

# COUNSELING NOT CRIMINALIZATION IN SCHOOLS ACT

The Counseling Not Criminalization in Schools Act would prohibit the use of federal funding for the hiring, recruitment, and placement of law enforcement officers in K-12 school campuses and divert resources that were previously being used for school-based law enforcement toward evidence-based and trauma-informed practices, professional development, and hiring more counselors, social workers, and school nurses.

## **The Counseling Not Criminalization in Schools Act would improve school climates for LGBTQ+ students by:**

- Ending federal funding for school based law-enforcement officers.
- Establishing a \$5 billion grant program to provide mental health services and practices that are evidence-based, trauma-informed and LGBTQ+ inclusive.
- Funding professional development for educators and school based mental health providers that fosters safe, healthy, and inclusive learning environments.

Federal policymakers must appropriately respond to the needs and concerns of Black, Native, and Latino students, students with disabilities, LGBTQ students, and other historically marginalized students — especially those at the intersections of these identities — and divert federal funding away from police in schools and toward evidence-based practices and trauma-informed personnel that create positive learning environments.

## **The need for the Counseling Not Criminalization in Schools Act is supported by a growing body of evidence that law enforcement officers do not belong in learning communities; additionally, GLSEN research suggests that school-based health service providers do not have enough access to professional development to meet the needs of LGBTQ+ students:**

- Law enforcement officers are overrepresented in schools predominantly attended by students of color.
- In schools with police on campus, students are significantly more likely to be referred to law enforcement outside of the school premises, in addition to the disciplinary intervention they receive in school.
- When children are arrested in school they are subjected to compounding consequences, including: loss of instructional time and course credits; legal costs and court fees; separation from family; emotional and physical trauma; challenges to their immigration status; loss of housing assistance; and loss of employment.
- Black and Latinx students are more likely than their white peers to be arrested for minor infractions. Although Black students comprise 15.5% of the overall student population in the U.S., they make up 33.4% of students arrested in schools.
- Although students with disabilities comprise 12% of all students nationwide, they make up 28% of all students arrested at school or referred to law enforcement.
- For children who are undocumented, disciplinary actions that lead to contact with law enforcement can place them on a path to deportation.

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- LGBTQ+ students, especially those who are BIPOC and students with disabilities, are entering the school-to-prison pipeline at higher rates than their peers, in part because of the increasing presence of school-based law enforcement and zero-tolerance policies. These students do not have a higher rate of engagement in illegal or otherwise prohibited behavior, and yet LGBTQ+ youth channeled into the school-to-prison pipeline make up 20% of all people in juvenile detention.
- Among girls in juvenile justice placements, 40% identify as LGBTQ+.
- According to GLSEN's national survey of school counselors, social workers, and psychologists, school-based mental health professionals are not receiving the training they want and deserve on LGBTQ+ student issues. More than one third (37%) of school mental health professionals reported not having received any formal education or training on working with LGBTQ+ student issues and 76% reported receiving little to no preparation on working with LGBTQ+ students.

## Frequently Asked Questions

- **Does the Counseling Not Criminalization in Schools Act ban all police from schools?**  
No. While this bill will help Local Education Agencies transition away from stationing police in schools by ensuring that federal funds cannot be used for those purposes, the legislation does not prevent the use of other sources of funding for school-based law enforcement officers. The bill also does not prevent schools from calling police to campus in the event of an emergency.
- **Does it punish schools or prevent them from using federal funds to hire non-law enforcement security personnel?**  
No. This bill would not stop a school or Local Education Agency from using federal education funding to hire or support the activities of security staff who are not law enforcement officers.
- **How will diverting federal funds from school-based law enforcement to counselors and other health services be better for LGBTQ+ students?**  
LGBTQ+ youth deserve liberated K-12 learning communities where they are able to thrive and reach their full potential. We know this cannot happen if they are being criminalized in schools, but we also know it cannot happen if they are not adequately supported. The Counseling Not Criminalization in Schools Act provides that support by redirecting funds away from harmful school-based law enforcement towards more mental health staff and ensuring that they have the resources and professional development opportunities to meet students' needs, including the particular needs of LGBTQ+ students with intersecting marginalized identities.
- **What are the limitations on what the grant program dollars can be used for?**  
The grant funds cannot be used to support zero-tolerance discipline policies involving formal or informal partnerships with law enforcement, for information sharing agreements with the Department of Justice or Homeland Security, including Immigration and Customs Enforcement or Customs and Border Protection, for surveillance equipment, or for arming any school personnel.

View current maps of state level policies at <https://www.glsen.org/policy-maps>.

GLSEN's 2019 School Climate Survey is available at <https://www.glsen.org/research/2019-national-school-climate-survey>.

For additional information, contact the GLSEN Public Policy Office at 202-621-5815 or [policy@glsen.org](mailto:policy@glsen.org), located at 1015 15th Street NW, 6th floor, Washington, DC 20005.

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