17	49	38	14	13	18	8	3	7
UT	657,754	137	2	4	6	3	0	3	2	0	12
VA	1,279,045	536	4	10	7	0	0	5	3	0	15
VT	83,412	61	7	20	38	0	0	0	7	0	10
WA	1,079,724	1,125	10	25	5	16	3	17	10	0	11
WI	842,798	1,991	24	57	78	42	17	20	18	6	15
WV	278,716	109	4	8	22	0	0	4	3	0	11
WY	94,659	56	6	7	0	32	0	5	4	0	23

*Indicates data that appear to be underreported or inaccurate. PINK SHADING = Top ten states
 Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

TABLE 6

Law Enforcement Referral by Race and Disability Status by State per 10,000

STATE	Students Enrolled	Referrals to Law Enforcement	All Students	Students w/ Disabilities	Black	Latino	Native American	Pacific Islander	White	Asian	Students w/o Disabilities
NATION	49,977,268	235,483	47	113	93	45	88	50	35	16	38
AK	131,093	454	35	60	52	30	65	33	23	13	88
AL	744,506	2,191	29	63	47	17	30	18	21	11	25
AR	480,300	1,511	31	60	53	36	46	43	24	5	41
AZ	1,117,475	4,867	44	89	78	47	112	41	29	19	43
CA	6,217,689	28,313	46	117	130	47	71	63	32	16	37
CO	889,725	5,182	58	98	134	69	95	23	45	30	38
CT	531,922	2,493	47	131	97	68	63	24	28	19	45
DC	81,375	218	27	59	36	10	0	0	0	0	71
DE	136,411	1,700	125	266	208	109	249	37	80	52	58
FL	2,762,601	21,208	77	168	137	53	137	66	61	31	33
GA	1,745,762	6,720	38	84	58	26	64	53	26	10	29
HI	182,836	761	42	128	44	32	61	66	38	25	47
IA	499,264	2,779	56	127	205	53	80	58	45	30	35
ID	291,914	952	33	89	54	45	125	80	27	10	24
IL	2,005,522	9,000	45	107	95	52	80	20	26	16	35
IN	1,019,004	2,926	29	64	49	22	41	19	26	4	33
KS	486,050	2,245	46	108	142	43	86	15	36	23	47
KY	681,279	1,809	27	108	63	29	31	0	21	9	44
LA	716,071	1,657	23	63	34	17	41	0	14	3	40
MA	946,424	1,513	16	34	26	29	7	14	12	7	28
MD	893,472	4,610	52	129	84	52	96	46	27	10	27
ME	177,903	833	47	99	53	55	28	0	47	28	54
MI	1,509,170	3,652	24	57	37	25	70	9	21	7	49
MN	864,466	6,128	71	195	206	83	177	33	43	29	39
MO	915,033	5,355	59	125	119	48	86	29	46	13	63
MS	490,208	1,392	28	52	36	15	14	0	22	4	46
MT	148,087	1,121	76	205	197	77	183	40	58	46	69
NC	1,551,207	6,786	44	119	78	42	32	37	26	18	42
ND	110,022	609	55	138	92	88	121	93	45	21	75
NE	310,677	1,502	48	106	95	58	130	0	39	22	36
NH	181,916	1,464	80	147	176	51	116	74	84	24	42
NJ	1,358,709	3,511	26	59	53	29	16	5	18	7	38
NM	335,816	1,291	38	65	35	27	118	61	35	19	34
NV	465,312	2,728	59	142	131	46	177	67	55	16	40
NY	2,725,551	8,218	30	68	64	30	40	5	22	9	39
OH	1,719,439	3,518	20	46	34	19	6	17	17	11	41
OK	690,304	3,806	55	99	114	40	53	138	50	31	52
OR	566,070	1,320	23	49	28	25	77	27	22	5	38
PA	1,693,260	21,860	129	278	342	194	151	63	72	55	47
RI	141,210	974	69	113	189	136	450	0	21	9	40
SC	757,281	3,192	42	90	67	18	46	45	30	15	42
SD	137,100	1,069	78	188	201	116	201	0	51	41	63
TN	994,785	3,856	39	65	49	34	17	97	36	24	29
TX	5,256,939	16,514	31	89	60	33	37	22	19	6	27
UT	657,754	2,222	34	71	99	55	85	46	27	19	27
VA	1,279,045	16,123	126	313	235	102	142	46	93	32	50
VT	83,412	295	35	99	123	41	0	0	33	31	48
WA	1,079,724	2,870	27	69	63	36	51	34	21	11	42
WI	842,798	8,435	100	276	254	96	238	51	78	40	58
WV	278,716	731	26	39	50	26	0	0	25	0	65
WY	94,659	999	106	208	200	107	166	78	100	90	75

PINK SHADING = Higher than the average for all states.

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

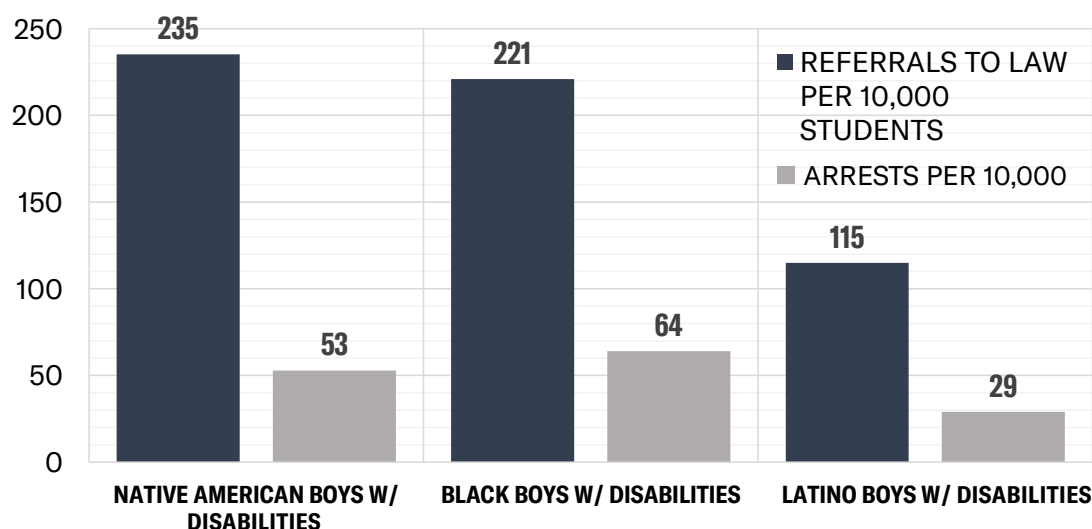
Focus on the Intersectionality of Race, Gender, and Disability in Student Criminalization

The inequalities in school arrests intensify when the data are disaggregated even further. Specifically, when considering not only race and disability status, but also the role of gender, we find that Black boys with disabilities suffered the highest arrest rate, with 5 times the rate for all students (see Chart 2). In nine states, their arrest rate was 10 or more times higher than the national rate for all students (see Table 7).

Latino boys with disabilities also had school arrest rates 10 times higher than the rates for all students in three different states. Black and Latino boys with disabilities were only 3 percent of student enrollment nationally, but they comprised 12 percent of all student arrests (see Table A5 in Appendix C).

CHART 2

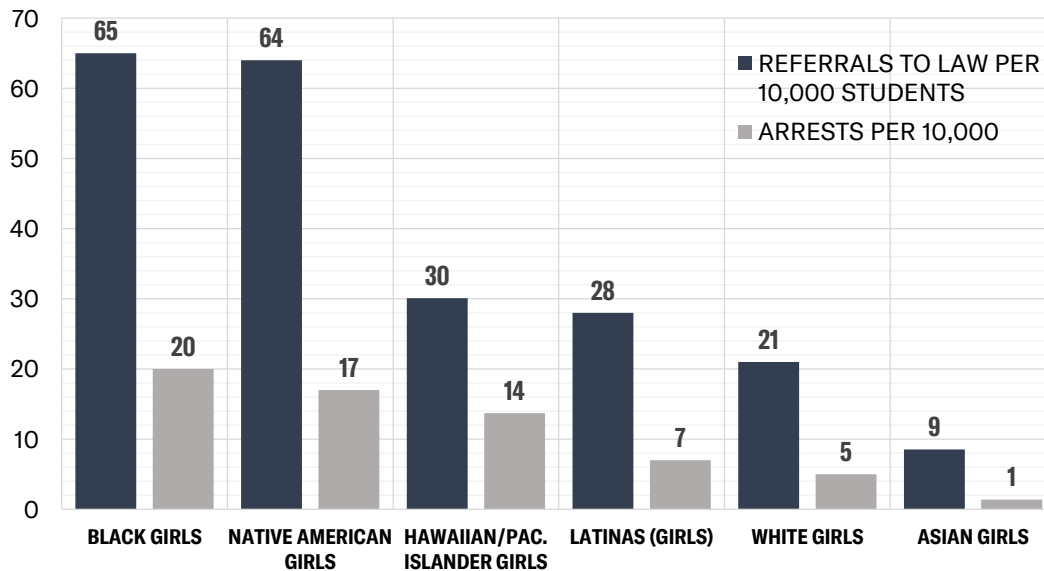
School Arrests and Referrals to Law Enforcement per 10,000 Students for Boys of Color with Disability



Black boys with disabilities faced highest overall arrest rates when considering race, gender, and disability status. However, Black girls in general experienced school arrests the most disproportionately. Overall, Black girls had an arrest rate five times that of white girls (see Chart 3 and Table 8). Furthermore, Black girls were 16 percent of girls nationally, but were 39 percent of girls arrested in school. Black girls were at least half of female school arrests in 11 different states (see Table A6 in Appendix C). For example, in Georgia, Black girls were 37 percent of female students, yet 63 percent of all female student arrests. In states like North Carolina, Iowa, and Michigan, Black girls were over 8 times as likely to be arrested than white girls (see Map F).

