



The Consequences of Cops in North Carolina Schools

ACLU
North Carolina

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Executive Summary

Over the past seven years, North Carolina schools have devoted more than \$100,000,000 dollars to placing more police officers in more schools.¹ These massive investments have come in lieu of funding the kinds of supports proven to enhance student well-being and learning. According to 2015–2016 federal data, North Carolina ranks near the top nationally in terms of the presence of police officers in schools,² but among the worst states in terms of school funding.³ Additionally, schools in North Carolina have struggled to recruit and retain adequate staffing levels.⁴ The choice to prioritize funding police officers instead of teachers, counselors, and other school-based mental health providers has harmful and long-lasting consequences for North Carolina’s children, especially children of color and children with disabilities. Indeed, North Carolina was recently ranked as one of the worst states for overall youth mental health.⁵ And children are experiencing more acute mental health needs after the onset of the COVID-19 pandemic, which exacerbated existing inequities for students of color, as is visible in rising rates of depression, anxiety, and suicide, particularly for Black youth,⁶ and contributed to worsening conditions for students with disabilities.⁷

North Carolina’s massive investments in police are not paying off: police officers do not improve safety in schools. Instead, the presence of police officers harm students, including by criminalizing typical adolescent behavior that police choose to deem disorderly or otherwise criminal. For example, police officers are empowered to arrest students for disorderly conduct in schools—a criminal offense in North Carolina—that then funnels them into the criminal legal system.

This report presents and discusses the implications of federal data regarding the

investment that North Carolina has made in staffing its schools with police officers instead of the mental health providers that students need like counselors, nurses, psychologists, social workers, and community health workers. The report analyzes the consequences of this choice by reviewing federal data regarding school referrals to law enforcement, with particular attention to disparities by race and disability status. In addition, the report highlights state data that shows disturbing racial disparities regarding school-based complaints, and charges for disorderly conduct in schools in particular.

In sum, North Carolina fails to meet the recommended ratios for school-based mental health providers across the board despite the fact that today’s children—and Black children in particular—need access to mental health support now more than ever before. Instead, North Carolina continues to maintain a high number of police officers in its schools who have expansive discretion to decide which students to refer into the criminal legal system and for what. The consequences of this choice are dire, especially for Black students and students with disabilities. Specifically:

- Schools refer Black students to law enforcement at a rate of 2.4 times that of white students.
- Schools refer students with disabilities to law enforcement at a rate of 2.5 times that of students without disabilities.
- Schools refer Black boys to law enforcement at a rate of 2.3 times that of white boys. Black boys with disabilities are referred at a rate of 2.0 times that of white boys with disabilities.

- Schools refer Black girls to law enforcement at a rate of 3 times the rate of all white girls. They refer Black girls with disabilities at a rate of 2 times the rate of white girls with disabilities.
- Between 2017 and 2022, law enforcement and school staff filed school-based complaints against Black students at 3 times the rate of their white counterparts. These racial disparities are the highest in Help desk, Washington, Mecklenburg, New Hanover, Forsyth, Nash, Durham, Chatham, and Tyrell counties.
- From 2017 to 2023, schools in 25 counties have referred only Black students for disorderly conduct in schools. In 21 of these 25 counties, Black students account for less than 50% of the student population. Of the 33 counties that conducted 50 or more total referrals, 6 did not refer any white students. Black students accounted for less than 50% of the student population in each of those 6 counties.
- Between 2017 and 2023, statewide law enforcement and school staff filed school-based complaints of disorderly conduct against Black students at 4 times the rate of their white counterparts. For many counties the disparities in the rate of referrals for disorderly conduct in schools are even worse, especially in Gaston, Forsyth, Moore, Wake, and Pitt where adults refer Black students at a rate of 23 to 42 times their white classmates. Moreover, the statewide disparities are widening: From 2021 to 2023, schools referred Black students for disorderly conduct at over 5 times the rate of their white classmates.

In light of these alarming and unjustifiable findings, this report presents key recommendations to support the well-being of all students in North Carolina, including:

- Prioritize funding school-based mental health providers rather than police in schools.
- Invest in and expand state and local partnerships to increase the availability and number of culturally affirming school-based mental health providers.
- Strengthen and further develop partnerships with community health workers to support mental health for youth.
- Reduce the use of punitive and exclusionary discipline and invest in evidence-based supportive practices and restorative justice.
- Provide teachers and school staff with training and resources to strengthen student-teacher relationships, build empathy mindsets, and enhance racial equity.
- Remove the presence of police in schools.
- Decriminalize typical childhood and adolescent behavior, including by repealing North Carolina's law that criminalizes disorderly conduct in schools.

Background

Amid continued disruptions and effects from the COVID-19 pandemic and an uneven and uncertain economy, students are experiencing acute levels of trauma, and there is a critical need for effective policy interventions that help make schools inclusive, supportive, and safe environments in which all young people can thrive. Youth in North Carolina need access to mental health supports in schools and in their communities, rather than police officers patrolling the halls of their schools, exacerbating the mental health challenges they face, and inflicting long-lasting harm.

Mental Health and Schools. Even before the COVID-19 pandemic struck in 2020, today's school children were experiencing unprecedented levels of depression and anxiety, often in conjunction with multiple forms of trauma.⁸ According to the Centers for Disease Control and Prevention, the suicide rate among youth and young adults ages 10 to 24 increased by 62% between 2007 and 2021.⁹ In the past two decades, rates of suicide among Black youth have increased “faster than in any other racial/ethnic group” with suicide rates among Black boys aged 10 to 19 increasing by 60%.¹⁰ Furthermore, in 2021, 1 in 5 children living in the U.S. had experienced a stressful life event—such as witnessing violence or experiencing abuse—before the age of 18.¹¹

The COVID-19 pandemic ushered in an overwhelming array of challenges for children, adolescents, and young adults. The pandemic “dramatically changed their world, including how they attend school, interact with friends, and receive health care.”¹² In addition to losing in-person opportunities to learn, socialize, work, and receive healthcare, the pandemic coincided with increasing violence against communities of color, rising gun violence, and increasing political polarization within the country.¹³

According to the U.S. Surgeon General's Advisory, youth in America and around the world struggled intensely because of the isolation the pandemic wrought. A global survey of 80,000 youth found that “depressive and anxiety symptoms doubled during the pandemic, with 25% of youth experiencing depressive symptoms and 20% experiencing anxiety symptoms.”¹⁴ In early 2021, as compared to the same time-period in early 2019, U.S. emergency room visits for suspected suicide attempts were “51% higher for adolescent girls and 4% higher for adolescent boys.”¹⁵

Children, adolescents, and young adults have continued to struggle after returning to in-person schooling.¹⁶ The emotional and mental health impacts of youths' “historical trauma from when they were in close proximity with others in their households” during early pandemic lockdowns are appearing in different ways now that restrictions have eased.¹⁷ Some students are also facing difficulties with “how to interact with peers and socialize face to face.”¹⁸ Thus, although the crisis facing today's youth predates the pandemic, the pandemic has “supercharged” those issues.¹⁹ Mental health concerns and suicide for Black youth have been increasing at a higher rate than for other youth, including because of police violence, overt racism, and the stressors caused by structural racism like inadequate access to health care.²⁰

Finally, as the U.S. Department of Education has recognized, the mental health challenges that students grapple with often “impact their full access to and participation in learning and these challenges are often misunderstood and can lead to behaviors that are inconsistent with school or program expectations.”²¹

Despite these realities, in 2021, only about 15% of children between the ages of 5 and 17 received any mental health treatment in the United States.²² Accordingly, school-based mental health providers like school counselors, nurses, social workers, and psychologists, as well as other community-based supports, are essential to addressing the needs and well-being of youth. School-based mental health care that is culturally affirming is also important in achieving these outcomes.²³ Indeed, school-based access to mental health services has been shown to improve health outcomes for students,²⁴ and reduce barriers in accessing care for underserved populations, including children from low-income households and children of color.²⁵ School-based mental health providers also improve school safety.²⁶ Moreover, schools that employ more school-based mental health providers see improved attendance rates, lower rates of exclusionary discipline and other disciplinary incidents,²⁷ improved academic achievement and career preparation,²⁸ and improved graduation rates.²⁹

Police in Schools. One of the most popular strategies for addressing school safety concerns—hiring law enforcement officers to patrol school buildings—is also one of the least effective and most damaging interventions.

