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# Stop Flushing Money Down the Pipeline: A Call to Divert Federal Money from Cops to Counseling in Schools

Many schools and districts currently spend money on school policing programs with the help of federal funding, but no federal law requires schools to hire school police officers. And in fact, students across the country report that school police officers often do not make them feel safe. Instead, police presence in schools leads to increased exclusion from the classroom and criminalization of students, especially those of color. Black girls, in particular, are disproportionately impacted by police in schools. In the 2017-2018 school year, Black girls were three times more likely to be referred to law enforcement and four times more likely to be arrested in school than white girls. When schools rely on school police, they contribute to school pushout and the school-to-prison pipeline as well as create an overall negative learning environment. Also, school police officers too often discipline students in discriminatory ways. Under federal civil rights laws, students have a right to an education that is free from discrimination on the basis of characteristics such as race, sex, and disability. These laws are enforced by the U.S. Department of Education (ED) and, in some cases, the U.S. Department of Justice (DOJ). Schools that violate these rights can lose federal funding and face other penalties.

Every student deserves to feel safe, supported, and included in their learning environment. Instead of investing in school

## THE CONSEQUENCES OF FUNDING SCHOOL POLICE INSTEAD OF OTHER RESOURCES

Police in schools can lead to the following:

- Decreases in graduation and college enrollment rates;<sup>1</sup>
- Increased student reports of a negative learning environment;<sup>2</sup>
- Higher rates of suspensions, expulsions, and other exclusionary discipline;<sup>3</sup>
- Higher rates of discriminatory discipline against Black students, LGBTQ students, and students with disabilities;<sup>4</sup>
- Increased police harassment and violence;<sup>5</sup> and
- Increased student incarceration and referrals to family court and the juvenile legal system.<sup>6</sup>

policing, schools can recognize these basic student rights and keep students safe by investing in resources like mental health services, trauma-informed and evidence-based programs, and ongoing trainings for educators.

## How Do Federal School Policing and Security Grants Work?

In the context of school policing and surveillance, Congress generally gives authority to the Department of Justice (DOJ) to award grant money to states and local governments that apply for it. If DOJ determines that the government applicant has met all requirements for the grant, it will award the money to the government applicant. In recent years, the major sources of federal funding for school policing and surveillance programs have been provided through two major sectors of DOJ: the Office of Community Oriented Policing Services (COPS) and the Bureau of Justice Assistance (BJA). These programs encourage states and school districts to increase measures that criminalize students and promote harsh, punitive learning environments—especially for students of color.

School district participation in grant programs like these is voluntary; no school, school district, or state is required to seek these funds and use them to hire school police. Moreover, the major sources of federal funding that schools have used to hire police do not actually require hiring or contracting with law enforcement agencies, except for the COPS Hiring Program.

## The COPS Hiring Program (CHP)

The COPS Office of DOJ is the single largest source of federal funding for school police programs.<sup>7</sup> Over the years, the COPS Office has funneled nearly \$1 billion in federal grants to state and local governments to increase school policing, hardening, and militarization.<sup>8</sup>

For the 2021 fiscal year, the COPS Office plans to distribute \$50 million<sup>9</sup> through the COPS Hiring Program (CHP), which allows schools to pay for “full-time, entry-level salaries and fringe benefits of newly hired or rehired sworn career law enforcement officers.”<sup>10</sup>

### DID YOU KNOW?

Schools planning to use the CHP funds to hire school police officers, also called school resource officers (SROs), must promise that the roles of the SROs will include “information sharing.”<sup>11</sup>

- Under a CHP agreement between the school and the law enforcement agency, the school must outline the types of information that it is allowed and willing to share with SROs.<sup>12</sup>
- Information sharing between schools and SROs can lead to inappropriate and sometimes illegal use of private student information. For example, the Pasco County school district in Florida had an agreement with the county sheriff’s office, allowing SROs access to students’ education records.<sup>13</sup> The sheriff’s office used its access to education records to create a list of “at-risk youth who are destined to a life of crime.”<sup>14</sup> Students made it onto the list for things like getting a “D” in a class, receiving one discipline referral during a school quarter, and having experienced certain childhood traumas.<sup>15</sup> A list of students who may be future criminals unfairly targets students who have not done anything wrong and can be particularly harmful for students of color, who are already disproportionately surveilled and disciplined by school administrators and police.
- An SRO’s access to student records and information can also create a threat of detention or deportation for students who are undocumented or have undocumented family members. In some cases, the U.S. Immigration and Customs Enforcement (ICE) office may enter agreements with local law enforcement, including SROs.<sup>16</sup> These agreements may give SROs certain immigration enforcement powers, which would allow them to share some student information with ICE. Such partnerships between local law enforcement and ICE have led to massive displacement of Latinx students from their schools.<sup>17</sup>

