



Policy Brief: Expanding Mental Health Opportunities

Nodia Mena, UNC-Greensboro

Andy Flores, The University of Mississippi

Who We Are

Nodia Mena (she/her/hers/ella), 2021-2022 Afro-Latinx Líderes Avanzando Fellow, UnidosUS

- Nodia is a Ph.D. student in the education leadership and cultural foundations program at UNC-Greensboro. She is a Garifuna, Afro-Latina, mother of three, and originally from Honduras. Nodia works as a research assistant, a teacher's assistant, and a racial equity associate to help elevate the voices of underrepresented populations she comes from and serves. She is currently secretary and advisor for the International Advisory Committee of the Human Relations Commission in the city of Greensboro, North Carolina. The committee is composed of immigrants who represent Greensboro's diverse international community and whose purpose is to ensure representation at the Human Relations Commission and City Council office. As a racial equity champion and educational justice advocate, Nodia also educates the community of Greensboro about Afro-Latinx history, culture, and identity.

Jorge “Andy” Flores (him/his/él), 2021-2022 Afro-Latinx Líderes Avanzando Fellow, UnidosUS

- Jorge is a third-year undergraduate student studying public policy leadership and philosophy at The University of Mississippi. On campus, Andy serves as president of the First-Generation Student Network, as chair of the Lott Leadership Institute, and as principal of Inclusion & Cross-Cultural Engagement of the Associated Student Body. Recently, in response to a state proposal that threatened to eliminate Mississippi's only financial aid grant for low-income students, Andy founded HelpSaveHELP, a statewide movement that continues to mobilize support for working-class families and has generated key support from Mississippi legislators, nonprofits, and advocacy groups. His upbringing in Mississippi as a low-income Mexican/Afro-Panamanian informs his lifelong commitment to empowering and uplifting marginalized communities. Ultimately, Andy is devoted to advancing educational opportunity and facilitating social progress, especially in Mississippi. He hopes to pursue a JD and/or MPP to ensure that all students have equal access to a high-quality education.

Summary

Current K-12 discipline policies are exclusionary and are pushing our Afro-Latinx students out of school. We urge Congress to pass the Counseling Not Criminalization in Schools Act to ensure that all students have equal access to safe, quality education. Research has shown that students being suspended, incarcerated, or held back in school have traumatic impact, leading to conditions such as depression, anxiety, PTSD, and other mental and physical health issues.¹ More than ever, given that mental health ramifications of the COVID-19 pandemic and the renewed attention paid to police brutality, Black and Latinx students are in need of assistance from trained school-based mental health (SBMH) providers (e.g., counselors, social workers, nurses, and psychologists) who can tend to their needs, provide the necessary support, and restore conditions of security within the K-12 learning environment. Unfortunately, however, 90% of students from these demographics attend public schools where the students-to-SBMH-provider ratio does not meet recommended standards.² As a result, the unique cultural and emotional needs of Black and Latinx students have gone chronically overlooked within schools.

The Need

Given concerns around youth violence, the criminalization process has broadened and extended to schools. The historical perspective and genealogy of zero-tolerance policies, for example, shows that this policy is harsh and might be the catalyst for the criminalization of Black and Latinx students in school.³ Many children's experiences with discipline as Afro-Latinx in school has been traumatic. This is because students from certain demographics are often more vulnerable than others to experience internalized trauma resulting from inequities in school. To better understand student experiences with discipline in school, we have captured the voices of some youth in the North Carolina and Mississippi school systems.

Yakob Lesma, for example, is a 17-year-old, senior at Enloe High School in Raleigh, North Carolina. He explained:

In Wake County schools, Black students are two to three more times likely to be arrested or suspended than a white student. I have seen so many students, especially in Wake County. Being racially profiled by SROs. I myself have been traumatized by the Wake County Public School system. I am terrified of being shot. I should not be scared to come to school. Schools need to be a place of love.⁴

During the North Carolina 2017-2018 school year, the number of Latinx students in public school with, and without, disabilities receiving in-school suspension was 17,281. We estimate that 4,320 of these students are Afro-Latinx. We ask to eliminate zero tolerance policies at the national level and to replace them with school counseling and programs that help Afro-Latinx students succeed academically in school.

A look at the criminalization of Black and Latinx schoolchildren in Mississippi:

“In Meridian, Mississippi, when schools want to discipline children, they do much more than just send them to the principal’s office. They call the police, who show up to arrest children who are as young as 10 years old. Arrests, the Department of Justice says, happen automatically, regardless of whether the police officer knows exactly what kind of offense the child has committed or whether that offense is even worthy of an arrest.”⁵

“In Mississippi, Cedric Green was put on probation by a youth court judge for getting into a fight when he was in eighth grade. Thereafter, any of Green’s school-based infractions, from being a few minutes late for class to breaking the school dress code by wearing the wrong color socks, counted as violations of his probation and led to his immediate suspension and incarceration in the local juvenile detention center.”⁶