Investing in police to improve school safety fails on its own terms: research has consistently demonstrated that placing officers in schools does not meaningfully improve school safety or reduce the prevalence of violence or criminal conduct.³⁰ As a researcher at the University of Connecticut’s Center for Education Policy Analysis described in a literature review, there is “extremely limited evidence on the effectiveness of [school police officers] in deterring violence” and “no empirical support for the suggestion that [school police officers] prevent school shootings.”³¹ Simply put, police officers are an ineffective policy intervention to deal with violence and disruptive conduct in schools. Rather, the presence of police officers in schools is actively harmful,

especially for Black, Latine, and Native American students and students with disabilities who are disproportionately funneled into the criminal legal system,³² as well as the school-to-deportation pipeline.³³

In practice, policing in schools is largely focused on student behaviors that are perceived as disruptive, rather than serious incidents of violence or criminality that threaten the safety of students and staff.³⁴ Even “more serious-sounding criminal laws may be applied to not-so-serious behavior.”³⁵ The presence of police officers converts typical childhood behaviors that would otherwise be handled by teachers, administrators, and parents into criminal offenses.³⁶ Instead of addressing student behavior through school interventions, children can be, and in some cases have been, arrested under vague criminal laws for things like throwing water balloons,³⁷ breaking pencils,³⁸ or refusing to play kickball during gym class.³⁹ Indeed, a civil rights complaint filed in Wake County highlighted how schools and police enforced criminal laws against students of color for similar behaviors.⁴⁰

Moreover, police are more likely to view Black, Latine, and Native American students and students with disabilities as being criminally disruptive.⁴¹ This perpetuates a cycle of criminal legal system involvement that can have debilitating lifelong consequences.⁴² Students, unsurprisingly, get the message: they report that the presence of police officers marks students as troublemakers, delinquents, and potential criminals who must be surveilled and punished,⁴³ rather than children seeking to grow and learn.⁴⁴ Incidents of officers becoming violent when interacting with students only serve to reinforce this narrative.⁴⁵

The disproportionate impact of school policing on Black, Latine, and Native American students and students with disabilities results in part from the vagueness of the criminal laws officers enforce. Many states, including North Carolina,

maintain laws that make it a crime to “disrupt” or “disturb” a school environment.⁴⁶ When the ACLU challenged South Carolina’s similar disturbing schools and disorderly conduct laws used to criminalize students for actions like cursing, refusing to follow directions, criticizing police, or generally being “disturbing” or “boisterous,” the Court of Appeals for the Fourth Circuit struck the laws down as unconstitutionally vague. Critically, the Court emphasized how the “unbridled discretion” the laws granted police officers resulted in “starkly disparate outcomes,” with Black students being “charged with disorderly conduct for incidents in schools at roughly *seven times* the rate of their white peers.”⁴⁷ The laws also contributed to the criminalization of students with disabilities for behavior that was related to their disabilities.⁴⁸ The Court explained that this kind of “inequitable, freewheeling approach” was incompatible with students’ constitutional due process rights.⁴⁹ It gave officers the power to define for themselves when student conduct should be treated as criminal and failed to constrain the influence of individual biases, explicit or unconscious, in charging decisions.

Every stage of what has become known as the school-to-prison pipeline causes disproportionate harm to students of color.⁵⁰ For example, although students of color do not commit more disciplinable offenses than their white peers, schools apply more discipline, as well as harsher and longer punishments, to Black, Latine, and Native American students than to their white peers engaged in similar behaviors.⁵¹ Students in schools with large proportions of Black and Latine students are significantly more likely to encounter police officers in school than students in schools with large proportions of white students.⁵² Black and Latine students are also less likely than their white peers to have access to counselors, classes with low student-to-teacher ratios, and other kinds of supports proven to help children thrive, exacerbating the underlying issues leading to unsafe school environments.⁵³ In turn, Black and Latine students are disproportionately likely

to be arrested and referred into the criminal legal system for conduct occurring at schools, including minor misbehavior.⁵⁴ Police in schools serving more students of color are also more often directed to carry out punitive tasks like discipline.⁵⁵ And school-based police are more likely to view students of color as threatening or hold biased views towards students of color.⁵⁶

Students with disabilities—and especially Black, Latine, and Native American students with disabilities⁵⁷—also suffer. Administrators are disproportionately likely to refer students with disabilities into the criminal legal system for school-based conduct,⁵⁸ especially when relying on law enforcement rather than trained school personnel to support students through behaviors identified in their individualized education program (IEP).⁵⁹ The presence of police officers is also associated with chronic absenteeism for students with disabilities, leading researchers to conclude that “the use of police in schools appears to seriously exacerbate existing opportunity gaps in education” for these students.⁶⁰

These same consequences of police officers in schools are found throughout North Carolina, as documented and discussed below.

Report Overview. Although there has been support in North Carolina for expanding police in schools, students, parents, and activists who have experienced firsthand the devastating consequences of their presence have been pushing back for years in communities across the state.⁶¹ In Wake County, organizations including the Education Justice Alliance, Southern Coalition for Social Justice, and Wake County Black Students Coalition came together to form the #CounselorsNotCops coalition, which seeks to redirect funding away from police officers and towards school nurses, psychologists, peacebuilders, and other staff that can provide Black and Latine students with affirming mental health supports.⁶² In New Hanover County, the Sokoto House, a community center, has organized efforts to resist expanding the role of

school police officers and to generate community-based alternatives for addressing school safety concerns.⁶³ Through the Quality Life Blueprint, it has pioneered and trained other community-based organizations in comprehensive violence prevention.⁶⁴ Although these efforts—and others like them across North Carolina—have taken different forms depending on the unique needs and circumstances of each community, they all share a common commitment to uplifting holistic, community-rooted alternatives to police in schools.

In this report, we hope to amplify the efforts of these advocates by highlighting the ongoing consequences of North Carolina’s reliance on police in schools. Despite clear evidence regarding the negative impact of police on students and school environments, school boards and other elected officials in North Carolina continue to devote millions of dollars to placing armed law enforcement officers in schools every year.⁶⁵ But prioritizing funding for police officers over funding for other school staff and community-based supports is a policy choice that has had and continues to have grave consequences for North Carolina’s children, especially Black youth and students with disabilities.