CHART 3

School Arrests and Referrals to Law Enforcement per 10,000 Students for Girls



Native American girls and Latinas also experienced a disproportional number of school arrests in many states (see Table 8). Overall, Native American girls had a school arrest rate of three and a half times that of white girls. In some states this disparity was even greater—for example, in Montana, Native girls were 12 percent of female students, but 62 percent of female student arrests (see Table A6 in Appendix C). Latina girls also faced disproportionate school arrests—with an arrest rate 1.5 times that of white girls (see Chart 3). In some states, they faced even greater disparities (see also Table A6 in Appendix C), such as in Massachusetts where Latinas made up 48 percent of the female students arrested, despite only being 18 percent of the female students enrolled.

MAP F

Black-White Girl School Arrest Risk

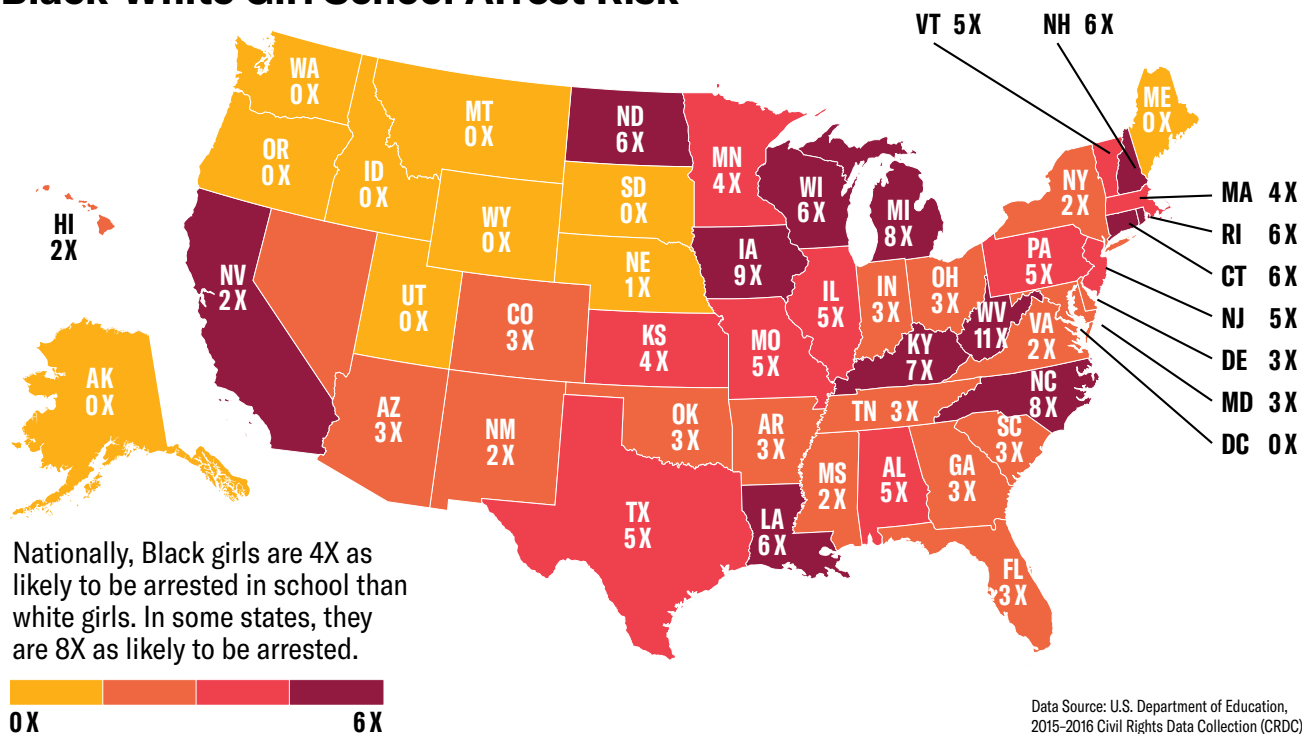


TABLE 7

School Arrests for Boys of Color with Disabilities per 10,000

	Black Boy SWD Arrests per 10,000 Students	Latino Boy SWD Arrests per 10,000 Students	Native American Boys SWD Arrests per 10,000
NATION	64	29	53
AK	0	0	0
AL	70	26	0
AR	54	77	0
AZ	92	34	82
CA	46	13	39
CO	27	5	0
CT	195	171	0
DC	59	20	0
DE	107	59	0
FL	32	17	91
GA	80	50	0
HI	0	111	0
IA	279	64	233
ID	200	21	0
IL	98	42	714
IN	73	29	3333
KS	88	24	218
KY	54	8	0
LA	37	27	233
MA	17	18	339
MD	93	30	0
ME	0	0	0
MI	16	27	0
MN	100	37	31
MO	85	37	213
MS	39	25	435
MT	435	63	101
NC	26	6	24
ND	236	156	83
NE	48	23	90
NH	168	0	0
NJ	53	28	1143
NM	0	10	18
NV	117	46	68
NY	10	4	0
OH	31	13	5625
OK	72	23	22
OR	17	9	0
PA	199	138	1667
RI	95	34	667
SC	83	28	2500
SD	89	42	117
TN	62	24	0
TX	110	59	101
UT	39	6	0
VA	19	9	0
VT	134	0	0
WA	22	31	65
WI	128	37	105
WV	36	0	0
WY	0	0	0

PINK SHADING = Above the average for all states

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

TABLE 8

School Arrests for Girls by Race, per 10,000

State	Black Girl Arrests per 10,000 Students	Native American Girls Arrests per 10,000	Hawaiian/Pac. Islander Girl Arrests per 10,000	Latina Arrests per 10,000	White Girl Arrests per 10,000	Asian Girl Arrests per 10,000
NATION	20	17	14	7	5	1
AK	0	0	0	0	1	0
AL	22	13	0	2	4	0
AR	16	12	34	9	6	0
AZ	16	22	9	10	6	0
CA	11	9	7	3	2	1
CO	3	23	0	2	1	1
CT	50	40	0	34	8	2
DC	27	0	0	3	0	0
DE	41	0	0	19	16	0
FL	9	12	0	3	3	0
GA	24	0	16	9	8	2
HI	33	0	32	21	20	13
IA	109	69	110	10	12	10
ID	0	10	0	2	2	0
IL	33	12	0	10	7	2
IN	29	41	37	11	9	0
KS	16	14	0	7	4	3
KY	17	0	0	3	3	0
LA	25	0	0	10	4	0
MA	5	0	0	7	1	1
MD	29	0	24	8	11	1
ME	0	0	0	0	2	13
MI	12	7	0	3	1	0
MN	25	35	0	12	6	1
MO	30	0	0	6	5	4
MS	14	0	0	11	7	0
MT	0	86	0	13	7	0
NC	6	4	0	2	1	1
ND	40	36	0	26	6	0
NE	2	18	0	4	4	0
NH	34	64	0	9	6	7
NJ	19	0	0	9	4	1
NM	6	6	0	4	4	0
NV	29	94	31	17	14	11
NY	4	2	0	1	2	0
OH	8	0	0	4	3	1
OK	25	11	0	6	7	3
OR	0	0	0	3	1	0
PA	63	43	0	35	12	2
RI	24	0	0	20	4	0
SC	36	14	32	5	12	7
SD	0	74	0	24	7	0
TN	19	0	57	6	7	0
TX	24	9	13	10	5	2
UT	0	0	0	0	1	0
VA	4	0	0	3	1	0
VT	20	0	0	0	4	0
WA	2	14	3	13	6	1
WI	64	34	0	15	10	4
WV	19	0	0	9	2	0
WY	0	43	0	3	2	0

PINK SHADING = Above the average for all states

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

Trends in School Arrests and Referrals to Law Enforcement

Nationwide, the CRDC data appears to indicate a 3 percent growth in reported school arrests and a 17 percent growth in referrals to law enforcement from 2013-14 to 2015-16 (see Table 9). Five states more than doubled their number of reported arrests. We did not see this increase in all states, and in some states, there appeared to be evidence of reporting errors (see Appendices A and B). For example, Alaska reported 833 school arrests in 2013-14 compared to just four arrests in 2015-16, indicating potential underreporting in the more recent year (2015-2016). In contrast, Alabama only reported 47 arrests in 2013-14 compared to 1,077 arrests in 2015-16; this 20-fold increase suggests underreporting in the 2013-14 school year.

There were increases in referrals to law enforcement across states from 2013-14 to 2015-16 that can be corroborated by other sources. For example, there was a 44 percent increase in referrals to law enforcement in California, increasing from 19,685 in 2013-14 to 28,313 in 2015-16. A [report](#) by the Children’s Defense Fund and Youth Justice Coalition found that in Los Angeles County alone, thousands of students received referrals to law enforcement and were placed on “voluntary probation” for minor misbehavior in recent years. Despite the state intention to limit youth involvement with the criminal justice system, California’s Juvenile Justice Crime Prevention Act invested millions of dollars into “net-widening” programs contributing to the school-to-prison pipeline. In July 2018, the ACLU of Southern California filed a [lawsuit](#) against Riverside County for implementing such programs in a discriminatory and unconstitutional way. Tens of thousands of Riverside students were referred to law enforcement for reasons including bad grades, tardiness, or talking back to teachers. Programs like this may have contributed to the 17 percent rise in law enforcement referrals nationwide.

“Tens of thousands of Riverside [CA] students were referred to law enforcement for reasons including bad grades, tardiness, or talking back to teachers. Programs like this may have contributed to the 17 percent rise in law enforcement referrals nationwide.”

