

116TH CONGRESS  
2D SESSION

# H. R. 7848

To divert Federal funding away from supporting the presence of police in schools and toward evidence-based and trauma informed services that address the needs of marginalized students and improve academic outcomes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. PRESSLEY (for herself and Ms. OMAR) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To divert Federal funding away from supporting the presence of police in schools and toward evidence-based and trauma informed services that address the needs of marginalized students and improve academic outcomes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counseling Not Crim-  
5 inalization in Schools Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Over the last 50 years, our Nation's schools  
4 have become sites for increased criminalization and  
5 surveillance of young people, particularly Black, Na-  
6 tive American, and Latinx students, immigrant stu-  
7 dents, students with disabilities, LGBTQ+ students,  
8 students experiencing homelessness, students in-  
9 volved in the foster care system, and other histori-  
10 cally marginalized students.

11 (2) Despite significant decreases in the rate of  
12 serious crimes and violence on school campuses over  
13 the past 20 years, improving upon already low rates,  
14 67 percent of high school students, 45 percent of  
15 middle school students, and 19 percent of elemen-  
16 tary school students attend a school with a police of-  
17 ficer.

18 (3) Since 1999, the Federal Government has in-  
19 vested more than \$1,000,000,000 to subsidize the  
20 placement of police in schools, resulting in roughly  
21 46,000 school resource officers patrolling the halls of  
22 elementary and secondary public schools across the  
23 Nation.

24 (4) A growing body of research has not found  
25 any evidence that school resource officers make  
26 schools safer, and school resource officers have been

1 shown to increase the likelihood that children will be  
2 arrested, often by the school resource officer while  
3 on campus.

4 (5) Research has shown that schools with a des-  
5 ignated school law enforcement officer on duty ar-  
6 rested students at 5 times the rate of comparable  
7 schools without such an officer.

8 (6) When police are present in schools, students  
9 of color face an increased risk of being assaulted by  
10 police. Student-recorded videos of police violence in  
11 schools regularly circulate through news channels,  
12 articles, and social media, exposing violence per-  
13 petrated by police within schoolhouse gates.

14 (7) Black, Native American, and Latinx stu-  
15 dents are more likely than their White peers to at-  
16 tend schools with police officers on campus and are  
17 more likely to be referred to law enforcement or ar-  
18 rested while in school.

19 (8) Black students represent 31 percent of all  
20 school-related arrests, despite making up only 15  
21 percent of all public school students, and are 3 times  
22 more likely to be suspended or expelled than White  
23 students. Native American and Pacific Islander and  
24 Native Hawaiian students are more than twice as  
25 likely to be arrested as White students.

1           (9) Students with disabilities are more likely  
2           than their peers without disabilities to be referred to  
3           law enforcement or arrested. Students of color with  
4           disabilities are more likely to be referred to law en-  
5           forcement than either their White peers with disabil-  
6           ities, or their peers of color without disabilities.  
7           These students are also disproportionately restrained  
8           and secluded in schools. Of the 87,000 students who  
9           were restrained during the 2015–2016 school year,  
10          71 percent received special education services and 27  
11          percent of students restrained were Black.

12          (10) According to the Department of Edu-  
13          cation, while Black girls comprise only 16 percent of  
14          girls in elementary and secondary schools, they make  
15          up 42 percent of girls receiving the most severe  
16          forms of school discipline and severe punishment,  
17          such as corporal punishment, and represent 34 per-  
18          cent of girls arrested on campus.

19          (11) Research shows that these racial dispari-  
20          ties in discipline rates are not a result of differences  
21          in student behavior but instead reflect the ways in  
22          which students of color face more punitive discipline  
23          than their White peers for similar behavior.

24          (12) Students who are LGBTQ+ often have  
25          intersecting marginalized identities and experience

1 exclusionary discipline at disproportionate rates that  
2 make it more likely they will interact with the juve-  
3 nile justice system than their non-LGBTQ+ peers.

4 (13) Students who are suspended or expelled  
5 are nearly threefold more likely to be in contact with  
6 the juvenile justice system the following year.

7 (14) According to the Federal Bureau of Inves-  
8 tigation, more than 30,000 children under the age of  
9 10 were arrested since 2013. On school campuses,  
10 more than 290,000 students were referred to law en-  
11 forcement. The United States spends \$240 daily, on  
12 average, per youth detained in juvenile facilities.

13 (15) While schools should be sanctuaries for all  
14 students, reports have shown instances where school  
15 resource officers collect tips and disciplinary infor-  
16 mation from teachers and school administrators and  
17 share it with U.S. Immigration and Customs En-  
18 forcement agents to build deportation cases against  
19 students and their families.

20 (16) School hardening, including the presence  
21 of school resource officers on campus, causes stu-  
22 dents to experience higher levels of fear, perpetuate  
23 the school to prison pipeline, and undermine the  
24 ability of schools and educators to build learning en-

1 vironments undergirded by mutual trust, respect,  
2 and safety.