This report presents and analyzes data illustrating the results of these policy choices,

including (1) the presence of police officers in North Carolina’s schools instead of counselors, nurses, social workers, and psychologists; (2) the significant disparate targeting of Black students and students with disabilities for law enforcement referrals; and (3) the racial disparities in school-based complaints and disorderly conduct charges in particular, which illustrates the arbitrary and discriminatory nature of law enforcement referrals. We conclude by offering recommendations for enhancing the well-being of students in North Carolina, including by prioritizing funding for mental health support over police, more comprehensively accounting for the impact of police in North Carolina’s schools, and ending the practice of criminalizing typical, childhood behavior.

In short, reliance on policing of students in North Carolina’s schools does not work. This choice has made students less safe, not more, and created a climate of distrust and fear, especially for Black students and students with disabilities. It is time for North Carolina to prioritize policies and strategies that actually make schools safe and welcoming learning environments for all children. Achieving that laudable goal means investing in kids, schools, and communities, not armed law enforcement officers.

Too Many Police, Not Enough Providers

Mental Health Providers Are Scarce

School counselors, social workers, nurses, and psychologists are critical to help ensure that students can fully participate in school by supporting students' health and well-being. Yet according to data from the most recent Civil Rights Data Collection (CRDC) for the 2017–18 school year, North Carolina has a significant dearth of school-based mental health providers in schools. The consequences for North Carolina youth are stark: North Carolina was recently ranked 42nd out of 50 states for overall youth mental health.⁶⁶

School Counselors. School counselors are typically the first to interact with students when they are struggling. School counselors have expertise in supporting students both academically and emotionally, including by establishing safe learning environments, fostering positive school climates, and creating relationships between students, teachers, and parents that promote a greater sense of community and connection.⁶⁷

Given the importance of these providers, the American Counselor Association recommends a ratio of 250 students per counselor.⁶⁸ But in North Carolina, CRDC data shows that there is only 1 counselor per 361 students.

School social workers. School-based social workers are providers that help families and school staff navigate community systems to better support students' needs. They assist with various barriers such as poverty, inadequate healthcare,

community violence, homelessness, domestic violence, and other issues that affect students' ability to fully participate in school. They also facilitate innovative prevention and intervention programs in areas like substance abuse, bullying, and anger management.⁶⁹

The School Social Work Association of America recommends 1 school social worker for every 250 students.⁷⁰ Yet in North Carolina, there is 1 social worker for every 1,653 students. This means that 1 social worker is assigned to serve over 6 times as many students than what is recommended. Moreover, nearly half of North Carolina schools did not report having any social workers on staff.

School psychologists. School psychologists are providers who are typically trained in both psychology and education with specialized knowledge in advocating for children, and in addressing learning, motivation, behavior, mental health, social development, and childhood disabilities.⁷¹ These providers are important to ensuring that students receive evidence-based assessments and interventions when struggling with mental and behavioral needs. As explained by the National Association of School Psychologists (NASP), qualified school psychologists help “children and youth succeed academically, socially, behaviorally, and emotionally, and they partner with families, teachers, administrators, and other professionals to create safe, healthy, and supportive learning environments that strengthen connections between home, school, and the community.”⁷²

NASP recommends a ratio of 500 students per school psychologist.⁷³ In North Carolina, however, CRDC data shows that 1 school psychologist

serves 2,970 students. Accordingly, 1 school psychologist is assigned to serve nearly 6 times the number of students than what is recommended. In 2021, the North Carolina Legislature mandated that school districts must ensure that they employ at least 1 school psychologist.⁷⁴ Although this is a step in the right direction, the state must heed the recommended ratios to ensure that students' needs are properly addressed.

School Nurses. School nurses promote student health and advance academic success. These practitioners help “bridge health care and education, provide care coordination, advocate for quality student-centered care, and collaborate to design systems that allow individuals and communities to develop their full potential.”⁷⁵

The U.S. Department of Education recommends 1 nurse to 750 students.⁷⁶ In North Carolina, there is 1 nurse per 1,578 students. Nearly half of North Carolina schools have no nurse at all.

There is also a critical need for mental health providers, as well as teachers and school staff who are positioned to be an important lifeline for students, to be able to provide culturally affirming and responsive supports.⁷⁷

Police and the Harms They Cause Are Ubiquitous

According to the most recent CRDC data, 26% of North Carolina schools had law enforcement officers on their payroll for the 2017–18 school year. This percentage, however, is most likely significantly higher. Indeed, in the 2015–16 school year, CRDC data analyzed by ACLU indicated that approximately 64% of schools in North Carolina utilized police officers, the third-highest presence of police in schools in the country.⁷⁸ Since 2018, North Carolina has further increased funding for school-based police officers.⁷⁹ Most recently, in October 2022, the North Carolina Department

of Public Instruction awarded two hundred elementary, middle, and charter schools across the state a total of \$74.1 million in state-funded grants to, among other things, pay for police in schools,⁸⁰ as part of the School Safety Grants Program.⁸¹

These substantial investments do not pay off. A study evaluating the impact of North Carolina's grant program found that increasing policing and training did not reduce serious incidents like assaults, homicide, bomb threats, possession and use of alcohol and drugs, or the possession of weapons.⁸² Another study assessing the results of a 170% increase in funding for school police officers over the past 5 years in North Carolina found that police “have no effect on criminal acts or short-term suspensions but may increase the number of school-related arrests,” especially for students with disabilities and economically disadvantaged students.⁸³

Alarming, there have also been numerous incidents that have come to light within the last 3 years of police officers directing abusive, unlawful, and violent behavior towards students in North Carolina's schools. A Vance County police officer pleaded guilty to assault of a child after repeatedly body slamming a middle school boy in a hallway.⁸⁴ Other students have been tazed, tackled, handcuffed, and pepper sprayed.⁸⁵ Multiple school police officers have been arrested for sex crimes involving students at the schools they patrol.⁸⁶ A school police officer in Statesville handcuffed, taunted, and pinned down a seven-year-old boy with autism who became overwhelmed during class, even after his teachers informed the officer that they had the situation under control, with the officer telling the student that if he was “not acquainted with the juvenile justice system, you will be shortly.”⁸⁷ In Wilmington, a 6-year-old first-grader with an IEP was handcuffed by a sheriff's deputy after running out of the cafeteria during lunchtime and refusing to go back to class.⁸⁸ When asked whether the officer's actions were consistent with school board policies concerning

the use of restraints on young children, a spokesperson for the New Hanover County Sheriff’s Office explained that police officers in schools “are not beholden to the district’s policies” and that there were “no guidelines” specifying when it would be appropriate for officers to use handcuffs on elementary school students.⁸⁹

Memorandums of Understanding

Many districts enter into Memorandums of Understanding (MOUs) with the law enforcement agency providing police officers, which purport to limit the circumstances under which arrests should be made.

As UNC Professor Barbara Fedders has written, MOUs “ultimately are weak mechanisms for regulating school police officers.”⁹⁰ Substantively, these agreements “typically contain exceptions establishing that school administrators cannot limit police discretion.”⁹¹ MOUs thus do little to restrain police officer discretion in viewing certain student behavior through a criminal lens. Procedurally, “parents and students may not be included in the decision-making processes by which [MOUs] are negotiated.”⁹² This means that “many school-community members may be unaware of the existence of the agreement at all,” making it difficult for communities to hold police officers accountable; it also “exclud[es] the people most likely to be affected by aggressive policing tactics,” making the MOU “less reflective of these groups’ particular concerns.”⁹³

The shortcomings of MOUs can be seen, for example, in Wake County. The Wake County Board of Education MOU governing police officers in schools states that “law

enforcement and [police] intervention should be limited to those incidents of student misconduct that present a threat to the school environment and are not more appropriately handled through referral to another resource (e.g., an administrator, school counselor, restorative justice-trained staff member).⁹⁴ But the MOU also states that police officers “may initiate appropriate law enforcement actions to address criminal matters, including matters that threaten the safety and security of the school . . . (with or without a referral from school staff)”⁹⁵ The limitations on police interventions are unclear, and there have been 183 school-based referrals for disorderly conduct over the past 5 years.