— **ACLU of Southern California lawsuit**

TABLE 9

State Trends in Reported School Arrests and Law Enforcement Referrals

State	2013-14 Arrests Total	2015-16 Arrests Total	Increase/ Decrease in Number of Arrests	Increase/ Decrease in Percent of Arrests	2013-14 Referrals Total	2015-16 Referrals Total	Increase/ Decrease in Number of Referrals	Increase/ Decrease in Percent of Referrals
NATION	60,170	61,812	1,642	3%	195,219	235,483	40,264	21%
AK	833	4	-829	N/A	1,951	454	-1,497	N/A
AL	47	1,077	1,030	N/A	436	2,191	1,755	403%
AR	962	751	-211	-22%	3,757	1,511	-2,246	-60%
AZ	451	1,640	1,189	N/A	1,042	4,867	3,825	367%
CA	8,217	3,411	-4,806	-58%	19,685	28,313	8,628	44%
CO	394	347	-47	-12%	5,450	5,182	-268	-5%
CT	1,643	1,750	107	7%	2,396	2,493	97	4%
DC	273	169	-104	-38%	336	218	-118	-35%
DE	110	465	355	N/A	1,437	1,700	263	18%
FL	1,323	1,919	596	45%	13,749	21,208	7,459	54%
GA	4,324	3,980	-344	-8%	5,706	6,720	1,014	18%
HI	563	672	109	19%	18,092	761	-17,331	-96%
IA	601	1,230	629	105%	1,762	2,779	1,017	58%
ID	83	138	55	66%	1,006	952	-54	-5%
IL	4,413	3,605	-808	-18%	9,709	9,000	-709	-7%
IN	1,736	1,850	114	7%	3,280	2,926	-354	-11%
KS	3,224	521	-2,703	-84%	1,942	2,245	303	16%
KY	333	451	118	35%	713	1,809	1,096	154%
LA	783	1,143	360	46%	1,431	1,657	226	16%
MA	798	343	-455	-57%	1,712	1,513	-199	-12%
MD	1,629	2,136	507	31%	2,754	4,610	1,856	67%
ME	25	56	31	124%	622	833	211	34%
MI	410	699	289	70%	3,244	3,652	408	13%
MN	1,189	1,195	6	1%	4,691	6,128	1,437	31%
MO	1,336	1,487	151	11%	3,782	5,355	1,573	42%
MS	898	793	-105	-12%	1,726	1,392	-334	-19%
MT	181	326	145	80%	874	1,121	247	28%
NC	217	604	387	178%	3,280	6,786	3,506	107%
ND	120	200	80	67%	379	609	230	61%
NE	283	205	-78	-28%	1,529	1,502	-27	-2%
NH	248	220	-28	-11%	1,074	1,464	390	36%
NJ	740	1,379	639	86%	2,705	3,511	806	30%
NM	241	188	-53	-22%	1,810	1,291	-519	-29%
NV	1,483	1,194	-289	-19%	786	2,728	1,942	247%
NY	693	849	156	23%	6,065	8,218	2,153	35%
OH	1,292	967	-325	-25%	2,206	3,518	1,312	59%
OK	643	1,054	411	64%	2,094	3,806	1,712	82%
OR	366	201	-165	-45%	1,079	1,320	241	22%
PA	4,517	5,647	1,130	25%	11,840	21,860	10,020	85%
RI	132	231	99	75%	367	974	607	165%
SC	1,719	2,046	327	19%	2,750	3,192	442	16%
SD	223	270	47	21%	759	1,069	310	41%
TN	1,012	1,464	452	45%	2,454	3,856	1,402	57%
TX	6,513	8,920	2,407	37%	14,891	16,514	1,623	11%
UT	244	137	-107	-44%	1,993	2,222	229	11%
VA	758	536	-222	-29%	13,085	16,123	3,038	23%
VT	50	61	11	22%	305	295	-10	-3%
WA	537	1,125	588	109%	2,782	2,870	88	3%
WI	1,311	1,991	680	52%	6,317	8,435	2,118	34%
WV	40	109	69	173%	640	731	91	14%
WY	9	56	47	N/A	744	999	255	34%

PINK SHADING = Top Ten States

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

Reported “Serious Offenses” and School Shootings

In 2015-2016, the U.S. Department of Education’s CRDC required schools to report serious offenses that occurred for the first time. As detailed in Table 10, these offenses include 12 specific type of incidents involving violence or threats that have to be reported to the federal government by all 96,000 public schools. In the 2015-16 school year, there were roughly a million serious offenses reported involving students in public schools; 3 percent of these offenses involved a weapon and approximately 1 percent were incidents that involved sexual assaults (other than rape) and a tenth of a percent (1 per 1,000 incidents) involved a rape or attempted rape. Much more common were reports of physical altercations *without* a weapon (75 percent) or threats of such types of physical altercations (19 percent). Given the relatively limited number of “the most egregious offenses”—those involving a weapon and those of sexual violence (44,600), the 290,000 arrests and referrals to law enforcement reported in the 2015-16 school year appear excessive. This provides further evidence that students are being arrested for minor misbehavior.

“[T]he spate of gun violence in our schools is a public health issue—both tragic and preventable. Therefore, SSWAA supports “school softening,” not “school hardening.” We prefer to focus on prevention ... having caring, highly-trained adults—including school social workers, school psychologists, school counselors, school nurses, and other specialized instructional support personnel—in every school. It means having a strong multi-disciplinary team in place to develop a positive school environment for every student.”

— School Social Work Association of America to the Federal Commission on School Safety

TABLE 10

Prevalence of Incidents Classified as “Serious Offenses”

TYPE OF INCIDENT	NUMBER OF INCIDENTS	PERCENT OF INCIDENTS
Physical attack or fight <i>without</i> a weapon	789,800	75%
Threats of physical attack <i>without</i> a weapon	200,800	19%
Robbery <i>without</i> a weapon	22,900	2%
Physical attack or fight <i>with</i> a weapon	11,900	1%
Threats of physical attack <i>with</i> a weapon	10,100	1%
Sexual assault (other than rape)	10,100	1%
Possession of a firearm or explosive device	5,700	1%
Threats of physical attack <i>with</i> a firearm or explosive device	3,500	0.3%
Physical attack or fight <i>with</i> a firearm or explosive device	2,200	0.2%
Rape or attempted rape	1,100	0.1%
Robbery <i>with</i> a weapon	640	0.1%
Robbery <i>with</i> a firearm or explosive device	560	0.1%

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

In addition to requiring schools to report serious offenses for the first time, in 2015-2016, the U.S. Department of Education also required schools to report all school-related shootings and homicides. In its [April 2018](#) publication highlighting the data on “School Climate and Safety,” the U.S. Department of Education reported the number of school shootings for 2015-2016 as “nearly 240.” We followed up with schools individually and found nearly 140 of them confirmed federal reporting was erroneous, indicating flaws in the U.S. department’s data cleaning and verification methods that resulted in inflating the number of school shootings by the hundreds. Specifically, only 11 schools confirmed school shootings, a far cry from the nearly 240 reported by the department. Two school districts mistakenly and inexplicably reported each of their schools as having a shooting. The data from these two districts accounted for 63 of the reported shootings. The Cleveland Metropolitan School District reported 37 of the shootings, which is the most of any district (16 percent of the 234 reported shootings). District staff confirmed that there were zero shootings that year.

Our research on the overreporting of school shootings in the U.S. Department of Education data was corroborated by an NPR investigation. Furthermore, Everytown⁸³ compiled school shooting news articles and found that less than 30 school shootings appeared in the media during the 2015-16 school year.

Conclusion

The findings of this report indicate a severe shortage of the staff most critical to school safety and positive school climate—school-based mental health providers. As a result, school counselors, psychologists, nurses, and social workers are overwhelmed with student caseloads that compromise quality and result in children with unmet needs. This creates one of the greatest vulnerabilities for school safety. Our findings indicate that too many schools are more likely to employ school police than mental health providers: there are more than 14 million students in schools with police but no counselor, nurse, psychologist, or social worker. Yet, the federal government is directing funding toward hiring school police instead of mental health providers. This prioritization of school police is troubling, not only for the lack of mental health support for our nation's students, but also given that research indicates school police do not reduce mass shootings and instead contribute to less inclusive school climates. Research confirms that it is normal for youth to engage in challenging behavior during adolescence.⁸⁴ Responding to common youth behavior with criminalization exacerbates undesirable behavior and causes children to fall behind academically, placing students further at risk.⁸⁵ The growth of school policing and school hardening devour resources from already underserved schools and contribute to hundreds of thousands of youth being funneled into the criminal justice system. As this report demonstrated, this disproportionately impacts students of color and students with disabilities, both of whom are arrested at rates 10 times higher in some states compared with white students and students without disabilities.

Despite the unprecedented policing, this generation of children has some of the lowest crime rates. Drug use among youth remains among the lowest ever.⁸⁶ Juvenile crime rates have consistently fallen every year for the last decade and are at a historic low.⁸⁷ Despite recent tragic school shootings, youth are no less safe in school—only 3 percent of students murdered each year die at school, a rate that has remained constant for decades.⁸⁸ The Trump administration has relied on grossly inaccurate school shooting data to create a false narrative about school safety while pushing for hardened schools. And while the teen homicide rate increased from 7 to 9 deaths per 100,000 youth between 2013 and 2016, the rate remains less than half of its all-time high of 20 deaths per 100,000, in 1993.⁸⁹

Combined with the unprecedented needs of today's youth, the severe understaffing of school-based social, emotional, and behavioral support providers raises concern about school safety. President Trump's school safety commission released a 2018 report that acknowledged the importance of mental health, yet disregarded facts and their very own data. The administration ignored calls from student activists for meaningful gun control, opting instead to push the preposterous narrative of a connection between mass shootings and school discipline. The administration also ignored calls to increase resources for additional counselors and other support for students.

Because of the proven effectiveness of school-based mental health (SBMH) supports and the critical contribution these professionals make to a safe and supportive school environment, access to these SBMH staff should be considered a civil right.⁹⁰ This civil right should be at the forefront of our conversation about school safety and student success. Schools and decision makers that prioritize law enforcement in schools over SBMH providers do more harm than good. More law enforcement is not the answer. More student supports, however, is critical.