3 (17) Ninety percent of students are in public  
4 schools where the number of counselors, social work-  
5 ers, nurses, and psychologists do not meet rec-  
6 ommended professional standards. Professional  
7 standards recommend at least 1 counselor and 1 so-  
8 cial worker for every 250 students and at least 1  
9 nurse and 1 psychologist for every 750 students and  
10 every 700 students, respectively.

11 (18) 1,700,000 students attend schools with po-  
12 lice but not 1 counselor.

13 (19) 3,000,000 students attend schools with po-  
14 lice but not 1 school nurse.

15 (20) 6,000,000 students attend schools with po-  
16 lice but no school psychologists.

17 (21) 10,000,000 students attend schools with  
18 police but no social workers.

19 **SEC. 3. PURPOSE.**

20 It is the purpose of this Act to—

21 (1) address the needs of marginalized students,  
22 ensure schools are welcoming for students, and im-  
23 prove academic outcomes by eliminating Federal  
24 funding for school-based law enforcement and estab-  
25 lishing a continuum of care and positive schoolwide

1 systems of services that are evidence-based, inclu-  
2 sive, racially and gender responsive, and trauma in-  
3 formed; and

4 (2) support local educational agencies that  
5 choose to terminate their contracts with local law en-  
6 forcement agencies or, where applicable, dissolve or  
7 disband district-based police departments, and invest  
8 resources in personnel and services that create truly  
9 safe and inclusive schools for all students based on  
10 community engagement and deliberative consulta-  
11 tion.

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) ESEA TERMS.—The terms “elementary  
15 school”, “evidence-based”, “local educational agen-  
16 cy”, “parent”, “professional development”, “school  
17 leader”, “secondary school”, “Secretary”, and “spe-  
18 cialized instructional support personnel” have the  
19 meaning given those terms in section 8101 of the  
20 Elementary and Secondary Education Act of 1965  
21 (20 U.S.C. 7801).

22 (2) POSITIVE BEHAVIOR INTERVENTION AND  
23 SUPPORT.—The term “positive behavior intervention  
24 and support” means using a systematic and evi-

1 dence-based approach to achieve improved academic  
2 and social outcomes for students.

3 (3) SWORN LAW ENFORCEMENT OFFICER.—The  
4 term “sworn law enforcement officer” means any  
5 person who—

6 (A) has the power to detain, arrest, issue  
7 a citation, perform a custodial investigation, or  
8 refer a person to criminal or juvenile court; or

9 (B) is considered under State law to meet  
10 the definition of law enforcement.

11 (4) TRAUMA-INFORMED SERVICES.—The term  
12 “trauma-informed services” means a service delivery  
13 approach that—

14 (A) recognizes and responds to the impacts  
15 of trauma with evidence-based supports and  
16 intervention;

17 (B) emphasizes physical, psychological, and  
18 emotional safety for both providers of services  
19 and survivors of trauma; and

20 (C) creates opportunities for survivors of  
21 trauma to rebuild a sense of healing and em-  
22 powerment.



1 **SEC. 5. PROHIBITION OF FEDERAL FUNDS FOR POLICE IN**  
2 **SCHOOLS.**

3 (a) FEDERAL FUNDS PROHIBITION.—Notwith-  
4 standing the Omnibus Crime Control and Safe Streets Act  
5 of 1968 (34 U.S.C. 10101 et seq.), including the COPS  
6 grant program, the Edward Byrne Memorial Justice As-  
7 sistance Grant Program, or any other provision of law,  
8 no Federal funding shall be appropriated or used for hir-  
9 ing, maintaining, or training sworn law enforcement offi-  
10 cers to be used or employed in elementary or secondary  
11 schools, preschools, or programs based in elementary or  
12 secondary schools in any capacity.

13 (b) COPS GRANT PROGRAM.—Section 1701 of the  
14 Omnibus Crime Control and Safe Streets Act of 1968 (34  
15 U.S.C. 10381) is amended—

16 (1) in subsection (b), by repealing paragraph  
17 (12); and

18 (2) by adding at the end the following:

19 “(n) PROHIBITION ON USE OF FUNDS FOR SWORN  
20 LAW ENFORCEMENT OFFICERS.—A recipient of a grant  
21 under this part may not use such funds for sworn law  
22 enforcement officers who operate in and around elemen-  
23 tary and secondary schools.”.

1 **SEC. 6. SUPPORTING LOCAL EDUCATIONAL AGENCIES IN**  
2 **TRANSITIONING AWAY FROM POLICE IN**  
3 **SCHOOLS.**

4 (a) GRANT PROGRAM ESTABLISHED.—The Secretary  
5 of Education shall award grants, on a competitive and roll-  
6 ing basis, to local educational agencies to enable those  
7 local educational agencies—

8 (1) to replace sworn law enforcement officers in  
9 elementary and secondary schools with personnel  
10 and services that support mental health and trauma-  
11 informed services; and

12 (2) to reform school safety and disciplinary  
13 policies so they reflect evidence-based practices that  
14 do not rely on the criminal justice system and pro-  
15 vide the necessary staff training and support to im-  
16 plement such policies.

