

118TH CONGRESS  
1ST SESSION

# H. R. 6202

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2023

Ms. PRESSLEY (for herself, Ms. OMAR, Mr. BOWMAN, Ms. BONAMICI, Ms. BUSH, Mr. CÁRDENAS, Mr. CARTER of Louisiana, Mrs. CHERFILUS-McCORMICK, Ms. CLARKE of New York, Mr. GRIJALVA, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Ms. LEE of California, Ms. LEE of Pennsylvania, Ms. OCASIO-CORTEZ, Mr. POCAN, Mrs. RAMIREZ, Mr. THANEDAR, Ms. TLAIB, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Counseling Not Crimi-  
3 nalization in Schools Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Over the last 50 years, our Nation’s schools  
7 have become sites for increased criminalization and  
8 surveillance of young people, particularly Black, Na-  
9 tive American, and Latino students, immigrant stu-  
10 dents, students with disabilities, LGBTQI+ stu-  
11 dents, students experiencing homelessness, students  
12 involved in the foster care system, and other histori-  
13 cally marginalized students.

14 (2) Despite significant decreases in the rate of  
15 serious crimes and violence on school campuses over  
16 the past 20 years, improving upon already low rates,  
17 55 percent of high school students, 38 percent of  
18 middle school students, and 18 percent of elemen-  
19 tary school students attended a school with a police  
20 officer during the 2017–2018 school year.

21 (3) Since 1999, the Federal Government has in-  
22 vested more than \$1,000,000,000 to subsidize the  
23 placement of police in schools, resulting in more  
24 than 50,000 law enforcement officers patrolling the  
25 halls of elementary and secondary public schools  
26 across the Nation.

1           (4) A growing body of research has not found  
2 any evidence that police stationed on school cam-  
3 puses make schools safer, and the presence of police  
4 has been shown to increase the likelihood that chil-  
5 dren will be arrested.

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

10          (6) When police are present in schools, students  
11 of color face an increased risk of being assaulted by  
12 police. Student-recorded videos of police violence in  
13 schools regularly circulate through news channels,  
14 articles, and social media, exposing violence per-  
15 petrated by police within schoolhouse gates. Between  
16 2011 and 2021, news reports detailed at least 285  
17 police assaults of students.

18          (7) Black, Native American, and Latino stu-  
19 dents are more likely than their White peers to at-  
20 tend schools with police officers on campus and are  
21 more likely to be referred to law enforcement or ar-  
22 rested while in school.

23          (8) Black students represent 31 percent of all  
24 school-related arrests, despite making up only 15  
25 percent of all public school students. Native Amer-

1        ican and Pacific Islander and Native Hawaiian stu-  
2        dents are more than twice as likely to be arrested as  
3        White students.

4            (9) Students with disabilities are more likely  
5        than their peers without disabilities to be referred to  
6        law enforcement or arrested. Students of color with  
7        disabilities are more likely to be referred to law en-  
8        forcement than either their White peers with disabil-  
9        ities, or their peers of color without disabilities.

10           (10) Students with disabilities are also dis-  
11        proportionately restrained and secluded in schools.  
12        Of the 74,813 students who were physically or me-  
13        chanically restrained during the 2017–2018 school  
14        year, 78 percent received special education services.  
15        Of the 27,499 students who were secluded during  
16        the 2017–2018 school year, 77 percent received spe-  
17        cial education services. According to a 2020 Govern-  
18        ment Accountability Office report, 70 percent of  
19        school districts report zero incidents of restraint and  
20        seclusion, but only 30 of the Nation’s 17,000 school  
21        districts are required to verify the number of inci-  
22        dents of restraint and seclusion, likely resulting in a  
23        significant undercount of these harmful practices.

24           (11) According to the Department of Edu-  
25        cation, while Black girls comprise only 16 percent of

1 girls in elementary and secondary schools, they make  
2 up 42 percent of girls receiving the most severe  
3 forms of school discipline and severe punishment,  
4 such as corporal punishment, and represent 34 per-  
5 cent of girls arrested on campus. In the 2017–2018  
6 school year, Black girls were 4 times more likely  
7 than White girls to be suspended or expelled. Black  
8 girls were also 3 times more likely to be referred to  
9 law enforcement and over 3 times more likely to be  
10 arrested in school.