We must continue to ask the hard questions about the utility and efficacy of these programs at the local, state, and federal levels. The next section outlines steps at the federal, state, and local level that can be taken to support student success, safety, and civil rights, as detailed in the next section. We must expand our efforts to empower students and parents to know and understand their rights to combat these suspect policies and practices on the individual level.

Recommendations

Federal-Level Recommendations

- **Invest Significantly in Student Supports:** Increase funding for student support services, including mental health staffing and programming. Most children receive part of their mental health support and services at school, leaving providers overburdened with high caseloads. A current bill circulating in the Senate, the Elementary and Secondary School Counselors Act, proposes to appropriate \$5 billion dollars to fund school based mental health services providers. Support this bill and lobby for others like it. The tragedy at Parkland, Florida was preceded by multiple failures to support a student with disabilities and a decision to exclude him from school entirely. A month after the Parkland tragedy, bipartisan support approved the largest military budget in our country's history—over \$700 billion. America's school children deserve at least of that amount. Investments are needed to support college pathways to train tens of thousands of mental and physical health providers for schools. Positive discipline practices cannot be implemented if there are not mental health service providers to carry them out.
- **Provide Equal Protection for Students.** As the Trump administration rolls back guidance to clarify and protect the civil rights of students, Congress must take the lead on ensuring our students are treated equitably at school. Exclusionary practices harm the positive school climate that research indicates contributes to low levels of school violence. In Cleveland, a 2007 shooting occurred when a 14-year-old student shot four people and killed himself after returning to school “disgruntled after being suspended.” Following the 2007 shooting, the Cleveland Metropolitan School District underwent a comprehensive evaluation of the conditions leading to the tragedy. The findings listed a series of factors contributing to the poor school climate and the increasingly unsafe learning environment. The list includes inconsistent approaches to school discipline, poor supervision, and a lack of social and emotional role modeling by school staff. Academic achievement and positive behaviors increase in schools where students and staff feel physically and emotionally safe, connected, fairly treated, and valued.⁹¹ Prompt federal action on this issue could include:
 - Legislation and funding that supports positive discipline practices, such as restorative justice and social-emotional learning programming.
 - Legislation limiting exclusionary discipline and creating procedures to protect student due process rights when excluded from their school.
 - Ensuring that the U.S. Department of Education's Office of Civil Rights thoroughly investigates complaints.
- **Improve Data Collection.** It is clear that states are failing to report accurate data and policy is being made based on inaccurate reports.
 - Official data correction from the U.S. Department of Education. The Trump administration has promoted false information about school shootings that states and school boards across

the nation are relying on as they develop policy. It may have inflated the number of school shootings by the hundreds, and this should have been corrected in the commission's report.

- Review and clean school shooting data for any future reporting so that there is a more informed response to school safety.
 - Implement data error triggers to create increased accountability for districts and states in the process of data collection to minimize inaccurate data. Too many states have underreported or failed to report required data.
 - Clarify CRDC definitions with expert input. For example, the definition of “psychologist” is problematic because it includes contractors and does not focus on school psychologists. It also focuses exclusively on assessments/evaluations and omits critical prevention and intervention services provided by school psychologists.
- **Do Not Provide Federal Funds for Weapons in School.** Listen to the call of educators echoed in the #ArmMeWith movement. The federal Gun Free School Zone Act of 1990 prohibits the carrying of loaded or unlocked firearms within 1,000 feet of K-12 schools, with the exception of law enforcement acting in their official capacity, or concealed carry permit holders in some states. Over 30 states prohibit the possession of guns on school property, even by individuals with a valid concealed carry permit.
 - **Federal Funds Should Not Be Provided for Law Enforcement in School.** Police should not have a routine presence in schools. School districts should not receive federal funds for law enforcement. Support federal legislation to define the role of police entering in schools and that would end their involvement in disciplining students that would best be conducted by school-based mental health professionals.

Statement From the California Association of School Counselors

It is unconscionable that, 5.9 million of California's 6.2 million students (96 percent) were in schools where school counselor caseloads did not meet the 250:1 recommendation. California school counselors have nearly three times the recommended ratios, and this report draws an important correlation between inadequate staffing of credentialed, school-based mental health service staff, and the damaging effects to our children and youth. We must ask, “Is it even possible for school counselors to know the face, name, and story of every student if their case load is 600+?” The answer is a resounding “no”! Recent studies indicate that students feel disconnected and often disenfranchised within our public-school system, and do not feel adults are there to sufficiently help them. Several studies suggest access to school counselors and lower school counselor-to-student ratios benefit students, particularly those from underrepresented ethnic groups and students who are identified as special education.

The California Association of School Counselors recommends that states designate specific financial resources to hire credentialed, school-based mental health service staff to meet the developmental, psychological and functional needs of students in the PreK-12th grade school system. It should be a fundamental right that every student in this nation have access to a full-time school counselor and every counselor have a reasonable caseload of 250:1. We encourage lawmakers and educational leaders to fully fund schools and reallocate financial resources to meet U.S. students' social and emotional needs to be successful in school and in life.

— **Dr. Loretta Whitson**, Executive Director, California Association of School Counselors

- **Ensure Legislation Does Not Unnecessarily Criminalize Students.** Specifically, ensure the STOP School Violence Act (2018) does not support problematic threat assessments, policies, or “anonymous warnings” systems that unnecessarily criminalize students. Ensure federal support of evidence-based threat assessments like the Virginia Student Assessment Guidelines with fidelity to ensure students’ rights are not being violated in the process of threat detection.

“Key report recommendations are contradictory and even potentially harmful. Most concerning are the calls to harden schools and arm school staff and the recommendation to rescind Obama era discipline guidance, which directs schools to address racial disparities in discipline and promotes alternatives to suspension and expulsion.”

— **National Association of School Psychologists** regarding the *Federal Commission on School Safety Report*

State-Level Recommendations

- **Prioritize Funding of Student Support Services Over Law Enforcement.**
- **Advocate for School Mental Health Services Within State Policy**, as recommended by the National Association of School Psychologists (NASP). Commit to long-term investments and partnerships. As stated by NASP, “policymakers need to work with higher education institutions to find a way to increase the number of qualified school psychologists in their state. States then need to provide additional funding so that schools can hire the personnel that they need. This is an issue that could take some states ten years or more to solve—but it [is] worth a decade of work to provide our public-school students with the support that they need.”
- **Invest in Evidence-Based and Culturally Responsive Social-Emotional Learning Programs** that are found to prevent bullying and misbehavior and would support students..
- **Ensure Accurate Data** is submitted to the CRDC in 2019 and beyond.
- **Support Investigations** by state education departments and the Attorney General’s Office into complaints and allegations of discrimination.
- **Ensure Accurate State-Level Reporting** of the number of law enforcement, security guards, school arrests, and referrals to law enforcement. Some states like Florida and Pennsylvania collect and report these data. In September of 2018, Pennsylvania took another small step to increase accountability. The state’s Safety and Security Committee adopted criteria for the assessment of school safety and security. It states that schools employing any type of security staff should collect information from staff, students, and parents, and the community about their perceptions of that presence. The analysis should be able to be disaggregated to look at different sub-populations of students, including disproportionality and the issue of equity.⁹

District/School-Level Recommendations

- **Use Local Resources to Prioritize School-Based Mental Health Providers**, such as counselors, school psychologists, social workers, and nurses.

- **End Routine Policing Practices Inside Schools.** Police should enter schools only to address threats to physical safety.
- **Require Equity Assessments** of all schools with police that evaluate their impact.
- **Reinvest Resources** from law enforcement to support staff.
- **End the Practice of Arrests and Referrals to Law Enforcement for Common Adolescent Behaviors,** including but not limited to misdemeanor offenses, such as disturbing schools and disorderly conduct. Adopt school codes of conduct that eschew zero tolerance for more appropriate, child-driven responses to challenging behavior.
- **Limit the Adoption of Highly-Visible, Tough Security Measures.** Such stringent measures are associated with a decrease in students' feeling of safety and lower perception of the school environment.⁹²
- **Ensure Accurate Data** is submitted to the CRDC in 2019 and beyond.
- **Ensure That School-Based Mental Providers Are Able to Focus on Mental Health Duties,** i.e., that counselors are in fact counseling, rather than primarily spending their time with tasks that have nothing to do with their training (e.g., achievement test proctoring, clerical tasks, schedules, etc.).
- **Provide Trauma-Informed Services and Trainings.** While experiencing traumatic events does not necessarily lead to mental or behavioral health concerns, it is critical that staff are aware of the potential impacts of these events on students and how to meet their needs.
- **End Punitive and Net Widening Juvenile Probation and Diversionary Programs** that sweep youth into the juvenile justice system.
- **Pass Local Transparency Bills** such as the Student Safety Act in New York City, and ensure compliance with all aspects.
- **Enact Policies That End Police Presence in Schools and Create Specific Protocols for Police Presence,** including for when police should be called by school administrators. Again, there should be NO permanent or routine policing of schools. Schools should have an internal crisis plan with de-escalation techniques and protocols to follow before calling police. When police are called or seek access to a student, the school should have Memoranda of Understanding (MOUs) with law enforcement responsive to the community to ensure that schools (i) notify a parent or guardian to provide them with an opportunity to be present, and (ii) always read a student their rights.
- **Mandate Training for Police** on topics like adolescent development, implicit bias, communication, and de-escalation. Training should be part of law enforcement's budgets to ensure improved services to all community members, including students. Funds should not be appropriated from student funding.

Example District Recommendations and Policies From a Settlement

As a result of an ACLU lawsuit, a sheriff's office in Kentucky agreed to pay more than \$337,000 for the painful and unconstitutional handcuffing of elementary school students with disabilities.