The COPS Office will give extra consideration to grant applicants from areas “with persistent poverty.”<sup>18</sup>

- SROs are overwhelmingly placed in schools whose student populations significantly consist of low-income students of color.<sup>19</sup>
- Research shows that in schools with the highest poverty rates, SRO presence increased the probability of student arrest by 402%.<sup>20</sup>

## The COPS School Violence Prevention Program (SVPP)

The COPS Office School Violence Prevention Program (SVPP) provides funding to state, local, and tribal units of government to increase security measures on school grounds. In 2020, the COPS Office distributed about \$50 million in SVPP grants.<sup>21</sup> In the 2021 fiscal year, the COPS Office plans to distribute \$53 million in SVPP grants.<sup>22</sup>

### DID YOU KNOW?

Among other allowable uses, schools may use SVPP grant funds to train local law enforcement officers on school safety.<sup>23</sup> But implementing training in order to keep police in schools is a poor use of funds.

- Studies show that initiatives to increase training for SROs have been ineffective, as studies show that 50% of SROs fail to apply their training and positively engage with children in practice.<sup>24</sup>
- Even when training is mandated for police generally, available data show that this training does not correct the racial imbalances in arrests.<sup>25</sup>

SVPP grant funds may also be used to buy equipment and technology, such as metal detectors and other “deterrent measures.”<sup>26</sup> These technologies are often used to target students of color and can convey to students that they are seen primarily as criminals, rather than kids, teens, and young adults.

- A 2018 study found that schools where students of color made up more than 50% of the school population were 2 to 18 times more likely to use a mix of metal detectors, school police and security guards, locked gates, and random sweeps than schools where students of color made up less than 20% of the student population.<sup>27</sup>
- When asked about how school surveillance and equipment like metal detectors make students feel, they report feeling anxious, fearful, stifled, powerless, embarrassed, less motivated to learn, and like they are in jail.<sup>28</sup>

## The BJA Students, Teachers, and Officers (STOP) School Violence Program

The DOJ also provides funding through the Bureau of Justice Assistance (BJA), Student, Teachers, and Officers Preventing (STOP) School Violence Program. In 2020, BJA distributed over \$78 million in grants through the STOP School Violence

Program.<sup>29</sup> In the 2021 fiscal year, the BJA plans to grant up to \$74 million for the STOP School Violence Program.<sup>30</sup>

### DID YOU KNOW?

The STOP School Violence Program funds can be used to support policies that allow law enforcement officers, such as SROs, to access student record information “when such disclosure is necessary to protect the health or safety of the student or other individuals. . . .”<sup>31</sup>

- Although these policies are only meant to apply in limited situations, the grant program language is quite broad. It gives SROs broad authority to define what is “necessary” to access student records. When SROs are given such discretion in school activities, students of color are most negatively impacted. Studies show that the bias of SROs and other school administrators causes them to discipline Black and brown students more harshly than white students,<sup>32</sup> especially when they have broad authority to decide whether and how a student should be punished.
- This sort of broad authority also raises similar concerns as those with the CHP, when schools share student information with SROs. Access to student records can be a violation of students’ privacy rights and can particularly threaten students who are at risk for immigration-related consequences.