17 (b) APPLICATION.—A local educational agency desir-  
18 ing a grant under this section shall submit an application  
19 to the Secretary at such time, in such manner, and con-  
20 taining such information as the Secretary may require, in-  
21 cluding an assurance that—

22 (1) the local educational agency will terminate  
23 any existing contract with local law enforcement or,  
24 where applicable, dissolve school district-based police  
25 departments, at least 30 days prior to the entity re-  
26 ceiving funds under this section; and

1           (2) the local educational agency will not estab-  
2           lish any new contract with law enforcement or create  
3           its own school police department for the duration of  
4           the grant.

5           (c) PRIORITY.—In awarding grants under this sec-  
6           tion, the Secretary shall give priority to—

7           (1) local educational agencies that terminated  
8           their contract with all law enforcement or disbanded  
9           their school district police department prior to sub-  
10          mitting an application and provide assurances that  
11          the local educational agency will not create or re-  
12          start a contract with State or local law enforcement,  
13          create or reinstate a school district police depart-  
14          ment, or create or restart a program of other armed  
15          school personnel during the duration of this grant;

16          (2) local educational agencies with a larger  
17          share of students who are economically disadvan-  
18          taged, in the event that funds are insufficient to  
19          award grants to all eligible applicants; and

20          (3) local educational agencies that identify the  
21          uses of funds in subsection (d) based on meaningful  
22          community engagement and deliberative consulta-  
23          tion.

1 (d) USES OF FUNDS.—A local educational agency re-  
2 ceiving funds under this section shall use such grant funds  
3 to carry out 1 or more of the following:

4 (1) Hiring or training school counselors, school  
5 psychologists, nurses, or social workers, community  
6 health workers and trauma-informed personnel,  
7 dedicated staff specifically trained in deescalation  
8 and violence interruption practices, staff trained in  
9 anti-bias practices, doctoral level specialists in be-  
10 havior planning and intervention, or other specialists  
11 or individuals with expertise in school climate and  
12 behavior.

13 (2) Implementing schoolwide positive behavior  
14 interventions and supports, restorative justice pro-  
15 grams and interventions, mediators, social and emo-  
16 tional learning programs, or other evidence-based  
17 trauma-informed services.

18 (3) Providing professional development to  
19 teachers, teacher assistants, school leaders, coun-  
20 selors, specialized instructional support personnel,  
21 and mental health professionals that—

22 (A) fosters safe, inclusive, and stable learn-  
23 ing environments that support the social, emo-  
24 tional, mental, and academic well-being of stu-  
25 dents and prevent and mitigate the effects of

1 trauma, including through social and emotional  
2 learning;

3 (B) improves school capacity to identify,  
4 refer, and provide services to students in need  
5 of trauma support services;

6 (C) reflects the best practices for trauma-  
7 informed identification, referral, and support  
8 developed by the Interagency Task Force on  
9 Trauma-Informed Care; and

10 (D) reduces the number of students with  
11 disabilities experiencing school discipline for  
12 their disability-related behavior through specific  
13 training on the identification, development, and  
14 implementation of Behavior Intervention Plans  
15 (BIPs).

16 (e) PROHIBITION.—No portion of any grant funds  
17 awarded under this section may be used for—

18 (1) the development, establishment, implemen-  
19 tation, or enforcement of zero-tolerance school dis-  
20 cipline policies, including the commission, con-  
21 tracting of, or agreements with law enforcement that  
22 support the presence of police in schools, including  
23 formal or informal partnerships or data and infor-  
24 mation sharing agreements with the Department of  
25 Justice or Secretary of Homeland Security, includ-

1 ing U.S. Immigration and Customs Enforcement or  
2 U.S. Customs and Border Protection;

3 (2) the purchase, maintenance, or installation  
4 of surveillance equipment, including metal detectors,  
5 facial recognition technology, or software programs  
6 that monitor or mine the social media use or tech-  
7 nology use of students; or

8 (3) arming teachers, principals, school leaders,  
9 or other school personnel.

10 (f) GRANT AMOUNTS.—The amount of grant funds  
11 received under this section by a local educational agency  
12 shall be based on the number of students enrolled in the  
13 local educational agency.

14 (g) REPORTING.—Each local educational agency re-  
15 ceiving a grant under this section shall prepare and submit  
16 a report to the Secretary containing information about—

17 (1) how the grant funds were used;

18 (2) the number of students who were arrested  
19 by or referred to sworn law enforcement officers in  
20 the previous year compared to the number arrested  
21 or referred during the term of the grant;

22 (3) the reasons for arrests; and

23 (4) demographic data of students arrested or  
24 referred to sworn law enforcement officers,  
25 disaggregated by race, ethnicity, age, gender, status

1 as a child with a disability, and socioeconomic sta-  
2 tus.

3 (h) SUPPLEMENT NOT SUPPLANT.—A local edu-  
4 cational agency shall use Federal funds received under this  
5 section only to supplement the funds that would, in the  
6 absence of such Federal funds, be made available from  
7 State and local sources for the activities described in sub-  
8 section (d), and not to supplant such funds.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out this section  
11 \$2,500,000,000.

○