- 1.** Law enforcement should not be inside elementary schools. Elementary school children are not criminals. They do not have the 'mens rea' to commit a crime.
- 2.** Elementary school children are at a vulnerable, tender age. Many of them are trying to grow and learn under difficult circumstances. If there is a behavioral problem, the students—and the school—need to have access to counselors, psychologists, and nurses who can understand and address the root causes.
- 3.** Bringing in law enforcement only serves to traumatize children, making behavioral issues worse and creating greater problems for their healthy development.
- 4.** If the community is so concerned about outside threats, bad actors coming onto the property, or any other dangers to students, then police can be posted outside the school building. But, under no circumstances should they be called into the school, absent an active shooter or similar threat to lives.

From the *Framework for Safe and Successful Schools* by the National Association of School Psychologists, American School Counselor Association, School Social Work Association of America, et. al:

Policy Recommendations to Support Effective School Safety

1. Allow for blended, flexible use of funding streams in education and mental health services;
2. Improve staffing ratios to allow for the delivery of a full range of services and effective school-community partnerships;
3. Develop evidence-based standards for district-level policies to promote effective school discipline and positive behavior;
4. Fund continuous and sustainable crisis and emergency preparedness, response, and recovery planning and training that uses evidence-based models;
5. Provide incentives for intra- and interagency collaboration;
6. Support multi-tiered systems of support (MTSS).

Best Practices for Creating Safe and Successful Schools

1. Fully integrate learning supports (e.g., behavioral, mental health, and social services), instruction, and school management within a comprehensive, cohesive approach that facilitates multidisciplinary collaboration.
2. Implement multi-tiered systems of support (MTSS) that encompass prevention, wellness promotion, and interventions that increase in intensity based on student need, and that also promote intimate school community collaboration.
3. Improve access to school-based mental health supports by ensuring adequate staffing levels, meaning school-employed mental health providers who are trained to infuse prevention and intervention services into the learning process and to help integrate services provided through school-community partnerships into existing school initiatives.
4. Integrate ongoing positive climate and safety efforts with crisis prevention, preparedness, response, and recovery to ensure that crisis training and plans: (a) are relevant to the school context, (b) reinforce learning, (c) make maximum use of existing staff resources, (d) facilitate effective threat assessment, and (e) are consistently reviewed and practiced.
5. Balance physical and psychological safety to avoid overly restrictive measures (e.g., armed guards, metal detectors) that can undermine the learning environment. Instead combine reasonable physical security measures (e.g., locked doors, monitored public spaces) with efforts to enhance school climate, build trusting relationships, and encourage students and adults to report potential threats.
6. Employ effective, positive school discipline that: (a) functions in concert with efforts to address school safety and climate; (b) is not simply punitive (e.g., zero tolerance); (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors. Using security personnel or SROs primarily as a substitute for effective discipline policies does not contribute to school safety and can perpetuate the school-to-prison pipeline.
7. Consider the context of each school and its district and provide those services that are the most needed, appropriate, and culturally sensitive to that school's unique student population and learning community.
8. Acknowledge that sustainable and effective change takes time, and that individual schools will vary in their readiness to implement improvements. These schools should be afforded the time and resources necessary to sustain such change over time.

Appendices

Appendix A: Methodology, Data Cleaning, Definitions, and Limitations

Data Source: The data used in this report comes from the U.S. Department of Education’s Civil Rights Data Collection (CRDC). This is a survey administered to public schools by the U.S. Department of Education’s Office for Civil Rights (OCR). The data are sometimes referred to as the “OCR” data and sometimes as the “CRDC”; the two are identical. The vast majority of the data for this report is drawn from the 2015-2016 school year data (the most recently available CRDC data), however data from the 2013-2014 school year is used in examination of trends of school arrests and referrals and in cases where 2015-2016 data wasn’t available for law enforcement (as noted). The 2015-2016 data were made available to the public in April 2018. The data and more details about the data collection can be found online at <http://ocrdata.ed.gov>. The state and national level data presented in this snapshot are built up from the school level data.

Sample: The OCR gathered data from every public school in the nation. There were over 96,000 schools total.

- **Data omissions:** Although there are over 50 million students enrolled in U.S. schools, in order to improve precision, the following students were excluded from our analyses, resulting in a total of 49,977,268 students in our analytic sample.
- **Students identified as having disabilities under “section 504 only:”** This report excluded these students because the Civil Rights Data Collection did not collect data on arrests/ referrals disaggregated by race. Their omission did not have an impact on what is reported for students with disabilities identified under the Individuals with Disabilities Education Act (IDEA). However, schools with less than 8 students are not publicly reported in enrollment because of data suppression. Many of these schools still publicly reported arrests for the students.
- **Students in juvenile justice facilities:** This report excluded 608 schools from the analysis because they consisted of students in juvenile justice facilities. These schools enrolled over 30,000 incarcerated children. Although this information is valuable, these educational settings vary significantly from traditional schools and deserve separate analysis. Most of the schools did not report arrests since the students had already been arrested and adjudicated. Many of these students, however, are also the students deleteriously impacted by over-policing and funneled into the criminal system.
- **Students in virtual schools:** “Virtual” schools and districts were removed from this analysis. Students who attend school from their own home typically do not experience school arrests, and have varying or no access to counselors and additional support staff. These schools enrolled more than 227,000 students and were identified by words like “virtual,” “cyber,” “online,” “connections academy,” or “electronic classroom of tomorrow” in the school name.
- **Students in pre-K settings:** This analysis removed over 1,600 pre-K schools that enroll over 258,000 students to better focus on grades K–12. It is noteworthy, however, that these pre-K schools had roughly 208 counselors and 65 law enforcement officers.

States with Missing Data: States where the data appear to be missing or erroneous are marked with an asterisk in the maps and highlighted in tables. The following states had limited or missing data about the

number of law enforcement officers: Florida, Hawaii, and New York. New York had limited or missing data about the number of student arrests as well. The following states had limited or missing data about their number of psychologists: Florida, Hawaii, Iowa, Mississippi, and Alabama. The following states had limited or missing data about the numbers of social workers: Florida, Hawaii, West Virginia, Washington, and Texas.

Calculating Rates Per 10,000: To enable comparisons despite enrollment differences for each subgroup, the number of school arrests/referrals are divided by enrollment and multiplied by 10,000 to provide arrests and referral rates.

Sworn Law Enforcement Data “Anomaly”: The U.S. Department of Education 2015-16 Civil Rights Data Collections’ Public Use Data File User’s Manual, published in April 2018 stated, “[t]he Sworn Law Enforcement Officers indicator question was inadvertently carried over from the 2013-14 data collection and displayed in the submission tool for 2015-16. This carryover caused a reporting issue with the SCH_FTESECURITY_LEO data element. Although the data element was required for all schools, the data element was skipped for over 69,000 of those schools.” Among other things, this means that users accessing the CRDC will encounter discrepancies regarding the number of law enforcement at a school. Before conducting our analysis, we replaced the missing values for the schools with the carryover issue with their 2013-14 data. These 2013-14 numbers are the numbers reflected in the online 2015-16 CRDC interface as well.

To produce aggregate law enforcement staffing numbers reflected on OCR’s page for 2015-16 data, we merged the SLEO data from the 2013-14 data. However, the data is reflected differently depending on where you find it on OCR’s website. For example, the homepage of the data for Oakland Unified, reflects 6 SLEO reported for the 2015-16 school year (scroll to the bottom). However, the “Staffing and Finance” tab for Oakland on the left reports “0” SLEO for the same school year. This discrepancy is created because the latter does not reflect the data from the carryover.

Limitations: Data issues were apparent in some states for categories like social workers, nurses, and psychologists. It is unclear how many of these low numbers come from a complete or partial failure to report. For example, zero psychologists were reported for the entire state of Hawaii, which is a clear error due to a failure to report. Florida, on the other hand, reported 26 nurses for the entire state, but other state data reflects different numbers (See Appendix B for further information).

School arrests and the number of school police also appear to be underreported. For example, an ACLU of Southern California report using state data from the 2015-16 school year found that Oakland and Los Angeles reported significantly more school police to state agencies than they did to the U.S. Department of Education.⁹³

Furthermore, the CRDC itself is limited in the data it collects related to school arrests and law enforcement referrals and as such, cannot provide information about all students who maybe differentially impacted. Specifically, prior research indicates that lesbian, gay, bisexual, transgender, and queer (LGBTQ) students are at higher risk of school policing than general student population and are overrepresented in both school disciplinary incidents and in the juvenile justice system - and those risks are even greater for Black, Native American, and Latinx LGBTQ youth and LGBTQ students with disabilities.⁹⁴ Currently, the CRDC provides demographic data for students based on race/ethnicity and disability status, but does not include information on students’ sexual orientation or gender identity (i.e., transgender status) and therefore we were not able to assess potential disparities for LGBTQ students in this report. Given current discriminatory policies and

practices in many schools across the country and potential concerns regarding parental rights to access of school records, requiring school officials to record students' sexual orientation or gender identity may result in unintended negative consequences to LGBTQ students. Further examination is warranted to determine best practices for CRDC and other data collection tools in order to assess impact of school policing for LGBTQ student populations.

Appendix B: Districts and States Failing to Report and Comply

Under 34 CFR §100.6(b), school districts and local education agencies are required to submit accurate data to the U.S. Department of Education ("shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times"). Every public school district must designate specific employees to ensure schools are in compliance with federal civil rights laws. However, a large number of districts failed to meet this obligation in some categories. Table A1 lists data gaps with districts enrolling more than 100,000 students. Specifically staffing categories reporting less than 20 individuals are highlighted red because of the likelihood of underreporting. Although most of the large districts with reporting failures were in Florida, districts throughout the country failed to correctly report key information about personnel in their schools. Gwinnett County enrolls 175,000 students in Georgia and failed to report most counselors, police, and other personnel staff. Many moderate-sized districts like Montebello Unified (28,000 students) and Cartwright Elementary District (18,000 students) failed to report counselors while reporting sworn law enforcement. Another startling example comes from the country's largest school district: New York City. The district failed to report both sworn law enforcement and security guards. However, the New York Police Department ("NYPD") has maintained an extremely large number of officers within NYC schools since 1998.⁹⁵ During the 2015-2016 school year, the NYPD employed approximately 5,200 agents across New York City Department of Education schools.⁹⁶ This means that there are over 1,000 more police officers in NYC schools than there are guidance counselors and social workers combined.