Alternatively and far more helpfully, STOP School Violence Program funds can also be used to train school officials to respond to mental health crises,<sup>33</sup> to involve mental health professionals,<sup>34</sup> and to increase access to mental health services and social and emotional learning programs.<sup>35</sup>

- Investing in mental health and other trainings is a great use of funds through this grant and can be particularly helpful for girls of color. For example, nearly 50% of all Latina high school girls in the U.S. in 2017 experienced long-lasting sadness or hopelessness.<sup>36</sup> Research also showed that more than one in five Latina high school girls considered and more than one in ten attempted suicide.<sup>37</sup>
- However, data show that millions of students attend schools with law enforcement officers, such as SROs, but no support staff likes counselors, nurses, school psychologists, or social workers.<sup>38</sup> Such support staff roles are largely underfunded, meaning schools cannot hire an adequate number of school counselors or nurses or pay a livable wage to those hired. Schools, districts, and states should advocate to the federal government to create funding streams focused on student care instead

of criminalization. Such funding streams can be used for hiring mental health professionals and other support staff as well as school staff trainings on addressing student health needs.

## There Are Better Ways for Schools to Increase School Safety

Money spent on SROs and other criminalization mechanisms has meant that mostly Black and brown students attend schools that underinvest in mental health and other student supports. Mental health resources allow students the social and emotional wellbeing to focus on and benefit from their classes. Such resources became even more crucial to help students address the trauma of the COVID-19 pandemic, especially for students from disproportionately impacted Black and brown communities.

There are other ways to fund “school safety” that do not prioritize criminalizing students like the DOJ grant programs described above. Here are some better resources schools can use to secure funding for mental health services and other student support programs:

### 1. TAKE ADVANTAGE OF FEDERAL STIMULUS FUNDS

Between March 2020 and March 2021, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act,<sup>39</sup> the Coronavirus Response and Relief Supplemental Appropriations (CRRSA),<sup>40</sup> and the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP).<sup>41</sup> These federal stimulus packages were passed to support state and local governments as they dealt with the effects of the coronavirus pandemic. They provided historic amounts of funding for education, totaling about \$200 billion.<sup>42</sup>

Under the ARP alone, Congress allocated \$122 billion for elementary and secondary school emergency relief.<sup>43</sup> Schools are to use ARP funds to make up for learning loss, improve sanitation and school facilities, and address trauma students and school staff are experiencing from the pandemic. Specifically, ARP funds can be used to provide students and educators “mental health services and supports, including through the implementation of evidence-based full-service community schools and the hiring of counselors.”<sup>44</sup> Funds can also be used to directly address the needs of “children from low-income families, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth.”<sup>45</sup>

These funds acknowledge students’ need for care and address the huge gaps in counselors and other student supports. Rather than apply for DOJ school policing funds, schools should coordinate with their districts and state education offices to secure funds for these types of student supports under the federal stimulus packages and implement programs using these resources.

### 2. TAKE ADVANTAGE OF STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

Although the federal stimulus packages of 2020 and 2021 provided schools with an extraordinary amount of money, they were created to be one-time supports in response to the COVID-19 pandemic. Schools should also take advantage of ongoing federal resources to support student safety and wellbeing, such as the Student Support and Academic Enrichment (SSAE) Grants. The SSAE grants are provided through the Every Student Succeeds Act (ESSA),<sup>46</sup> a law meant to prepare every child to graduate from high school and succeed in college and life after school ends.<sup>47</sup> States, districts, and schools that receive an SSAE grant must use at least 20% of the grant money on “activities to support safe and healthy students.”<sup>48</sup>

Under ESSA, schools may spend SSAE grants on a variety of resources, including providing school-based mental health services and counseling; using tools and strategies to reduce discipline practices that remove students from the classroom; creating bullying and harassment prevention programs; and promoting community and parent involvement in schools.<sup>49</sup>

In the 2021 fiscal year, Congress set aside \$1.2 billion for the SSAE grants.<sup>50</sup> This grant program is an ongoing federal resource that states, districts, and schools should be aware of and prioritize over grants that criminalize students.

### 3. SUPPORT LAWS THAT END FEDERAL FUNDING FOR SCHOOL POLICE AND PROVIDE MORE FUNDING FOR SCHOOL COUNSELORS AND OTHER STUDENT SERVICES AND PROGRAMS

Imagine a world where legislators dedicate significant resources to programs, services, staff, curricula, and activities that support students’ academic and social growth. That world could be a reality if Congress passed laws that end federal funding for school police and other mechanisms that criminalize students and reinvested that money into student supports.

To end federal funding for school policing, Congress should:

- Include language in annual appropriations that prevents DOJ from awarding COPS Hiring Program grants to state and local educational agencies (and eventually end the COPS in Schools program entirely).
- Zero out funding for the School Violence Prevention Program.
- Restrict the use of STOP School Violence Program funds solely to providing mental health supports in schools.