School Justice Partnerships

In 2017, North Carolina’s Raise the Age law established school justice partnerships (SJPs) in an effort to help reduce in-school arrests, suspensions, and expulsions.⁹⁶ As of September 2022, 52 counties had adopted a SJP program, and the state indicates that it is working to bring the program to all 100 counties.⁹⁷ Of those counties that have implemented the program, some have seen decreases in school-based referrals.⁹⁸ As indicated below, however, large and concerning racial and disability disparities in law enforcement referrals, and racial disparities in school-based disorderly conduct charges persist. Moreover, although the expansion of SJPs may signal that judges and assistant district attorneys are working on keeping childhood behavior out of court, it is less clear whether or how police officers in schools are involved in such efforts.

Law Enforcement Referrals

The U.S. Department of Education defines “referrals to law enforcement” as “an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation.”⁹⁹ Law enforcement referrals include citations, tickets, court referrals, and school-related arrests.¹⁰⁰

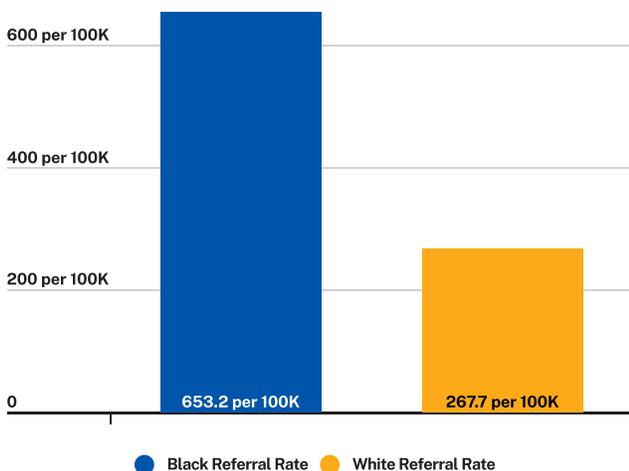
Studies have shown that schools with police officers are more likely to have arrests for minor offenses than schools without police.¹⁰¹

According to the most recent CRDC data, North Carolina schools referred over 5,524 students to law enforcement in the 2017–18 school year.¹⁰² And not all students are referred equally: school staff refer Black students and students with disabilities disproportionately, a reality that has remained constant over time. When the data is analyzed through an intersectional lens by considering race, gender, and disability, the disparities of which students are funneled into the criminal legal system become even starker.

School staff refer Black students to law enforcement at a rate of 2.44 times that of white students.

GRAPH 1

School staff refer Black students to law enforcement at a rate 2.44 times that of white students.

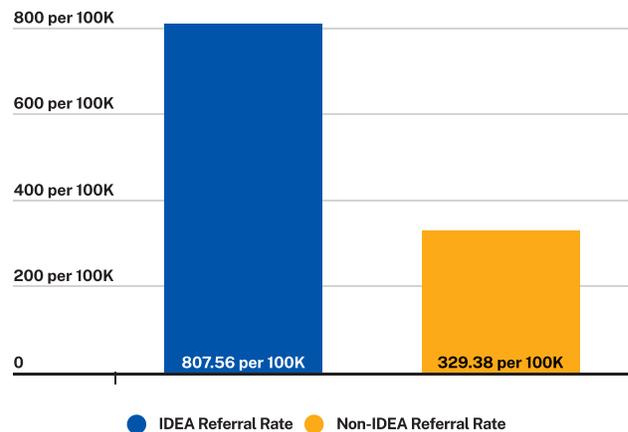


The cumulative referral rate for Black students is calculated by summing the number of referrals involving Black students in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total Black student enrollment to obtain the referral rate per 100,000 Black students. The rate ratio noted above is calculated by dividing the Black student referral rate by the white student referral rate.

Likewise, although students with disabilities served under the IDEA¹⁰³ are a small fraction of North Carolina’s total student population, over the years they have consistently been overrepresented in statewide law enforcement referrals for all students. Specifically, schools refer students served under the IDEA to law enforcement at a rate of 2.45 times that of non-disabled students.

GRAPH 2

Schools refer students served under the IDEA to law enforcement at a rate of 2.45 times that of non-disabled students.

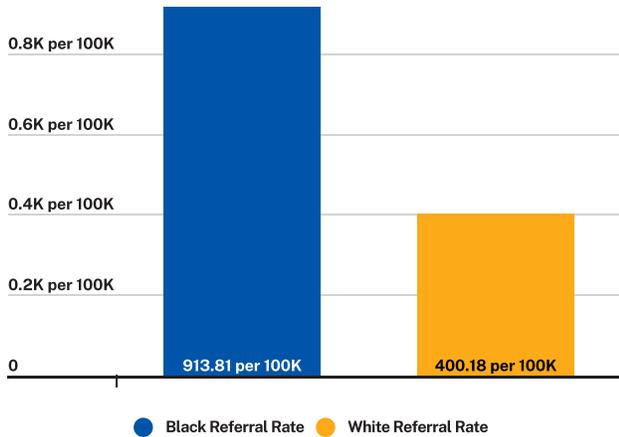


The cumulative referral rate for students with disabilities is calculated by summing the number of referrals involving students served by the IDEA in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total IDEA enrollment to obtain the referral rate per 100,000 students with disabilities. The rate ratio noted above is calculated by dividing the IDEA student referral rate by the non-IDEA student referral rate.

School staff refer Black boys to law enforcement at a rate of 2.28 times that of white boys.

GRAPH 3

School staff refer Black boys to law enforcement at a rate 2.28 times that of white boys.

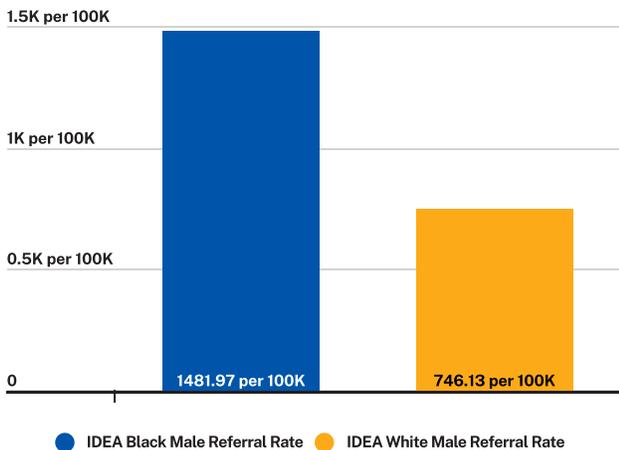


The cumulative referral rate for Black boys is calculated by summing the number of referrals involving Black boys in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total Black male student enrollment to obtain the referral rate per 100,000 Black boys. The rate ratio noted above is calculated by dividing the Black male referral rate by the white male referral rate.

When disability is considered, schools refer Black boys served under the IDEA to law enforcement at a rate of 1.99 times that of white boys with disabilities.