Rather than school disciplinary policies which are unresponsive to students’ social, cultural, and emotional needs, Black and Latinx students are in dire need of increased access to mental health services. Black and Latinx children account for more than 56% of the nation’s children who live in poverty,⁷ and individuals living in poverty are more likely to experience psychological distress as a result of insufficient familial, social, and psychological resources.⁸ In 2016, Latinx youth had the highest rates of depressive and suicidal symptoms of any ethnic group in the United States.⁹ When symptoms of trauma and psychological distress manifest in the classroom setting, teachers are liable for overlooking or misinterpreting these underlying mental health issues as nothing more than “delinquency” or “aggressive behavior.”¹⁰ Because most teachers are not trained to identify mental health concerns or their psychological causes, teacher’s perceptions of misbehavior often lead to exclusion, criminalization, and worsened mental health effects for students of color. SBMH providers are specifically trained to identify and respond to heightened levels of anxiety, depression, and sudden mood shifts. To make sure Black and Latinx students’ needs are met, Congress must act and fund K-12 schools with the means to hire and retain school based mental health providers such as counselors, social workers, and other support staff.

Background

Since the onset of zero tolerance policies in the mid-1990s, Congress and many state legislatures passed laws that allow, encourage, and in some cases mandate that schools and school districts implement harsh disciplinary policies—such as expulsion and out-of-school suspension.¹¹ Findings from the U.S. Department of Education in 2014, for example, suggest that 12% of school-aged Black girls across the country have experienced out-of-school suspensions compared to 4% for Latinas, and 2% for white girls.¹² During the 2015–16 school year, approximately 120,800 students (about 0.2% of the total number of students enrolled) received an expulsion with or without educational services. Zero-tolerance policies in schools exacerbate the sense of vulnerability that Latinx students experience because they fear they will be seen as aggressive for defending themselves against constant aggression.

In the face of this marginalization, counselors should be the first SBMH providers to interact with students when they are struggling; they have specialized skills in supporting students as they navigate their curricula, cultivate safe learning environments, and promote greater interpersonal relationships between students, teachers, and parents.^{13, 14} Unfortunately, however, there is a critical shortage of SBMH providers nationwide, and our students have

felt the fallout. Across the country, 90% of students are in public schools where the number of SBMH providers do not meet recommended professional standards.¹⁵ Counselors, in particular, are overworked with student caseloads 78% greater than what is recommended by experts.¹⁶ Inexcusably, 14 million K-12 public school students attend schools with police but no counselor, nurse, psychologist, or social worker.¹⁷ These glaring deficits in support personnel for students are unacceptable, especially in comparison to the high number of police officers in schools.¹⁸

Consequently, the lack of attention to providing mental health resources has allowed school discipline policies such as zero tolerance to increase Black and Latinx student surveillance, which has resulted in being overrepresented in office referrals, expulsions, and corporal punishment. Zero-tolerance policies are an inherently racialized vehicle that pushes students out of school and contributes to the school-to-prison pipeline.¹⁹ Most disciplinary actions have been for nonviolent behaviors. Black girls, for example, are formally disciplined for “talking back,” “getting up to throw away trash,” and “not listening to the teacher.” All of these offenses were considered “obstructions to the learning environment.”²⁰

SBMH providers work to bolster the school learning environment; through their respective roles, they work to ensure that all students receive the support they need to feel comfortable and capable of succeeding in an academic setting. Research further indicates that schools that employ more SBMH providers see improved attendance rates, lower rates of suspension and discipline, improved academic achievement and career preparation, and improved graduation rates.²¹ In a world where approximately 72% 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 18,²² SBMH providers are necessary to ensure that students’ health needs are met.

Our Ask

- We request that Congress pass the Counseling Not Criminalization in Schools Act of 2021.²³

Impact

School, more than any other place, ought to embody a secure environment. If Congress fails to act and dismantle the current regime of criminalization, thousands of Afro-Latinx students stand to fall behind in school and fall victim to the consequences of exclusionary school environments. In the absence of school-based mental health providers who can foster inclusivity and restore a sense of community within school walls, the social, emotional, and educational needs of Afro-Latinx students will not be met. As long as the K-12 learning environment suffers a shortage of trained health professionals and a surplus of law enforcement officers, justice will remain absent from the education system.

If our K-12 school discipline policies do not shift away from zero-tolerance policies that disproportionately harm students of color, this will continue to have negative emotional consequences for the students, their parents, and the community. In the case of the students, they will become apprehensive in the presence of law enforcement. This is counterproductive because that level of anxiety might interfere with a fruitful learning environment. Parents, on the other hand, also suffer the consequences of the disparities in discipline policies because they often must miss work to answer a call from school regarding their children’s behavior. Most of these parents are already from low socioeconomic status and cannot afford to miss work. Sometimes, missing work for one of these parents could result in losing their job. In fact, the total unemployment rate in North Carolina in the year

2021 was 4.6%; however, the unemployment rate for the Latinx population was much higher than the state level at 5.6%.²⁴ Consequently, the impact in the community shows as the unlikelihood of Afro-Latinx students to even aspire for social mobility, which increases the odds for one of these students to fall prey of the criminal justice system.