Congress should also pass a comprehensive suite of bills targeted at ending harmful practices that push children out of school and provide schools the resources to care for and support students. These bills include:

• **The Counseling Not Criminalization in Schools Act (S.2125 / H.R.4011):**

- Makes it illegal for schools to use money given by the federal government to hire school police.
- Provides grants to schools to hire nurses, counselors, and other mental health professionals if they end their contracts with police.

• **The Ending Punitive, Unfair, School-based Harm that is Overt and Unresponsive to Trauma (PUSHOUT) Act (H.R.2248):**

- Provides grants to schools to hire counselors and other mental health professionals and train teachers on implicit bias and restorative practices, especially to provide support for Black and brown girls.
- Restricts schools that receive the grant from hiring school police.

• **The Protecting Our Students in Schools Act (S.2029/ H.R.3836):**

- Makes it illegal for schools to receive money from the federal government if they use corporal punishment on students.
- Gives money for schools to improve learning environments and reduce exclusionary discipline.

• **The Keeping All Students Safe Act (S.1858/H.R.3474):**

- Makes it illegal for schools to receive money from the federal government if they place students in prison-like isolation or seclusion rooms.<sup>51</sup>
- Prohibits schools from using practices that physically restrain students (e.g., tying or handcuffing children to school equipment) or restrict students' breathing.

Here are some ways proven to help all students feel safe and thrive in school:

- Establishing and implementing police-free school models, such as restorative practices and programs.
- Using culturally relevant, inclusive, and sustaining curriculum, supports, and resources.
- Hiring school-based mental health staff, such as counselors, social workers, psychologists, and restorative practitioners.
- Providing supportive measures to students who report sexual harassment that do not require referrals to police.
- Using evidence-based and trauma-informed practices.
- Allowing impacted students, families, and communities to join policy conversations and provide input on school safety.

Instead of relying on federal grant programs that encourage spending millions of dollars on school policing programs that create negative, fearful, or even violent learning environments, schools can keep students safe (and uphold federal civil rights laws) by investing in resources that support all students academically, socially, and emotionally.