TABLE A1

Districts with 100,000+ Students and Their Data Obligation Failures

State	DISTRICT	Students Enrolled	Counselors	Nurses	Psychologists	Social Workers	Sworn Law Enforcement	Security Guards
	NATIONAL	49,977,268	112,586	53,389	32,754	23,138	27,235	27,737
NY	NEW YORK CITY PUBLIC SCH	983,712	2,630	1,441	1,076	1,123	0*	0*
CA	LOS ANGELES UNIFIED	539,634	1,221	1,121	1,813	234	218	49
IL	CITY OF CHICAGO SD 299	390,850	928	49	40	139	430	1,370
FL	DADE	356,736	554	17	9	9	90	4
NV	CLARK COUNTY SCHOOL DIS	326,002	657	139	164	21	65	157
FL	BROWARD	268,597	341	0	0	6	201	383
FL	HILLSBOROUGH	210,768	394	0	156	127	100	0
TX	HOUSTON ISD	207,649	141	214	3	23	100	20
FL	ORANGE	196,553	319	0	2	4	183	78
FL	PALM BEACH	188,104	335	0	11	9	175	12
VA	FAIRFAX CO PBLC SCHS	185,563	645	64	153	140	53	150
HI	HAWAII DEPARTMENT OF ED	182,836	625	4	0	4	1	240
GA	GWINNETT COUNTY	175,958	328	1	0	6	68	0
NC	WAKE COUNTY SCHOOLS	159,149	441	0	4	7	59	14
TX	DALLAS ISD	157,821	371	208	0	4	82	50
MD	MONTGOMERY COUNTY PUB	156,819	462	0	0	0	26	218
NC	CHARLOTTE-MECKLENBURG	149,270	398	155	70	48	69	89
MD	PRINCE GEORGE'S COUNTY F	141,194	360	206	200	5	72	18
PA	PHILADELPHIA CITY SD	133,503	239	169	110	0	0	38
CA	SAN DIEGO UNIFIED	130,922	250	35	126	20	29	19
FL	DUVAL	128,244	238	0	0	2	189	189
TX	CYPRESS-FAIRBANKS ISD	113,912	213	81	0	0	38	1
GA	COBB COUNTY	112,708	269	135	38	30	120	0
TN	SHELBY COUNTY SCHOOLS	111,183	277	102	59	60	108	89
MD	BALTIMORE COUNTY PUBLIC	110,786	293	175	80	72	63	12
TX	NORTHSIDE ISD	105,049	290	105	3	0	45	0
FL	PINELLAS	102,629	203	0	0	1	40	0
GA	DEKALB COUNTY	101,355	263	66	43	37	43	94
FL	POLK	101,039	208	4	2	7	35	0

Similarly, the School District of Philadelphia reported no sworn law enforcement officers to the federal government. However, the district reported 358 school district-employed sworn officers to the Pennsylvania Department of Education (PDE), with the assignment of some in the 2015-16 school year.⁹⁷ Another Pennsylvania district, Plum Borough, did not submit data to the U.S. Department of Education for the past two data collections despite reporting school police on staff to PDE.⁹⁸ As was the case with previous years, Florida and Hawaii had serious statewide reporting issues.

Issues with Underreporting School Arrests and Law Enforcement Referrals

In many districts, it is nearly impossible to obtain accurate, up-to-date information about police activities in schools—including the number of arrests and the demographic breakdown of the students involved. Districts often do not keep track of this information because they see it as the police department's responsibility. This misconception is flawed, and police departments rarely keep records that accurately reflect information about school policing. The departments usually maintain a database of arrest reports, but those reports do not capture whether the arrestee was a student, whether the arrest took place in a school, whether the arrestee was a person with disabilities, etc. This lack of accurate recordkeeping obscures the often-disproportionate impact that police have on vulnerable student populations. It reinforces the notion that school police officers operate in a grey area with little accountability to educators. Worse, it makes systemic reform of school policing nearly impossible.

Both New York and the Los Angeles Unified School District failed to report school arrests despite enrolling a combined 1.5 million students. A UCLA report found the Los Angeles Unified School District made 3,389 arrests from 2014 to 2017, which indicates a clear failure to comply with federal reporting regulations. The report also found Black students were 25 percent of the total arrests/ citations/diversions in the district despite representing less than 9 percent of the student population.⁹⁹ In prior years, many districts that had reported zero arrests later confirmed that they do not keep track of those data despite the federal requirement to report it to the U.S. Department of Education. Technically, this means that these districts are out of compliance with a federal requirement. While we do believe that there are many schools and districts where not a single student was arrested or referred to law enforcement, we believe it would be a disservice to educators and advocates to report these data “as is” with no mention of our concerns about inaccuracy.

Under-reporting presents a large barrier to understanding the breadth and depth of inequity and detecting signs of unnecessarily harsh policies and practices. We believe that under-reporting is an even greater challenge to our understanding of what is really happening to Black students and children with disabilities. In four states, Arkansas, Kansas, Massachusetts, and West Virginia, we found what appears to be non-reporting in both categories in key urban districts. In each of these four, just one or two large districts constituted 20 percent or more of all the Black students enrolled in the state. The zeros at the district level led us to suspect non-reporting of referrals to law enforcement.

In 21 states, several large districts failed to report school arrests and law enforcement referrals. This had an important impact on state level reporting and racial disparities. For example, in New York City Public Schools and Rochester City School District, where 57.5 percent of all the Black students in the NY state are enrolled, no school-based arrests were reported to the CRDC. However, the NYPD separately tracks and reports school-based arrest data in New York City due to the Student Safety Act, a landmark transparency and data reporting bill.¹⁰⁰ Despite the report of zero school-based arrests to the CRDC during the 2015-2016 school year, the NYPD reported 952 school arrests. This number also underreports the number of arrests in NYC schools because of a change in reporting laws that came into effect in 2016.¹⁰¹ Despite the transparency that the Student Safety Act brings to police interactions in NYC schools, gaps still remain. The NYPD does not fully comply with all requirements of the Student Safety Act, citing safety concerns. In addition, the NYPD claims that since it does not have access to data on students with disabilities, it cannot report law enforcement interactions with this student population. However, the New York City Department of Education does have this information and could cross reference the students who have been arrested with the list of students with individualized education plans. Without this data, it is difficult to understand the impact of school police on students with disabilities, a demographic of students that has typically been disproportionately impacted by school discipline. The table below compared four states across the different data points to compare reporting by the state with reporting by the federal CRDC.

TABLE A2

Comparison of 2015-16 State and Federal Data for CA, FL, and NY

2015-16		CA ¹⁰²	FL ¹⁰³	NY ¹⁰⁴ & NYC ¹⁰⁵
School Arrests	CRDC	3,411	1,919	849 ¹⁰⁶
	STATE	NO DATA	7,341 ¹⁰⁷	STATE: NO DATA ¹⁰⁸ NYC: 952 ¹⁰⁹
Referrals to Law Enforcement*	CRDC	28,313	21,208	8,218
	STATE	NO DATA	NO DATA	STATE: NO DATA NYC: 1,641
School Counselors	CRDC	9,123	4,989	7,636
	STATE	8,955	5,757	STATE: NO DATA NYC: 2,850 ¹¹⁰
School Nurses	CRDC	4,196	26	5,028
	STATE	2,481	1,151 ¹¹¹	STATE: NO DATA NYC: NO DATA
Psychologists	CRDC	6,233	195	4,204
	STATE	5,662	1,408	State: NO DATA NYC: 1,298 ¹¹²
Social Workers	CRDC	1,014	199	3,525
	STATE	528	1,105	STATE: NO DATA NYC: 1,193 ¹¹³
Teachers	CRDC	279,695	151,462	216,968
	STATE	298,339	194,519	STATE: 178,825 ¹¹⁴ NYC: 76,349 ¹¹⁵
Sworn Law Enforcement	CRDC	2,080	1,810	737
	STATE	NO DATA	1,517 ¹¹⁶	State: NO DATA NYC: 5,203 ¹¹⁷
Security Guards	CRDC	4,228	954	3,008
	STATE	NO DATA	NO DATA	STATE: NO DATA NYC: NO DATA

NO DATA = State does not collect this data

CRDC Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

Appendix C: Additional School Staffing and School Arrests by Race and Disability Tables

