



Policy Brief: Supporting Mental Health for Black and Latinx K-12 Students

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Who We Are

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- Josefina is a fourth-year at Rutgers University-Camden double majoring in political science and philosophy with a concentration in legal studies, and a participant in her university's BA/Master's in Public Administration program. Throughout her years as a college student, she has focused on her interests in K-12 education and diversity, equity, and inclusion, through her community service work as a Bonner Civic Scholar and as executive senator of the Student Governing Association.

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- Emily earned her bachelor's in African American studies & Latin American and Caribbean studies from Emory University. They have dedicated their life and professional career to fostering and supporting community resilience. She is an associate consultant and development coordinator at Purpose Possible, a sister/sibling of Lambda Theta Alpha Latin Sorority, Inc., and an Emory Advancement volunteer network chair.

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- Annette is a vice president for Spitfire Strategies where she partners with clients across a range of issues, including environmental and health equity, to effectively communicate with stakeholders and decision-makers to spark change. Annette has a Certificate in Education Finance from the Edonomics Lab at Georgetown University. She received her Master of Policy Management from Georgetown University's McCourt School of Public Policy and her Bachelor of Business Administration in marketing from Florida International University.

Summary

We ask for your support to advance Bill S.2125, Counseling Not Criminalization in Schools Act. Federal funding for our nation's schools should be focused on services that improve overall student achievement and support our children's mental and behavioral health. Taxpayer funds would be better invested in evidence-based and culturally responsive social-emotional learning programs than in criminalizing Black and Latinx children at school.

The Need

Prioritizing the well-being of our nation's K-12 students and their mental health will give all students—especially Black and Latinx—the opportunity to succeed in their academic and future professional careers while growing up to become fruitful members of our society. In recent decades, the Latinx community has experienced steady population growth across the United States. By 2027, Latinx students will make up 30% of students in public schools.¹ Despite economic challenges, Latinos have also increased their numbers of college graduates. Providing access to safe, high-quality education will expand their invaluable contributions to job creation and the human capital our nation's economy will need in the years to come.

“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. However, there is no evidence that police in schools improve school safety—indeed, in many cases they are causing harm.”²

Without a doubt, diverting the current educational resources spent on police officers back in schools into the students' well-being is imperative to the success and livelihood of not only Black and Latinx children but all children in our country. However, of the 11 million children living in poverty in America, Black and Latinx children disproportionately make up almost half of the children living below the poverty line, making this issue especially urgent for them.³

Racial disparities in student arrests and referrals affect children across the nation. According to Sarah Hinger, staff attorney of the ACLU Racial Justice Program, “Black students make up 15.5% of school enrollment nationwide but a staggering 33.4% of students arrested. This alarming finding comes from *Education Week's* analysis of the latest federal Civil Rights Data Collection from the 2013-2014 school year.”⁴ This large discrepancy between Black students making up less than 16% of students but over a third of students arrested mirrors the trend of Black citizens in the United States impacted by the criminal legal system. Policing in schools continues to disproportionately affect Black and Latinx children—even during the pandemic and virtual learning—further perpetuating the innate criminality of marginalized people.

As reported by the ACLU, there has been an increase in reporting nonthreatening situations to school resource officers (SROs), resulting in placing students within the criminal legal system instead of going through the school's policies. SROs contribute to the criminalization of youth conduct. According to *The Prevalence and the Price of Police in Schools*, “In one survey of SROs, 77% reported that they had arrested a student simply to calm them down and 55% reported arresting students for minor offenses simply because the teacher wanted the student to be arrested. The majority of school-based arrests are for nonviolent offenses, such as disruptive behavior.”⁵

Given this startling data, it is imperative to reallocate funding from SROs and reinvest it in racially and culturally centered student mental health care and more nurturing school safety models. That way, all children in the public school system will feel supported while getting the proper foundation, education, and care they need to succeed in their academic careers and personal and professional lives.

The persistence of policing Black and Latinx communities, especially our most vulnerable populations—children and those who live in disinvested low-income, low-wealth neighborhoods—is not experienced in other American communities. In certain Black communities, such as that of Spartanburg, SC, Black people are 62% more likely to be targeted by law enforcement and placed into the criminal legal system. Having the presence of law enforcement within the K-12 school system further perpetuates the harm imposed on these children and their communities.⁶

The double standard of the interpretation by the adults charged to care for our nation's children is detrimental to Black, Latinx, and other children of color. While white children are seen as children, the same actions by Black and Latinx children are criminalized. The authors of the *Adultification of Black Girls* study explain that “adults surveyed [in their study] view Black girls as less innocent and more adult-like than white girls of the same age, especially between 5-14 years old.”⁷

This means that their teachers, the school administrators, and the SROs see a five-year-old Black girl, one who just a year or so before, stopped wearing diapers, without the need of being nurtured and protected because they perceive her as an adult instead of a child in kindergarten.

In South Carolina, according to David A. Graham in *The Atlantic*, Black students are two-and-a-half times more likely to be punished and more likely to be subject to corporal punishment, which remains legal in the state.⁸ South Carolina is one of 19 states that, to this day, continue to allow corporal punishment in schools. Rethinking the ways in which our children are disciplined in the educational system is crucial. Furthermore, “in 2019, 14 million students attended a school with a police officer but no counselor, nurse psychologist, or social worker.”⁹ Evidently, we need to prioritize funding of student support services over law enforcement and invest in evidence-based and culturally responsive social-emotional learning programs for the well-being and future of our children and our nation.