- 1 For example, after reviewing data from 2.5 million public school students in Texas, researchers found that school districts that received federal funding for school police saw a 2.5% decrease in graduation rates and a 4% decrease in college enrollment rates. Emily K. Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes*, 38 J. OF POLICY ANALYSIS & MANAGEMENT 338, 339 (2019), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/pam.22116>.
- 2 See, e.g. American Civil Liberties Union, *Bullies in Blue: The Origins and Consequences of School Policing* 30 (2017), [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_bullies\\_in\\_blue\\_4\\_11\\_17\\_final.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf) (finding that arresting students doubles the likelihood of those students dropping out of high school); Justice Policy Institute, *Education Under Arrest: The Case against Police in Schools* 19 (2011), [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf); Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 WASH. L. REV. 919, 955 (2016) (citing Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUSTICE QUARTERLY 462, 473 (2007)).
- 3 The Weisburst study also found that schools that received federal COPS funding saw increased disciplinary rates for middle school students by 6%. The increased disciplinary actions were for low-level offenses and school conduct code violations instead of serious offenses. The study found that out-of-school suspensions were the most common form of discipline for these low-level offenses. Emily K. Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes*, 38 J. OF POLICY ANALYSIS & MANAGEMENT 338, 351 (2019), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/pam.22116>.
- 4 In the 2015-16 school year, Black and Latinx students were 40% of the national school population but 58% of school arrests, and Black girls were 17% of the school population but 43% of arrests/referrals to law enforcement. Advancement Project & Alliance for Educational Justice, *We Came to Learn: A Call to Action for Police-Free Schools* 40 (2018), <http://advancementproject.org/wp-content/uploads/WCTLweb/index.html#page=1>. LGBTQ students are twice as likely as non-LGBTQ students to be arrested for nonviolent offenses. *Id.* at 39. Among students with disabilities in the 2015-16 school year, Black students accounted for 17.2% of the national student population but 33.1% of students with disabilities who were referred to police. U.S. Comm’n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* 48 (2019), <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.
- 5 See, e.g., Meredith Deliso, *Florida Teen Body-slammed by School Resource Officer ‘Traumatized,’ Family Says*, ABC NEWS (Jan. 31, 2021), <https://abc7ny.com/florida-teen-body-slammed-school-resource-officer-slams-girl-police-slam-taylor-bracey/10183813/>; Lauren de Valle, *Michigan School Resource Officer Sentenced to 1 Year in Jail for Sexually Assaulting 3 High School Students*, CNN (Oct. 3 2019), <https://www.cnn.com/2019/10/03/us/michigan-officer-sentenced-sexual-assault/index.html>; Tom Jones, *Video Shows School Officer Slam Girl into Wall While Breaking Up Fight*, WSB-TV (Aug. 20, 2019), <https://www.wsbtv.com/news/local/newton-county/video-shows-school-officer-slam-girl-into-wall-while-breaking-up-fight/977763035/>; Tim Stelloh & Tracy Connor, *Video Shows Cop Body-Slamming High School Girl in S.C. Classroom*, NBC NEWS (Oct. 26, 2015), <https://www.nbcnews.com/news/us-news/video-appears-show-cop-body-slammng-student-s-c-classroom-n451896>.
- 6 For example, in 2012, over 260,000 students were referred to law enforcement agencies, and 92,000 students were arrested for “school-related matters.” E.g., Amanda Merkwae, *Schooling the Police: Race, Disability, and the Conduct of School Resource Officers*, 21 MICH. J. RACE & LAW 147, 154 (2015).
- 7 U.S. DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, SCHOOL SAFETY POLICIES AND PROGRAMS ADMINISTERED BY THE US FEDERAL GOVERNMENT: 1990-2016 (2017), <https://www.ncjrs.gov/pdffiles1/nij/grants/251517.pdf>.
- 8 Fact Sheet, U.S. Dep’t of Justice, Office of Community Oriented Policing Servs., 2020 COPS Office School Violence Prevention Program (Sept. 2020), [https://cops.usdoj.gov/pdf/2020AwardDocs/svpp/Post\\_Award\\_FactSheet.pdf](https://cops.usdoj.gov/pdf/2020AwardDocs/svpp/Post_Award_FactSheet.pdf).
- 9 U.S. DEP’T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, FY 21 COPS OFFICE HIRING PROGRAM SOLICITATION 5 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/chp/solicitation.pdf>.