GRAPH 4

Schools refer Black boys with disabilities to law enforcement at a rate of 1.99 times that of white boys with disabilities.

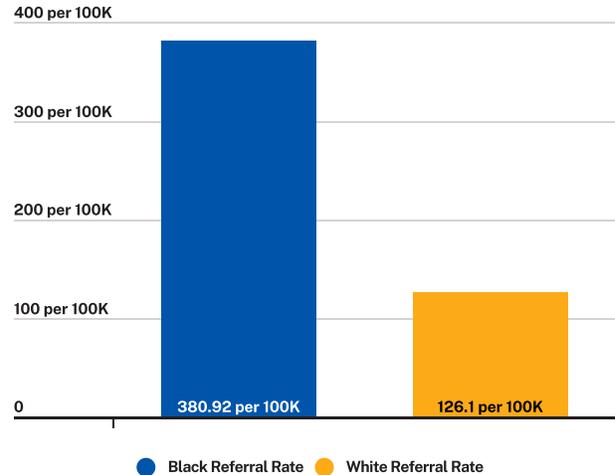


The cumulative referral rate for Black boys with disabilities is calculated by summing the number of referrals involving Black male students served by the IDEA in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total Black male IDEA enrollment to obtain the referral rate per 100,000 Black male students with disabilities. The rate ratio noted above is calculated by dividing the Black male IDEA student referral rate by the white male IDEA student referral rate.

School staff refer Black girls to law enforcement at a rate of 3 times the rate of white girls.

GRAPH 5

School staff refer Black girls to law enforcement at a rate 3.02 times that of white girls.

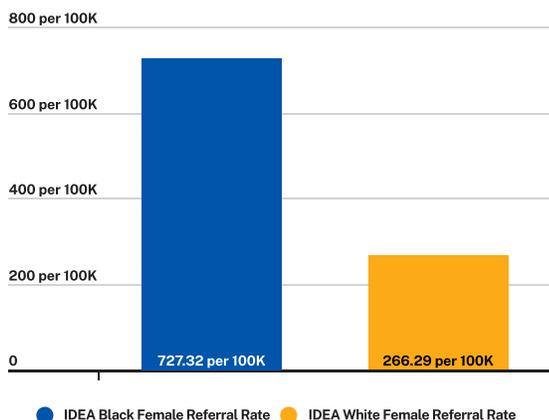


The cumulative referral rate for Black girls is calculated by summing the number of referrals involving Black girls in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total Black female student enrollment to obtain the referral rate per 100,000 Black girls. The rate ratio noted above is calculated by dividing the Black female referral rate by the white female referral rate.

Schools refer Black girls with disabilities at a rate of 2.73 times the rate of white girls with disabilities.

GRAPH 6

Schools refer Black girls with disabilities to law enforcement at a rate of 2.73 times the rate of white girls with disabilities.



The cumulative referral rate for Black girls with disabilities is calculated by summing the number of referrals involving Black female students served by the IDEA in each of the 2011-12, 2013-14, 2015-16, and 2017-18 Civil Rights Data Collections. This sum is multiplied by 100,000 and then divided by the sum of the total Black female IDEA enrollment to obtain the referral rate per 100,000 Black female students with disabilities. The rate ratio noted above is calculated by dividing the Black female IDEA student referral rate by the white female IDEA student referral rate.

Consequences of referral.

When school staff and police arrest or otherwise refer students to law enforcement, a school-based complaint is filed with North Carolina's Department of Public Safety's Division of Juvenile Justice and Delinquency Prevention (DJJDP). Complaints may be (1) closed at intake, meaning that the complaint does not need to go to court or be diverted; (2) diverted, which means that the student and legal guardian agree to enter into a diversion program or contract potentially including programming/services; or (3) approved for court, which requires the student charged with the complaint to appear before a judge to respond to the charges.¹⁰⁴ Moreover, if the conditions of the diversion plan are not met, then the

complaint may be approved for court and become a petition.¹⁰⁵

According to DJJDP's 2022 annual report, 60% of complaints are approved for court following an intake evaluation.¹⁰⁶ When a complaint is approved for court, the student must appear at an adjudication hearing, which can result in either a dismissal of the complaint or an adjudication (the equivalent of a conviction in the adult system).¹⁰⁷ If a student is adjudicated, the student may be committed to the juvenile criminal system.¹⁰⁸

Law enforcement referrals and adjudications can have lifelong collateral consequences for students on emotional, social, and academic levels, and contribute to the historical inequalities faced by students of color and students with disabilities.¹⁰⁹ Referrals can negatively impact a student's educational opportunities, job prospects, housing, voting rights, and ability to receive public benefits, and can even jeopardize a student's immigration status.¹¹⁰ Emotionally, students who experience punitive discipline may feel rejection and social isolation from their peers.¹¹¹ Socially, students may feel stigma, fear, and have negative views about school, making it more difficult for these students to reengage with their studies alongside their classmates.¹¹² Academically, students miss valuable educational time.¹¹³ Indeed, even a first referral carries a significant impact: referrals to law enforcement can limit a student's ability to access educational opportunities¹¹⁴ and even diminish the likelihood that a student will graduate high school,¹¹⁵ which itself carries devastating collateral consequences on a student's future health, income, and employment.¹¹⁶

School-based Complaints and Disorderly Conduct Charges

One way of assessing how police officers operate is by examining how a state’s most capacious criminal laws are enforced in schools. Although the presence of police officers is regularly justified as necessary to prevent violence and deter serious crimes,¹¹⁷ police officers are also often called upon to address far more mundane incidents of student misconduct. Police officers may play the role of school disciplinarian, intervening when students skip class,¹¹⁸ get into arguments with teachers,¹¹⁹ or refuse to participate in classroom activities.¹²⁰ When a police officer rather than a school employee gets involved, students may be arrested and referred into the juvenile legal system. Once they are entangled in the juvenile legal system, it grows harder and harder for students to receive the mental health supports they need to thrive.¹²¹

In North Carolina, one of the most expansive and concerning criminal laws applicable to school-based conduct is N.C. Gen. Stat. § 14-288.4(a)(6), the “disorderly conduct in schools” law. The law makes it a crime to “disrupt, disturb, or interfere with teaching,” or to “disturb[] the peace, order or discipline” at or around any school. By its own terms, the disorderly conduct in schools law requires police officers to make subjective judgements: anyone who has spent any amount of time with a group of twelve-year-olds knows how impossible—and self-defeating—it would be to arrest every student who does anything to “disturb” or “disrupt” a school environment. For this reason, North Carolina courts have held that a student’s conduct must “amount to a substantial interference” with school instruction in order to be criminal.¹²² Nevertheless, what constitutes “substantial interference” remains largely in the eye of the beholder. Moreover, these charges are ubiquitous: according to state data, disorderly

conduct at school charges were the second most frequent school-based offense in 2022.¹²³

Vague laws like the disorderly conduct in schools law give police officers unbridled discretion to define when, and under what circumstances, normative childhood conduct crosses the line into criminal behavior. There are numerous examples of minor conduct being made criminal under such laws, in North Carolina and nationwide, which starkly illustrate the consequences of giving police officers the power to enforce amorphous criminal offenses. For example, in Winston-Salem, a water balloon and water gun fight ended in the arrest of a 17-year old for assault on a government official, disorderly conduct, and resisting arrest.¹²⁴