Being that nationally, Black and Latinx families make up 18.8% and 15.7% of those in poverty, respectively, it is evident that these educational funding differences are impacting our communities. The issues within the education system—the lack of experiential education resources, the lack of proper textbooks, and the lack of adequate mental health resources—are pervasive and lawmakers must make students a priority for the well-being of the future leaders of this nation.^{10,11} As found by the Urban Institute in the 2016-2017 school year, states including Wyoming, Minnesota, Ohio, Alaska, and New Jersey “spend more than \$500 more per student in poverty than per non-poverty student” while in states such as Connecticut and Illinois “spend more than \$500 more per non-poverty student than per student in poverty.”¹² The COVID-19 pandemic exacerbated many issues with the education system but the funding discrepancies within states across the nation has been a prevalent issue for decades. COVID-19 has shed considerable light on the already inequitable mental health system. While there was a temporary influx of funding for K-12 education through COVID-19 economic relief, the long-term need for programs, such as racially and culturally centered student mental health care and more nurturing models of school safety, is necessary to bridge the mental health and opportunity gap faced by the 11 million children living in poverty.¹³

Background

Through the COVID-19 pandemic, mental health disparities have been exacerbated for our Black and Latinx youth.¹⁴ For Black children, the trauma that is more prevalent within their lives, such as death, serious illness, and economic stability amongst family and friends, has been heightened due to the pandemic.¹⁵ There is an increasing need for students to be supported at a time in which social distancing limits the ability of families from supporting each other. Much like how the education systems would not let a child go hungry, society should not let a child tread through trauma on their own. Every parent wants what is best for their children: a fruitful and rewarding learning experience at school where they feel safe, valued, and respected, where they can be intellectually challenged while being seen as the curious, young children that they are. But since the 1990s, SROs have been funded by the federal government to bring some perceived protection to said children. However, the unintentional consequences of having law enforcement on K-12 campus has negatively affected many of the children the program was supposed to protect—the most vulnerable in our society. Many of these children are Black and Latinx children that have already been affected by at least one adverse childhood experience increasing their need for more mental health support and not criminalizing their behavior.

Bill S.2125, also known as the Counseling Not Criminalization in Schools Act, does not solely exist within the Senate. Representative Ayanna Pressley brought forth H.R.4011, the Counseling Not Criminalization in Schools Act, highlighting that Bill S.2125 is of importance, additionally, S.2125 has been read twice and referred to the Committee on Health, Education, Labor, and Pensions. This cosponsored bill has amplified the concerns of the U.S. Department of Education, which has stated that the work of school counselors extends to “mental health, interpersonal relations, social adjustment, career planning, and work adjustment” and it has also emphasized that the mental health of the youth and students are a priority for the Biden administration.¹⁶

While the information regarding the student-to-social worker ratio, as well as the breakdown of nurses and psychologists in the school building, is a more recent ask of the U.S. Department of Education (ED), the research shows that there is a significant lack of support for students’ mental and physical well-being. In each section of the analysis, two states satisfy ED’s standard.¹⁷ This inability for states to be able to fund and meet ED’s ask highlights the urgent need to support Bill S.2125, as it shows this is not only a state ask, but a federal desire as well.

Our Ask

- We request that Congress advance Bill S.2125, the Counseling Not Criminalization in Schools Act, and its identical Bill H.R.4011, with the same name, by increasing funding for more trauma-informed social workers and therapists in public schools, prohibiting the use of federal funds for police in schools, and supporting the collection and publishing of data annually on school-based policing.

Impact

Although the pandemic has exacerbated a plethora of systemic issues, “the pandemic relief to schools totals \$190 billion, more than four times the amount the Education Department typically spends on K-12 schools annually. Mental health investments have gone into staff training, wellness screenings, and curriculum dedicated to social-emotional learning.” However, the COVID-19 economic relief through the American Rescue Plan Act (ARPA), a “one-time infusion of money,” will not remedy the mental health and educational gap. We

need a sustainable, long-term solution to advance the welfare of all students—emphasizing Black, Latinx, and other students of color—in the educational system.¹⁸

Although schools were provided financial support through the ARPA allowing schools to access mental health support if they wished to do so, virtual learning has not shielded Black and Latinx students from the harm of policing in schools. For example, Grace, a 15-year-old girl, in Michigan, who has attention deficit hyperactivity disorder and was enrolled in special education services, was incarcerated during the coronavirus pandemic after a judge ruled that not completing her schoolwork violated her probation.

Grace’s mom said, “This situation is an emotional challenge, but is also a window into the brokenness that demands and deserves attention and repair as to prevent other children and families from being negatively impacted by a system that is supposed to offer protection and support.” And that is because students are subject to policing in their physical and virtual classrooms.¹⁹ School policing continues to thrive despite a global pandemic.

According to The Guardian, “Punitive truancy policies mean U.S. families may face fines, or even prosecution. A health crisis, recession and bad internet can make remote learning impossible.”²⁰ Undoubtedly, we need to invest in supporting students in their personal and academic lives, especially during a global pandemic, without using outdated, criminal legal system tactics.

In a study by Christine Mulhern, *Better School Counselors, Better Outcomes*, it has been shown that more effective counselors within high schools are able to sway the decisions of the students that they serve. This influence lasts beyond graduation and extends into years following their collegiate journey. Within the study, Mulhern finds that counselors assist beyond the secondary-education academic work; the counselors aid students with SAT fee-waiver information, giving them information on when to take standardized tests such as the SAT and AP exams, and assist with information regarding financial barriers that may prevent the student from thriving. First-generation college students find the counselors’ assistance invaluable as they help them navigate a system their families are unfamiliar with. Counselors are a resource that can be the key to “addressing educational inequities and increasing educational attainment.”²¹

Endnotes

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