- 10 *Id.* at 9.
- 11 *Id.* at 12.
- 12 Fact Sheet, U.S. Dep’t of Justice, Community Oriented Policing Servs., Memorandum of Understanding 3 (May 2015), <https://campussuite-storage.s3.amazonaws.com/prod/15657/1240bd87-2879-11e6-b537-22000bd8490f/1688547/3a478456-009b-11e8-82ef-129f546fee9a/file/Cops.pdf>.
- 13 Neil Bedi & Kathleen McGrory, *Pasco’s sheriff uses grades and abuse histories to label schoolchildren potential criminals. The kids and their parents don’t know.*, TAMPA BAY TIMES (Nov. 19, 2020), <https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>.
- 14 Mark Lieberman, *Using Student Data to Identify Future Criminals: A Privacy Debacle*, EDUCATION WEEK (Nov. 24, 2020), <https://www.edweek.org/technology/using-student-data-to-identify-future-criminals-a-privacy-debacle/2020/11>.
- 15 *Id.*; see also Neil Bedi & Kathleen McGrory, *Pasco’s sheriff uses grades and abuse histories to label schoolchildren potential criminals. The kids and their parents don’t know.*, TAMPA BAY TIMES (Nov. 19, 2020), <https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/school-data/>.
- 16 See Immigration and Nationality Act, 8 U.S.C. § 1357(g) (2018); see also Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, U.S. IMMIGRATION & CUSTOMS ENF’T, <https://www.ice.gov/287g#signedMOA> (last updated Oct. 21, 2021).
- 17 A 2019 Stanford University study found that over 300,000 Hispanic K-12 students disenrolled after ICE partnerships were established in their schools between 2000 and 2011 (Note: The study used the term “Hispanic” to refer to individuals who are “likely to report Hispanic ethnicity.”). Thomas S. Dee & Mark Murphy, *Vanished Classmates: The Effects of Local Immigration Enforcement on School Enrollment*, 57 AM. EDUC. RESEARCH J. 694, 700, 715-16 (2020).
- 18 U.S. DEP’T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, FY 21 COPS OFFICE HIRING PROGRAM SOLICITATION 15 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/chp/solicitation.pdf>.
- 19 See, e.g., U.S. Comm’n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* 45 (2019), <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>. (“Schools where at least half of the student population is nonwhite, as well as high-poverty schools (i.e., where at least 75 percent of students are eligible for free or reduced-price lunches), have the highest percentages of law enforcement officers on campus.”); Bayliss Fiddiman et al., *Smart Investments for Safer Schools* 6 (2018), [https://cdn.americanprogress.org/content/uploads/2018/12/18112919/121918\\_SchoolSafety-report.pdf](https://cdn.americanprogress.org/content/uploads/2018/12/18112919/121918_SchoolSafety-report.pdf).
- 20 See U.S. Comm’n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* 45 (2019), <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.
- 21 Press Release, U.S. Dep’t of Justice, Department of Justice Awards Nearly \$50 Million in Grants to Improve School Safety (Sept. 10, 2020), <https://www.justice.gov/opa/pr/departments-justice-awards-nearly-50-million-grants-improve-school-safety>.
- 22 Webinar Presentation, Dep’t of Justice, Bureau of Justice Assistance, Office of Community Oriented Policing Servs., Funding School Safety: Department of Justice Grant Opportunities (Mar. 24, 2021) (slideshow on file with author).
- 23 U.S. DEP’T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM SOLICITATION 3 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/svpp/solicitation.pdf>; see 34 U.S.C. § 10551(b)(5)-(9) (2018).
- 24 See Micere Keels, *Bringing Evidence-Based Decision-Making to School Safety* 6-7 (2020), [https://annenbergbrown.edu/sites/default/files/EdResearch\\_for\\_Recovery\\_Brief\\_11.pdf](https://annenbergbrown.edu/sites/default/files/EdResearch_for_Recovery_Brief_11.pdf).
- 25 Martin Kaste, *NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior*, NPR (Sept. 10, 2020), <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior> (citing how the NYPD study found “no meaningful change” from officers’ pre-training enforcement behavior to their post-training enforcement behavior).
- 26 U.S. DEP’T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM SOLICITATION 3 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/svpp/solicitation.pdf>; see 34 U.S.C. § 10551(b)(5)-(9) (2018).
- 27 Bayliss Fiddiman et al., *Smart Investments for Safer Schools* 6 (2018), [https://cdn.americanprogress.org/content/uploads/2018/12/18112919/121918\\_SchoolSafety-report.pdf](https://cdn.americanprogress.org/content/uploads/2018/12/18112919/121918_SchoolSafety-report.pdf).