Further, vague laws that don’t provide clear standards are particularly susceptible to biases, implicit or otherwise, which can shape a police officer or administrator’s perceptions of a child’s intent and culpability when disruptive behaviors occur. This, in turn, influences the nature and severity of the responses to the conduct. It is well-documented that adults perceive Black children—and Black girls in particular—to be more adult-like and to need less nurturing and support.¹²⁵ It is also well-established that Black students are not generally more likely to misbehave than other students, even after accounting for different socioeconomic backgrounds,¹²⁶ yet school staff are far more likely to punish Black students (and to apply more severe punishment) than their white peers for similar conduct.¹²⁷ These types of bias make it more likely that adults will perceive a Black student as criminally disorderly when they would not view a white classmate in the same way. As Professor Jamelia N. Morgan points out, disorderly conduct laws generally work to “exclude certain historically marginalized groups”

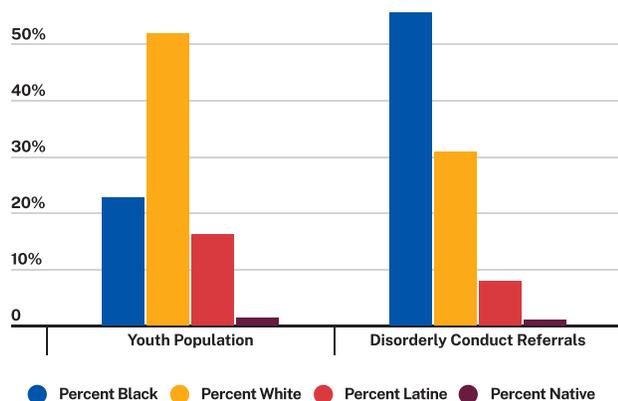
by, in part, “prohibiting a wide range of behaviors and conferring vast amounts of discretion upon law enforcement and private citizens to target individuals”¹²⁸ These dynamics all come into play when police officers are given unfettered discretion to define the criminal laws they are tasked with enforcing.

Indeed, data from North Carolina’s Department of Public Safety reveals profound racial disparities in who is referred in general, and under the disorderly conduct in schools law in particular.

All school-based discipline complaints. As Graph 8 shows, over the past 5 years, Black youth comprised approximately 23% of the youth population but were subject to nearly 50% of all school-based complaints. In contrast, although white youth comprised approximately 52% of the youth population in the state, white students were the subjects of approximately 35% of all school-based complaints.

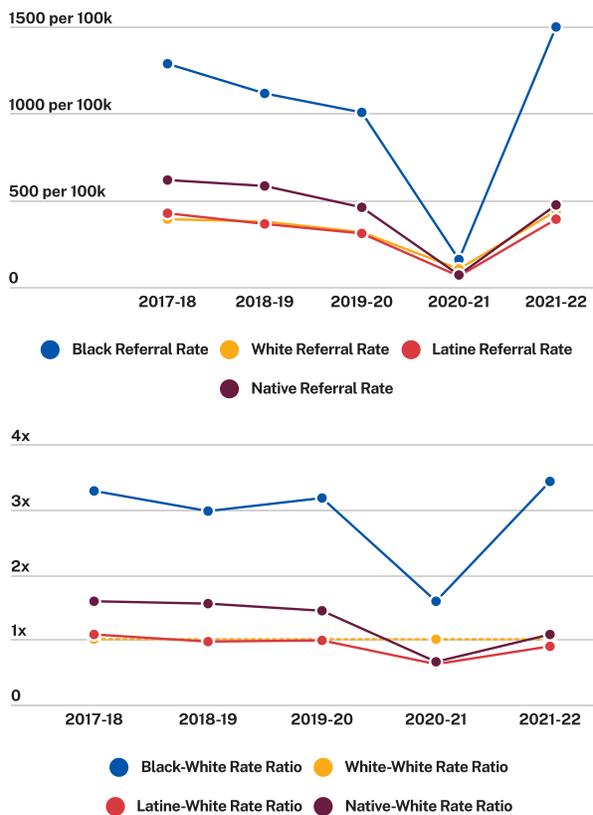
GRAPH 7

Statewide Demographic Breakdown of Youth Population and all School-Based Complaints 2017-2022



This chart compares the demographic composition of North Carolina’s youth population with the demographic composition of students who received school-based complaints. The youth population percentages were calculated by aggregating the total youth population from the 2018-2021 American Community Surveys.

As the below charts show, schools file school-based complaints against Black students at over 3 times the rate of white classmates.



The racial disparities and referral rates that exist for who is subject to school-based complaints vary widely among counties, as indicated in Table 1. Of particular note, Madison, Vance, Washington, Mecklenburg, New Hanover, Forsyth, Nash, Durham, Chatham, and Tyrell all had the highest disparities between the referrals of Black and white students.

TABLE 1

County Name	Rate Ratio	Black Complaints	White Complaints	Black Complaint Rate	White Complaint Rate	% Youth Population Black	% Youth Population White
Madison	415.09	78	45	141818.18	341.66	0.38	90.7
Vance	16.47	120	4	613.75	37.26	50.66	27.82
Washington	13.47	25	1	433.5	32.18	57.42	30.95
Mecklenburg	13.18	1600	127	505.53	38.37	34.22	35.78
New Hanover	12.88	327	95	1204.64	93.52	17.44	65.27
Forsyth	12.64	1081	131	1196.3	94.65	27.84	42.65
Nash	12.46	90	7	278.74	22.37	41.38	40.1
Durham	11.96	213	12	230.43	19.27	40.47	27.26
Chatham	11.31	126	64	2243.59	198.32	9.98	57.33
Tyrrell	10.85	42	8	8092.49	745.57	25.05	51.79

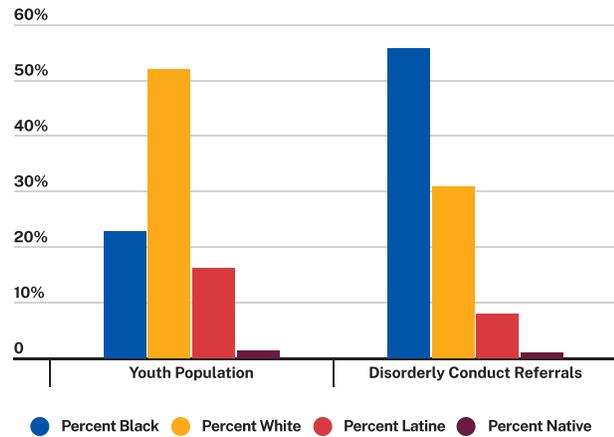
Full table available at: <https://www.acluof-northcarolina-bts.org/cops-in-schools>

Disorderly conduct referrals. As Graph 8 shows, over the past 6 years, Black students were subject to over 55% of disorderly conduct referrals even though Black youth make up under 23% of the youth population in North Carolina. In contrast, while white youth comprise over 50% of the youth population, they account for approximately 30% of disorderly conduct referrals.

gotten worse: recent data reveals that police and school personnel refer Black youth for disorderly conduct at over 5 times the rate for their white counterparts. The racial disparities are greater for disorderly conduct referrals, charges that depend heavily on the subjective judgments of police and school administrators, than for overall school-based referrals.

GRAPH 8

Statewide Demographic Breakdown of Youth Population and Disorderly Conduct Referrals 2017-2023



This chart compares the demographic composition of North Carolina's youth population with the demographic composition of students who received referrals for Disorderly Conduct.

The youth population percentages were calculated by aggregating the total youth population from the 2018-2021 American Community Surveys.