TABLE A3

Student to Counselor, Psychologist, Nurse, and Social Worker Ratios by State

STATE	Student-to-Counselor Ratio	Student-to-Social Worker Ratio	Student-to-Psychologist Ratio	Student-to-Nurse Ratio	Student-to-Teachers Ratio	% of Students in Schools Failing to Meet Recommended Counselor Ratio	# of Students in Schools Failing to Meet Recommended Counselor Ratio
NATION	444	2,160	1,526	936	15.7	90%	44,880,809
AK	433	6,240	5,368	813	16.5	78%	102,501
AL	419	8,615	N/A	588	16.0	97%	718,743
AR	370	3,655	2,776	526	14.2	93%	446,973
AZ	758	3,382	1,593	1,294	19.5	97%	1,084,337
CA	682	6,132	998	1,482	22.2	96%	5,945,211
CO	503	2,258	1,578	2,853	17.2	90%	800,740
CT	326	580	548	435	12.0	60%	316,951
DC	347	365	410	528	12.2	77%	62,968
DE	424	2,547	825	532	14.5	92%	125,265
FL	554	N/A	N/A	N/A	18.2	98%	2,705,448
GA	480	5,272	6,390	1,288	15.6	99%	1,719,587
HI	292	N/A	N/A	N/A	15.3	70%	127,833
IA	378	8,973	N/A	625	14.1	89%	445,020
ID	479	8,447	2,014	1,857	19.3	93%	272,271
IL	555	741	1,261	871	14.9	89%	1,787,294
IN	532	1,829	2,607	755	16.9	95%	968,756
KS	407	1,360	1,157	636	13.9	90%	438,308
KY	442	3,400	2,057	921	16.2	96%	655,207
LA	504	1,979	3,365	923	14.7	95%	678,518
MA	304	1,522	825	480	12.8	66%	619,908
MD	383	2,324	1,198	917	14.1	89%	798,196
ME	303	617	1,830	503	12.0	67%	119,886
MI	693	1,051	2,184	4,199	18.6	96%	1,455,639
MN	582	852	1,273	928	14.7	93%	807,815
MO	328	2,250	4,867	488	13.7	85%	781,794
MS	432	4,956	N/A	942	14.7	94%	458,613
MT	207	2,475	698	707	12.9	73%	107,987
NC	370	1,584	2,527	1,259	13.6	89%	1,383,543
ND	260	655	2,162	2,453	11.7	72%	78,733
NE	347	3,350	1,164	676	13.0	82%	254,691
NH	237	2,408	919	407	12.2	49%	89,468
NJ	321	655	731	484	11.5	70%	948,154
NM	391	945	3,673	695	15.4	89%	297,308
NV	441	8,730	1,866	1,743	18.3	94%	435,172
NY**	357	773	648	542	12.6	71%	1,947,911
OH	507	4,854	1,084	991	16.2	93%	1,600,641
OK	302	5,167	3,301	1,312	15.6	87%	603,906
OR	481	8,831	3,393	4,112	19.8	94%	532,780
PA**	380	3,416	997	667	14.1	90%	1,527,512
RI	392	686	838	516	12.2	67%	94,760
SC	367	4,238	1,788	631	15.0	90%	680,762
SD	306	3,413	1,742	876	13.7	83%	113,913
TN	417	4,428	2,389	806	14.5	94%	930,296
TX	434	13,604	4,962	831	15.1	93%	4,888,084
UT	663	8,198	2,720	4,479	23.2	98%	645,451
VA	346	2,067	1,623	817	14.0	86%	1,103,137
VT	207	1,265	1,496	324	10.4	35%	29,001
WA	448	14,391	1,408	1,830	19.2	96%	1,040,221
WI	393	1,750	901	1,284	14.0	92%	774,868
WV	365	15,433	4,329	972	14.6	92%	255,128
WY	304	946	847	533	12.2	78%	73,600

PINK SHADING = Above the average for all states

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

TABLE A4

School Arrest Disparities by Race and Disability by State—per 10,000

STATE	Black Student Arrests per 10,000	Black-White Arrest Gap per 10,000	Black-White Arrest Risk Ratio	Latino Student Arrests per 10,000	Latino-White Arrest Gap per 10,000	Latino-White Arrests Risk Ratio	Native American Arrests per 10,000 Students	Native American-White Arrest Gap per 10,000	Native American-White Arrests Risk Ratio	SWD Arrests per 10,000 Students	SWD American-White Arrest Gap per 10,000	SWD American-White Arrests Risk Ratio
NATION	28	19	3.1	11	3	1.3	22	13	2.5	29	19	2.9
AK	0	0	0.0	0	0	0.0	1	0	2.0	0	-24	0.0
AL	27	20	3.6	10	2	1.3	20	13	2.7	34	28	5.3
AR	27	17	2.8	23	13	2.4	11	2	1.2	31	21	3.1
AZ	29	18	2.8	16	6	1.6	35	25	3.5	33	23	3.2
CA	18	14	4.4	5	1	1.3	13	8	3.0	14	4	1.4
CO	11	8	4.0	5	2	1.6	11	8	4.0	6	-4	0.6
CT	71	53	4.0	53	36	3.0	42	24	2.4	100	85	6.6
DC	27	27	0.0	10	10	0.0	0	0	0.0	48	30	2.7
DE	54	30	2.2	26	1	1.0	0	-25	0.0	65	50	4.6
FL	14	9	2.8	5	0	1.1	15	11	3.2	16	7	1.7
GA	36	23	2.6	17	4	1.3	31	17	2.3	51	43	6.5
HI	39	6	1.2	28	-5	0.9	61	28	1.9	108	96	8.7
IA	125	95	4.1	22	-9	0.7	51	20	1.6	57	49	6.9
ID	6	2	1.4	5	1	1.2	20	16	4.5	13	8	2.5
IL	42	32	4.0	17	6	1.6	29	18	2.7	47	39	5.7
IN	38	17	1.8	14	-8	0.6	47	26	2.2	40	33	5.9
KS	29	21	3.5	9	1	1.1	21	13	2.5	27	11	1.6
KY	24	19	5.2	4	0	1.0	16	11	3.5	16	6	1.7
LA	26	19	3.8	12	5	1.8	15	8	2.1	25	14	2.3
MA	8	5	2.4	9	6	2.8	0	-3	0.0	8	0	1.0
MD	39	23	2.4	14	-2	0.9	38	22	2.4	65	58	9.9
ME	0	-3	0.0	0	-3	0.0	0	-3	0.0	6	-5	0.5
MI	12	9	4.6	6	4	2.4	5	2	1.9	10	-1	0.9
MN	35	20	2.3	16	1	1.1	38	23	2.6	31	19	2.5
MO	45	33	3.8	9	-3	0.8	18	6	1.5	39	26	3.1
MS	21	9	1.7	12	0	1.0	0	-12	0.0	32	19	2.5
MT	13	0	1.0	18	4	1.3	80	67	5.9	49	39	4.7
NC	9	8	5.8	3	1	1.8	2	0	1.1	11	-1	1.0
ND	50	38	4.4	29	18	2.6	48	36	4.2	59	45	4.3
NE	11	6	2.1	8	3	1.5	34	29	6.3	14	4	1.4
NH	54	43	4.6	6	-6	0.5	29	17	2.5	22	14	2.9
NJ	24	19	4.4	12	7	2.2	8	2	1.4	24	14	2.5
NM	3	-3	0.5	5	-1	0.8	11	5	1.8	8	-5	0.6
NV	50	26	2.1	23	-1	1.0	84	61	3.6	67	50	4.0
NY**	6	2	1.7	2	-2	0.4	4	1	1.2	7	-2	0.8
OH	12	8	3.1	6	2	1.5	0	-4	0.0	13	1	1.1
OK	39	26	3.1	9	-3	0.7	17	4	1.3	28	13	1.9
OR	3	-1	0.8	4	1	1.2	2	-1	0.7	7	-5	0.6
PA**	81	60	3.9	51	31	2.5	43	22	2.1	81	67	5.8
RI	46	39	6.6	24	18	3.5	126	119	18.2	35	26	4.2
SC	46	29	2.8	11	-6	0.7	13	-3	0.8	51	41	4.9
SD	5	-5	0.5	25	15	2.5	80	70	7.9	54	43	4.8
TN	27	16	2.4	10	-1	0.9	8	-3	0.7	28	23	5.7
TX	38	29	4.5	18	10	2.2	14	6	1.7	49	43	7.4
UT	6	4	3.3	3	1	1.4	3	1	1.4	4	-8	0.4
VA	7	4	2.2	5	2	1.6	0	-3	0.0	10	-6	0.6
VT	38	31	5.8	0	-7	0.0	0	-7	0.0	20	11	2.1
WA	5	-5	0.5	17	7	1.7	16	7	1.7	25	14	2.2
WI	78	60	4.4	20	2	1.1	42	24	2.4	57	42	3.9
WV	22	19	7.4	4	1	1.5	0	-3	0.0	8	-3	0.7
WY	0	-4	0.0	5	0	1.1	32	28	7.4	7	-16	0.3

PINK SHADING = Above the average for all states

Data Source: U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

TABLE A5

School Arrests Compared to Enrollment for Black and Latinx Students and for Students with Disabilities (SWD)

STATE	Black % of State Enrollment	Black % of School Arrests	Black % of Referrals	Latino % of State Enrollment	Latino % of School Arrests	Latino % of Referrals	SWD % of State Enrollment	SWD % of School Arrests	SWD % of Referrals
NATION	15%	35%	30%	26%	24%	25%	12%	28%	29%
AK	3%	0%	5%	7%	0%	6%	10%	0%	21%
AL	33%	62%	54%	7%	5%	4%	16%	27%	25%
AR	20%	34%	34%	12%	18%	14%	16%	21%	21%
AZ	5%	10%	9%	45%	50%	48%	13%	24%	22%
CA	6%	19%	17%	54%	52%	55%	13%	26%	26%
CO	5%	13%	11%	33%	39%	39%	12%	15%	16%
CT	13%	28%	27%	23%	37%	33%	12%	37%	34%
DC	70%	92%	94%	16%	8%	6%	11%	31%	29%
DE	31%	49%	51%	16%	12%	14%	13%	29%	32%
FL	23%	44%	40%	32%	24%	22%	12%	30%	28%
GA	37%	59%	56%	15%	11%	10%	10%	25%	24%
HI	2%	2%	2%	12%	9%	9%	14%	29%	30%
IA	6%	29%	21%	10%	9%	10%	12%	26%	25%
ID	1%	1%	2%	17%	19%	24%	13%	22%	23%
IL	17%	41%	37%	25%	24%	29%	14%	33%	30%
IN	12%	26%	21%	11%	8%	8%	13%	30%	31%
KS	7%	20%	22%	19%	16%	17%	9%	32%	30%
KY	11%	37%	25%	6%	4%	7%	14%	29%	51%
LA	44%	73%	65%	6%	5%	4%	13%	16%	28%
MA	9%	19%	15%	18%	45%	33%	11%	36%	35%
MD	35%	57%	57%	16%	9%	16%	11%	29%	27%
ME	4%	0%	4%	2%	0%	2%	11%	29%	34%
MI	18%	46%	28%	7%	10%	7%	15%	26%	28%
MN	10%	26%	30%	9%	10%	10%	13%	30%	36%
MO	16%	44%	32%	6%	3%	5%	11%	30%	26%
MS	49%	63%	62%	4%	3%	2%	12%	22%	21%
MT	1%	1%	3%	4%	3%	4%	14%	22%	26%
NC	26%	61%	46%	16%	12%	15%	15%	33%	31%
ND	5%	13%	8%	4%	7%	7%	14%	39%	30%
NE	7%	12%	13%	18%	23%	21%	12%	29%	31%
NH	2%	9%	4%	5%	3%	3%	15%	26%	26%
NJ	16%	38%	33%	25%	30%	29%	13%	34%	33%
NM	2%	1%	2%	61%	54%	44%	13%	20%	23%
NV	10%	20%	23%	42%	37%	33%	13%	29%	27%
NY	18%	34%	37%	26%	13%	25%	15%	37%	35%
OH	16%	35%	27%	5%	5%	5%	13%	32%	31%
OK	9%	23%	19%	16%	10%	12%	14%	27%	26%
OR	2%	2%	3%	23%	27%	25%	14%	26%	26%
PA	15%	36%	39%	10%	16%	16%	11%	38%	34%
RI	8%	23%	23%	24%	36%	47%	9%	29%	22%
SC	35%	59%	55%	8%	3%	4%	12%	24%	26%
SD	3%	1%	8%	5%	7%	8%	13%	33%	29%
TN	22%	41%	28%	9%	6%	8%	16%	24%	21%
TX	12%	28%	24%	52%	55%	54%	10%	24%	23%
UT	1%	4%	4%	16%	22%	26%	12%	26%	25%
VA	23%	37%	42%	14%	17%	12%	17%	28%	30%
VT	3%	13%	9%	2%	0%	2%	13%	36%	37%
WA	4%	2%	10%	23%	37%	31%	17%	28%	30%
WI	10%	32%	24%	11%	9%	11%	16%	31%	35%
WV	4%	25%	8%	2%	2%	2%	12%	32%	23%
WY	1%	0%	2%	14%	11%	14%	13%	14%	25%
WY	1%	0%	2%	7%	11%	14%	13%	14%	25%