- 28 See, e.g., Jen Weiss, Scan This: Examining Student Resistance to School Surveillance, in *SCHOOLS UNDER SURVEILLANCE* 213, 215 (Torin Monahan & Rodolfo D. Torres eds., 2010); Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 *EMORY L.J.* 765, 788 (2017); Aaron Sussman, *Learning in Lockdown: School Police, Race, and the Limits of Law*, 59 *UCLA L. REV.* 788, 817 (2012); Justice Policy Institute, *Education Under Arrest: The Case against Police in Schools* 19 (2011), [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf); Girls for Gender Equity, *The School Girls Deserve: Youth-Driven Solutions for Creating Safe, Holistic, and Affirming New York City Public Schools* 17 (2017), [https://www.ggenyc.org/wp-content/uploads/2017/11/GGE\\_school\\_girls\\_deserveDRAFT6FINALWEB.pdf](https://www.ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWEB.pdf).
- 29 FY 2020 Preventing School Violence: BJA's STOP School Violence Program, BJA.OJP.GOV (last visited April 13, 2021), <https://bja.ojp.gov/funding/opportunities/bja-2020-17312>.
- 30 U.S. DEP'T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1121-0329, BJA FY 21 PREVENTING SCHOOL VIOLENCE: BJA'S STOP SCHOOL VIOLENCE PROGRAM 8 (2021), <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/O-BJA-2021-47003.pdf>.
- 31 U.S. DEP'T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM SOLICITATION 6 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/svpp/solicitation.pdf>.
- 32 For example, the U.S. Department of Education Civil Rights Data Collection revealed that for the 2017-2018 school year, Black girls were 3.66 times more likely to be arrested in school than white girls. Georgetown Law Center on Poverty & Inequality, *Data Snapshot: 2017-2018 National Data on School Discipline by Race and Gender* (2020), <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>. This is largely caused by SROs' broad discretion to discipline children combined with "adultification bias," where adults see Black girls as less innocent and less in need of care than white girls. See Rebecca Epstein et al., *Girlhood Interrupted: The Erasure of Black Girls' Childhood* 4-6 (2017), <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>.
- 33 U.S. DEP'T OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVS., OMB NO. 1103-0098, COPS OFFICE SCHOOL VIOLENCE PREVENTION PROGRAM SOLICITATION 5-6 (2021), <https://cops.usdoj.gov/pdf/2021AwardDocs/svpp/solicitation.pdf>.
- 34 *Id.* at 7.
- 35 *Id.* at 7-8.
- 36 Nat'l Women's Law Ctr. et al., *WE ARE NOT INVISIBLE: Latina Girls, Mental Health, and Philadelphia Schools* 5 (2019), <https://nwlc.org/wp-content/uploads/2019/04/We-Are-Not-Invisible-Final-Report.pdf>.
- 37 *Id.* (citing U.S. DEP'T OF HEALTH & HUMAN SERVS., CTRS. FOR DISEASE CTRL. & PREVENTION, 2017 YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM, available at <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>).
- 38 ACLU, *Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students* 4 (2019), [https://www.aclu.org/sites/default/files/field\\_document/030419-acluschooldisciplinereport.pdf](https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf).
- 39 Coronavirus Aid, Relief, and Economic Security (CARES) Act, 15 U.S.C. § 9001 et seq. (effective March 27, 2020).
- 40 Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1909.
- 41 American Rescue Plan of 2021, Pub. L. No. 117-2, 135 Stat. 4 (Elementary and Secondary School Emergency Relief Fund can be found under section 2001 of the American Rescue Plan).
- 42 Michael Griffith, *An Unparalleled Investment in U.S. Public Education: Analysis of the American Rescue Plan Act of 2021*, LEARNINGPOLICYINSTITUTE.ORG (Mar. 11, 2021), <https://learningpolicyinstitute.org/blog/covid-analysis-american-rescue-plan-act-2021#breakdown>.
- 43 U.S. Dep't of Educ., Office of Elementary & Secondary Educ., *American Rescue Plan Elementary and Secondary School Emergency Relief*, OESE.EDU (last updated June 9, 2021), <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/>.
- 44 Fact Sheet, U.S. Dep't of Educ., *American Rescue Plan Act of 2021: Elementary and Secondary School Emergency Relief Fund (ARP ESSER) 2* (2021), [https://oese.ed.gov/files/2021/03/FINAL\\_ARP-ESSER-FACT-SHEET.pdf](https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf).
- 45 *Id.*
- 46 20 U.S.C § 7111 et seq. (2018).
- 47 U.S. DEP'T OF EDUC., NON-REGULATORY GUIDANCE: STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS 4 (2016), <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.
- 48 *Id.* at 7; see also 20 U.S.C. § 7114(b)(3)(B) (2018); 20 U.S.C. § 7118 (2018).
- 49 U.S. DEP'T OF EDUC., NON-REGULATORY GUIDANCE: STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS 6 (2016), <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.
- 50 See the FY 2021 Congressional Action spreadsheet that is accessible at Department of Education Budget Tables, ED.GOV, <https://www2.ed.gov/about/overview/budget/tables.html> (last modified July, 23, 2021); see also Kyrie E. Dragoo et al., CONG. RESEARCH SERV., R46872, *Federal Support for School Safety and Security* (2021), <https://crsreports.congress.gov/product/pdf/R/R46872>.
- 51 See U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-09-719T, *SECLUSIONS AND RESTRAINTS: SELECTED CASES OF DEATH AND ABUSE AT PUBLIC AND PRIVATE SCHOOLS AND TREATMENT CENTERS* (2009), <https://www.gao.gov/assets/gao-09-719t.pdf>.