As the below charts show, since the 2017-18 school year, the racial gap between the rate of referrals for disorderly conduct in schools has

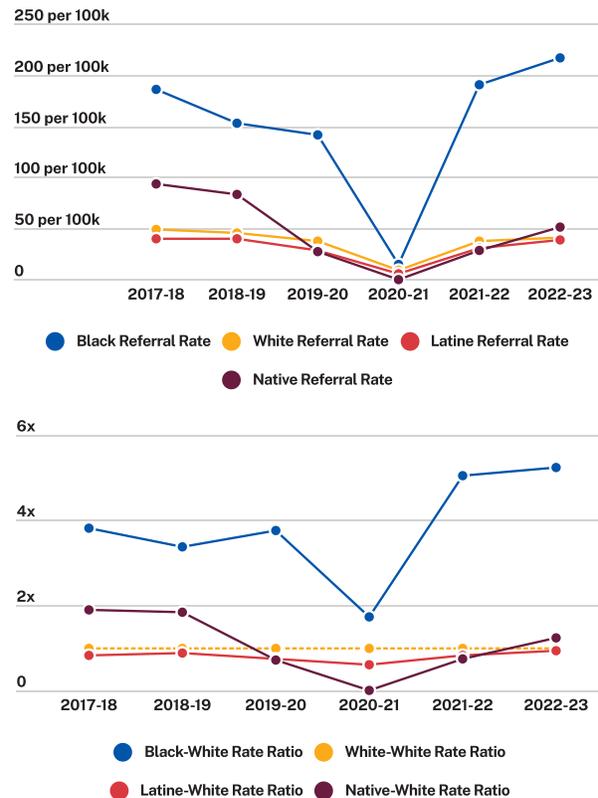


TABLE 2

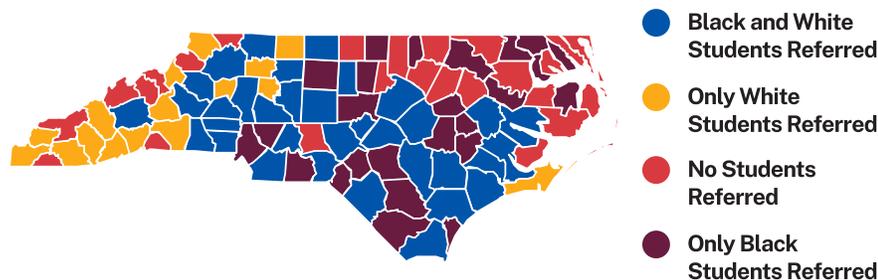
County Name	Rate Ratio	Black Referrals	White Referrals	Black Referral Rate	White Referral Rate	% Youth Population Black	% Youth Population White
Gaston	42.11	79	6	184.46	4.38	19.06	61.02
Forsyth	40.49	159	6	146.58	3.62	27.8	42.52
Moore	34.77	32	5	280.23	8.06	12.39	67.32
Wake	26.32	139	13	56.85	2.16	20.88	51.35
Pitt	23.1	141	6	206.07	8.92	41.45	40.76
Iredell	17.47	236	66	895.84	51.29	13.88	67.77
Pender	15.9	52	17	653.18	41.07	13.11	68.18
Craven	12.85	80	13	322.45	25.1	26.19	54.69
Buncombe	12.74	19	14	114.51	8.99	7.69	72.16
Rowan	11.9	28	8	108.43	9.11	17.99	61.19

Full table available at: <https://www.acluof-northcarolina-bts.org/cops-in-schools>

As Table 2 shows, for many counties, this racial gap in the rate of referrals for disorderly conduct in schools is even worse. In particular, the counties with the highest disparities between Black students and white students subjected to disorderly conduct in schools charges were Gaston, Forsyth, Moore, Wake, Pitt, Iredell, Pender, Craven, Buncombe, and Rowan.

Importantly, disparities could not be calculated for many counties where too few students of a particular race were referred. This does not mean that enforcement of the disorderly conduct in schools law does not raise concerns in these counties. Indeed, as the below map shows, from 2017 to 2023, schools in 25 counties have referred only Black students for disorderly conduct in schools. In 21 of these 25 counties, Black students account for less than 50% of the student population. Of the 33 counties that conducted 50 or more total referrals, 6 did not refer any white students. Black students accounted for less than 50% of the student population in each of those 6 counties. For example, over the last 6 years, Mecklenburg county referred 266 Black students but no white students.

North Carolina does not collect information with respect to disability status and school-based complaints. Nonetheless, based on the federal data available for law enforcement referrals described above, it is likely that students with disabilities are disproportionately the subject of disorderly conduct in schools complaints, and the problems are likely compounded for Black students with disabilities. Indeed, students with disabilities are often “charged with disorderly conduct instead of receiving emotional and mental health supports through school-based service plans.”¹²⁹ This was exemplified in South Carolina, where the Fourth Circuit ruled that the application of the state disorderly conduct law to students was unconstitutional. There, school police testified that they would enforce the disorderly conduct law if the officer was unable to de-escalate a situation. As the court recognized, this unwritten standard put students with disabilities—who may be identified as struggling with behaviors that may be more difficult to de-escalate and often have school-based intervention plans for this very purpose—at a greater risk of criminalization.¹³⁰



Recommendations

Children in North Carolina are overly policed and under-supported in school, and Black students and students with disabilities are disproportionately harmed by criminalization in school. To change course, the state, school districts, and schools should:

- **Prioritize funding school-based mental health providers rather than police in schools.** North Carolina schools need to increase funding for school-based mental health providers, and other initiatives to increase access to mental health for North Carolina’s children, instead of pumping more money into schools to hire more police officers. In early 2023, North Carolina was awarded grants to increase the number of school-based mental health providers.¹³¹ Although this funding is critical for the districts in the state that it will benefit, North Carolina needs to increase funding for school-based mental health providers throughout the entire state, and prioritize funding for such providers over police to ensure appropriate staffing ratios, and that students are supported in school rather than funneled out of it.
- **Invest in and expand state and local partnerships to increase the availability and number of culturally affirming school-based mental health providers.** As researchers have identified, the shortage of mental health providers available for students means that partnerships “with colleges and universities to expand the workforce pipeline” are critical.¹³² Moreover, “mental health graduate programs . . . can augment school and community mental health staffing.”¹³³ State and local efforts should prioritize increasing the number of available school-based mental

health providers in schools, including by partnering with higher education institutions, and work to ensure that these resources are culturally affirming to serve students’ needs.¹³⁴

- **Strengthen and further develop partnerships with community health workers to support mental health for youth.** According to the American Public Health Association, a community health worker (CHW) is defined as:

[A] frontline public health worker who is a trusted member of and/or has an unusually close understanding of the community served. This trusting relationship enables the worker to serve as a liaison, link, or intermediary between health/ social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery.¹³⁵

CHWs often provide critical support to children, including with respect to issues that they face at school. For example, in Wilmington, community-based organizations at Sokoto House utilize the evidence-based Youth Empowerment Solutions, one part of the comprehensive violence prevention model that “empowers youth to make positive changes in their communities and to work with adults to support their efforts.”¹³⁶ The state should foster these relationships and look for ways to expand them throughout the state.

- **Decriminalize typical childhood behavior, including by repealing the disorderly conduct in schools law.** As the Fourth

Circuit found, laws like North Carolina’s disorderly conduct in schools law result in the disproportionate and unjust criminalization of Black students and students with disabilities. These types of laws provide unbridled discretion for law enforcement to criminalize typical adolescent behavior, and fuel long-lasting harms for youth funneled into the criminal legal system.