Congress has the chance to act and pass the Counseling Not Criminalization in Schools Act of 2021. In doing so, Congress would effectively provide K-12 public schools with the resources to shift away from the zero-tolerance policies and alienating environments which disproportionately harm Black and Latinx youth in schools today. Greater support from SBMH providers stands to ensure that all students receive an equal opportunity to participate, learn, and ultimately, attain a high-quality education. Black and Latinx youth will finally have greater, more secure access to support staff who can understand and address their needs. Students who have long gone unseen and unheard within the school system may finally have room to breathe. That is what our students deserve.

Endnotes

1. American Civil Liberties Union. (2019). "Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students." Mar 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf
2. American Civil Liberties Union (2017). "Bullies in Blue: The Origins and Consequences of School Policing." ACLU. https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf
3. Hines-Datiri, D., & Carter Andrews, D. J. (2020). The effects of zero tolerance policies on Black girls: Using critical race feminism and figured worlds to examine school discipline. *Urban Education*, 55(10), 1419-1440.
4. Oakes, J., Cookson, P. Levin, S. Carver-Thomas, D. Frelow, F., Berry, B., Yang, M., George, J., Brooks J., & Guin, S. (2019) Providing an equal opportunity for a sound basic education in North Carolina's high-poverty schools: Assessing needs and opportunities. Palo Alto, CA: Learning Policy Institute
5. Hing, Julianne. *The Shocking Details of a Mississippi School-to-Prison Pipeline*. ColorLines, 2012 <https://www.colorlines.com/articles/shocking-details-mississippi-school-prison-pipeline>
6. Ibid.
7. Chen, Yiyu. *Child Poverty Increased Nationally During COVID, Especially Among Latino and Black Children*. Child Trends. June 2021. Retrieved from <https://www.childtrends.org/publications/child-poverty-increased-nationally-during-covid-especially-among-latino-and-black-children>
8. Wickrama, T. & Vazsonyi, A.T. (2011). School contextual experiences and longitudinal changes in depressive symptoms from adolescence to young adulthood. *Journal of Community Psychology*, 39 (5), 566-575.
9. Gage, Julianne. (2018). Headspace: Latino Students Have Plenty of Reasons to Be Stressed Out. Here Are Some Steps for Identifying and Treating Anxiety and Depression. UnidosUS. *Progress Report*. Retrieved from <https://www.unidosus.org/progress-report/latino-students-have-plenty-of-reasons-to-be-stressed-out-here-are-some-steps-for-identifying-and-treating-anxiety-and-depression/>
10. Cokley, K., Cody, B., Smith, L., Beasley, S., Keino Miller, I.S., Hurst, A., Stone, S., Jackson, S. (2014). Bridge over troubled waters: Meeting the mental health needs of black students. Phi Delta Kappan. Retrieved from <https://kappanonline.org/meeting-mental-health-needs-black-students-cokley-cody-smith/>
11. White, B. A. (2017). The invisible victims of the school-to-prison pipeline: Understanding black girls, school push-out, and the impact of the Every Student Succeeds act. *Wm. & Mary J. Women & L.*, 24, 641.
12. Wun, C. (2016). Unaccounted foundations: Black girls, anti-Black racism, and punishment in schools. *Critical Sociology*, 42(4-5), 737-750.
13. U.S. Department of Education. (2016). Civil Rights Data Collection, Master List of 2015-16 Definitions. Retrieved from <https://ocrdata.ed.gov/Downloads/Master-List-of-CRDC-Definitions.pdf>
14. American Civil Liberties Union. (2019). "Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students." Mar 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid.
19. Hing, Julianne. *The Shocking Details of a Mississippi School-to-Prison Pipeline*. ColorLines, 2012 <https://www.colorlines.com/articles/shocking-details-mississippi-school-prison-pipeline>
20. Wun, C. (2016). Unaccounted foundations: Black girls, anti-Black racism, and punishment in schools. *Critical Sociology*, 42(4-5), 737-750.
21. Lapan, R., Whitcomb, S., & Aleman, N. (2012). Connecticut professional school counselors: College and career counseling services and smaller ratios benefit students. *Professional School Counseling*, 16(2), 117-124.
22. Juszczak L, Melinkovich P, Kaplan D. Use of Health and Mental Health Services by Adolescents Across Multiple Delivery Sites. *Journal of Adolescent Health*. Jun 2003;32(6 Suppl): 108-118. 5.
23. U.S. Congress, Senate, *Counseling Not Criminalization in Schools Act of 2021*, S. 2125, 117th Cong., 1st session, introduced in Senate June 17, 2021, <https://www.congress.gov/bill/117th-congress/senate-bill/2125?overview=closed>
24. U.S. Bureau of Labor Statistics. (2021, March 12). Employment Status of the civilian noninstitutional in states by sex, race, Hispanic or Latino ethnicity, and detailed age. Retrieved March 12, 2022 from <https://www.bls.gov/lau/ex14tables.htm>