TABLE A6

School Arrests Compared to Enrollment by Gender, Race, and Disability

STATE	Black Girl % of Girl Enrollment	Black Girl % of Girls Arrested	Native American % of Girls Enrolled	Native American % of Girls Arrested	Latina % of Girls Enrolled	Latina % of Girls Arrested	Black + Latino Boys SWD % of Enrollment	Black + Latino Boys SWD % of Arrests
NATION	16%	39%	1%	2%	26%	22%	3%	12%
AK	3%	0%	23%	0%	7%	0%	1%	0%
AL	34%	72%	1%	2%	7%	2%	3%	14%
AR	21%	38%	1%	1%	12%	13%	2%	9%
AZ	5%	9%	5%	12%	45%	49%	4%	10%
CA	6%	22%	1%	2%	54%	52%	5%	14%
CO	5%	8%	1%	11%	33%	45%	3%	5%
CT	13%	32%	0%	1%	23%	39%	4%	20%
DC	71%	98%	0%	0%	15%	3%	8%	21%
DE	31%	51%	0%	0%	16%	12%	5%	15%
FL	23%	45%	0%	1%	32%	20%	5%	17%
GA	37%	63%	0%	0%	15%	9%	4%	13%
HI	2%	3%	0%	0%	12%	12%	1%	3%
IA	6%	34%	0%	2%	10%	5%	1%	9%
ID	1%	0%	1%	6%	17%	18%	1%	6%
IL	18%	47%	0%	0%	25%	21%	4%	15%
IN	12%	28%	0%	1%	11%	9%	2%	6%
KS	7%	19%	1%	3%	19%	23%	2%	9%
KY	11%	41%	0%	0%	6%	4%	1%	8%
LA	44%	80%	1%	0%	6%	4%	4%	9%
MA	9%	18%	0%	0%	18%	48%	3%	17%
MD	35%	60%	0%	0%	16%	7%	4%	14%
ME	4%	0%	1%	0%	2%	0%	0%	0%
MI	18%	61%	1%	2%	7%	6%	2%	9%
MN	11%	28%	2%	7%	9%	11%	2%	10%
MO	16%	50%	0%	0%	6%	4%	2%	9%
MS	50%	63%	0%	0%	4%	4%	4%	9%
MT	1%	0%	12%	62%	4%	3%	0%	1%
NC	26%	64%	1%	2%	16%	13%	4%	19%
ND	5%	16%	9%	30%	4%	10%	1%	7%
NE	7%	4%	2%	7%	18%	19%	2%	12%
NH	2%	10%	0%	3%	5%	7%	1%	2%
NJ	16%	41%	0%	0%	25%	29%	4%	16%
NM	2%	3%	11%	15%	61%	60%	6%	10%
NV	10%	17%	1%	6%	42%	40%	4%	10%
NY	18%	40%	1%	1%	26%	15%	6%	12%
OH	16%	35%	0%	0%	5%	6%	2%	10%
OK	9%	24%	15%	17%	16%	9%	2%	6%
OR	2%	0%	2%	0%	23%	45%	2%	6%
PA	15%	41%	0%	0%	10%	16%	3%	15%
RI	8%	22%	1%	0%	24%	51%	3%	10%
SC	35%	64%	0%	0%	8%	2%	4%	12%
SD	3%	0%	11%	52%	5%	8%	1%	1%
TN	23%	46%	0%	0%	9%	5%	3%	9%
TX	12%	30%	0%	0%	52%	53%	4%	16%
UT	1%	0%	1%	0%	16%	13%	2%	6%
VA	23%	37%	0%	0%	14%	20%	3%	13%
VT	3%	13%	1%	0%	2%	0%	0%	3%
WA	4%	1%	1%	3%	23%	41%	2%	7%
WI	10%	36%	1%	3%	11%	10%	2%	9%
WV	4%	32%	0%	0%	2%	6%	0%	4%
WY	1%	0%	4%	44%	14%	11%	1%	0%

Appendix D: Common Student Behaviors Leading to School Arrests

TABLE A7

List of 25+ Common Student Behaviors Leading to School Arrests

CRIMINAL CHARGE	STUDENT BEHAVIOR
Disrupting school	<u>Spraying perfume;</u> ¹¹⁸ <u>fake burping;</u> <u>fake fart spray;</u> ¹¹⁹ <u>refusing to change a t-shirt depicting a hunting rifle;</u> ¹²⁰ <u>not following instructions;</u> ¹²¹ <u>criticizing a police officer</u> ¹²²
Disorderly conduct	<u>arguing;</u> ¹²³ <u>documenting bullying;</u> ¹²⁴ <u>Kicking a trashcan;</u> ¹²⁵ <u>cursing;</u> <u>refusing to leave the lunchroom</u> ¹²⁶
Assault	<u>Throwing a paper airplane;</u> ¹²⁷ <u>throwing a baby carrot;</u> ¹²⁸ <u>throwing skittles;</u> ¹²⁹ <u>fake fart spray</u> ¹³⁰
Weapons	<u>Science experiment (volcano);</u> ¹³¹ <u>science experiment;</u> ¹³² <u>paring knife;</u> ¹³³ <u>children's knife;</u> ¹³⁴
Battery on a police officer	<u>Five year-old with ADHD had a tantrum</u> ¹³⁵
Terroristic threats	<u>Eight year-old with a disability made a threatening statement to a teacher</u> ¹³⁶
Drug possession	<u>Carrying a maple leaf</u> ¹³⁷
Petit larceny	<u>Taking a milk carton</u> ¹³⁸
Felony forgery	<u>Buying lunch with a fake \$2 bill</u> ¹³⁹
Indecent exposure	<u>Wearing saggy pants</u> ¹⁴⁰

Table extracted from <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/bullies-blue>)

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- 51 State Nonfiscal Public Elementary/Secondary Education Survey Data Multi-year data, National Center for Education Statistics available at <https://nces.ed.gov/cdd/stnfnis.asp> . There was a 12 percent growth in counselors parallel by a 7 percent growth in student enrollment from 1999-2015.
- 52 Two types of law enforcement officers are stationed in schools on a regular basis: members of local, regional, or state police departments who are assigned to schools on a long-term basis under agreement with a district (typically known as "School Resource Officers," or SROs) and police officers who are part of a school district's internal police department (typically called "school police officers," or SPOs). Some districts employ both. In addition, all districts have arrangements with local law enforcement where outside police are

called to a school on an ad hoc basis.

- 53 <https://www.the74million.org/article/the-state-of-school-security-spending-heres-how-states-have-poured-900-million-into-studentsafety-since-the-parkland-shooting/>
- 54 <https://www.thisamericanlife.org/659/before-the-next-one>
- 55 The staff are reported by Full Time Equivalency (FTE), and this is the number of hours the staff is expected to work divided by the maximum number of compensable hours in a full-time schedule. An FTE of 1.00 means that the person is equivalent to a full-time worker, while an FTE of 0.50 signals that the worker is only half-time.
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- 67 Over 15,000 of the schools were small and enrolled less than 250 students. Some large districts like Bakersfield (30,420) and Washington Elementary (23,354) reported no counselors, but a significant number of social workers or psychologists. A total of 289 districts enrolling more than 1,000 students reported zero counselors and some of these might result from reporting failures.
- 68 National Association of School Social Workers, NASW Standards for school social work Services
- 69 As egregious as these numbers are, they may actually be worse due to significant overreporting. Some states, like New Jersey and California, appear to have grossly over-reported the number of social workers. For example, the table in the appendix (Comparison of 2015-16 State and Federal Data) reveals that California reported twice as many social workers to the federal government than to the California Department of Education.
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- 71 American Nurses Association [ANA]/NASN, (2011). American Nurses Association (ANA) & National Association of School Nurses (NASN). (2011). School nursing: Scope and standards of practice (2nd ed.). Silver Spring, MD: nursesbooks.org. Access online.
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