- **End the regular presence of law enforcement in schools.** Police in schools harm students’ education in numerous ways and particularly burden students of color and students with disabilities. Investing in restorative practices and community partnerships can better serve the needs of students and the school community.
- **Require equity assessments** of all schools and school districts with police that document and assess their impact, including on students of color and students with disabilities.
- **Ensure accurate and transparent state- and local-level reporting** of data about the number of police in schools, law enforcement referrals, and school-based arrests. Such data should include school-collected and school-reported data on disability status to better assess the impact of referrals and arrests on students with disabilities.
- **Reduce reliance on exclusionary discipline** and punitive approaches to student behavior management and invest in evidence-based supportive practices and restorative justice.
- **Provide teachers and school staff with training** and resources to strengthen student-teacher relationships, build empathy mindsets, and enhance racial equity.¹³⁷

Appendix: Methodology, Data Cleaning, Definitions, and Limitations

Law Enforcement Referrals

Data Source: The state-level data for law enforcement referrals and school-based mental health providers comes from the U.S. Department of Education’s Civil Rights Data Collection (CRDC). This is a survey administered to public schools by the U.S. Department of Education’s Office for Civil Rights (OCR). The data utilized is drawn from the latest four years of CRDC data: 2011-2012, 2013-2014, 2015-2016, and 2017-2018. These data were made available to the public in March 2014, June 2016, April 2018, and October 2020, respectively. The data and more details about the data collection can be found online at <http://ocrdata.ed.gov>.

Relevant Distinctions: The analysis of law enforcement referrals for students with disabilities is based on CRDC data reported for students with disabilities served under the Individuals with Disability Act (IDEA). The CRDC also provides data on “Section 504 Only,” which refers to students with a disability who receive regular or special education and related aids and services solely under Section 504 of the Rehabilitation Act of 1973, as amended, and not under the IDEA. In analyzing law enforcement referrals for students with disabilities, this report excludes students identified as having disabilities under “Section 504 Only” because the CRDC did not collect data on law enforcement referrals disaggregated by race for students served under “Section 504 Only.”

Calculating Rates Per 100,000: The rate of referrals per 100,000 students of each

demographic group was calculated by multiplying the number of complaints involving each group by 100,000, and then dividing that number by the total population of that group. Anonymized values were ignored for the purpose of making this calculation.

Rate Ratio Calculation: The rate ratio was calculated in two parts. First, the rate of referrals per 100,000 students of each demographic group was calculated by multiplying the number of complaints involving each group by 100,000, and then dividing that number by the total population of that group. Second, the rate ratio was then obtained by dividing this rate for one group of students by the rate of another group.

Calculating Ratios of Statewide School-based Mental Health Providers for 2017–18: To calculate the ratios of statewide school-based mental health providers for 2017–18, we added up the total number of students and each category of school mental health provider reported by each school in North Carolina to the CRDC, then the student population was divided by each provider population to calculate the student-to-provider ratio.

The ratios recommended by various professional associations were then compared to the 2017-18 ratios for North Carolina providers by dividing the number of North Carolina providers by the recommended number of providers, then multiplying the resulting number by 100 to get the percentage difference between the recommended

numbers and the actual number of providers in North Carolina.

Calculating the Percentage of School Police Officers in NC Schools for 2017-2018: During the 201-18 data year, the CRDC did not create a data estimation for police officers in schools. As a result, we divided the number of schools that recorded employing more than 0 full-time sworn law enforcement officers by the total number of schools in the state. Some schools listed a value between 0 and 1, which we interpreted to refer to schools with part-time law enforcement officers. Since those officers were still present on school campuses, we included them within our final results.

Limitations: There are likely significant data issues regarding both police officers and school-based mental health providers. For example, for various categories of school-based mental health providers, roughly half of reporting schools reported no providers. It is unclear how many of these low numbers come from a complete or partial failure to report. Regarding the numbers of police officers reported in school, the 2017-2018 CRDC likely reflects substantial underreporting. For example, the CRDC reflects that the number of police officers in North Carolina has decreased from 2015-16 to 2017-18, yet funding for police officers in schools has increased over the years.

School-based Complaints and Disorderly Conduct Charges

Data Sources: The data for school-based complaints and disorderly conduct charges is comprised of demographic summaries obtained via public records requests made by ACLU-NC from the North Carolina Department of Public Safety Division of Juvenile Justice and Delinquency Prevention (DJJDP). The data for school-based complaints encompasses the

2017-18 to 2021-22 school years. The data for disorderly conduct charges encompasses the 2017-18 to 2022-23 school years.

To calculate the relevant “Youth Population,” we collected data from the American Community Survey (ACS), including because the data encompassed all schools in the state (rather than only public schools).

Data Manipulation: The disorderly conduct data we received included single headers that encompassed each demographic facet of the data. To avoid duplication, we added identifying suffixes to the column names to tie each variable to its corresponding school year. In the raw data, columns with 0 recorded observations were listed as “NA.” To create a functional dataset, “NA” records were changed to 0. The 2017-18 to 2021-22 data were all contained in a single file. When we received the 2022-23 data, we joined it to this file based on the names of each county in North Carolina, which were present in both data sets.

We received the school-based complaint data in a series of individual files, which we combined into one data table by matching the county names in each individual data file. Before joining the data together, we added identifying labels to match each column to its corresponding school-year. We removed non-school based offenses from each data file.

Data from the 2018, 2019, 2020, and 2021 American Community Surveys was directly downloaded from the Census Bureau. We collected data at the county level for the racial groups as defined by ACS (Black or African American Alone, Non-Hispanic White Alone, Asian Alone, Native American or Alaska Native Alone, Hispanic or Latino) for each of the survey years and joined the data together by county name into a single population data table.

Cumulative Totals and Limitations: To calculate the cumulative totals for both school-based

offenses and disorderly conduct charges during the entire period, the annual totals were summed.

For both data sets, there were several counties in which the annual totals for certain demographic groups were masked to protect student anonymity. According to DJJDP, the data was masked when 1 to 4 students were referred in a particular demographic group. Given this small number, and the fact that we had no way to calculate the actual number of students referred in these scenarios, these totals were excluded from the calculation of cumulative totals.

We calculated the percentage of referrals that were not anonymized by dividing the sum of each county's referrals for disorderly conduct by race by the pre-aggregated statewide total number of referrals for disorderly conduct. 87% or more of total referrals involving Black students were visible in every school year except the COVID-shortened 2020-21 school year. Aside from 2020-21, 76% or more of referrals involving white students were visible in each year of data. The overall low number of referrals during the 2020-21 school year means that the decline in visibility during that year had a comparatively minor effect on the calculation of the cumulative totals.

To calculate the cumulative youth population, we summed the population totals for each year of ACS data. Because the most current ACS data is from 2021, we replicated that data for 2022 and 2023.

Rate Ratio Calculation: The rate ratio for the school-based complaints and disorderly conduct charges were calculated in two parts. First, the rate of referrals per 100,000 students of each demographic group was calculated by multiplying the number of complaints involving each group by 100,000, and then dividing that number by the total population of that group. Second, the rate ratio was then obtained by dividing this rate for one group of students by the rate of another group. In calculating the initial rates, the anonymized data values described above were ignored given that they could not be accurately tabulated.

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