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

16 (13) Students who are LGBTQI+ often have  
17 intersecting marginalized identities and experience  
18 exclusionary discipline at disproportionate rates that  
19 make it more likely they will interact with the juve-  
20 nile justice system than their non-LGBTQI+ peers.  
21 A survey of juvenile justice facilities found 40 per-  
22 cent of girls and 20 percent of all detained youth  
23 identified as LGBTQI+, and the overwhelming ma-  
24 jority (85 percent) of LGBTQI+ detained youth  
25 were youth of color.

1           (14) Students who are suspended or expelled  
2           are nearly 3 times more likely to be in contact with  
3           the juvenile justice system the following year.

4           (15) According to the Federal Bureau of Inves-  
5           tigation, more than 30,000 children under the age of  
6           10 were arrested since 2013. On school campuses,  
7           more than 290,000 students were referred to law en-  
8           forcement. The United States spends \$240 daily, on  
9           average, per youth detained in juvenile facilities.

10          (16) While schools should be sanctuaries for all  
11          students, reports have shown instances where police  
12          in schools collect tips and disciplinary information  
13          from teachers and school administrators and share  
14          it with U.S. Immigration and Customs Enforcement  
15          agents to build deportation cases against students  
16          and their families.

17          (17) School hardening, including the presence  
18          of law enforcement officers on campus, causes stu-  
19          dents to experience higher levels of fear, perpetuates  
20          the school to prison pipeline, and undermines the  
21          ability of schools and educators to build learning en-  
22          vironments based on mutual trust, respect, and safe-  
23          ty.

24          (18) Ninety percent of students are in public  
25          schools where the number of counselors, social work-

1       ers, nurses, and psychologists do not meet rec-  
2       ommended professional standards. Professional  
3       standards recommend at least 1 counselor and 1 so-  
4       cial worker for every 250 students and at least 1  
5       nurse and 1 psychologist for every 750 students and  
6       every 700 students, respectively.

7           (19) 1,700,000 students attend schools with po-  
8       lice but not 1 counselor.

9           (20) 3,000,000 students attend schools with po-  
10      lice but not 1 school nurse.

11          (21) 6,000,000 students attend schools with po-  
12      lice but not 1 school psychologist.

13          (22) 10,000,000 students attend schools with  
14      police but not 1 social worker.

15 **SEC. 3. PURPOSE.**

16       It is the purpose of this Act to—

17           (1) address the needs of marginalized students,  
18       ensure schools are welcoming for students, and im-  
19       prove academic outcomes by eliminating Federal  
20       funding for maintaining the presence of covered law  
21       enforcement officers in schools and establishing a  
22       continuum of care and positive schoolwide systems  
23       of services that are evidence-based, inclusive, racially  
24       and gender responsive, and trauma informed; and

1           (2) support local educational agencies that  
2 choose to terminate their contracts with local law en-  
3 forcement agencies or, where applicable, dissolve or  
4 disband district-based police departments, and invest  
5 resources in personnel and services that create safe  
6 and inclusive schools for all students based on com-  
7 munity engagement and deliberative consultation.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

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

18           (2) **COVERED PROGRAM.**—The term “covered  
19 program” means—

20                   (A) all the operations of an elementary  
21 school, a secondary school, or a local edu-  
22 cational agency; or

23                   (B) a program that serves children who re-  
24 ceive services for which financial assistance is



1 provided in accordance with the Head Start Act  
2 (42 U.S.C. 9831 et seq.).

3 (3) CREDIBLE MESSENGER.—The term “cred-  
4 ible messenger” means any individual who serves as  
5 a mentor, is from the same communities in which  
6 the students and families they serve live, and whose  
7 lived experiences serve as a credential in their work  
8 to provide guidance, empowerment, support, and en-  
9 couragement to students and their families with  
10 whom the credible messenger has shared or similar  
11 experiences. Shared experiences include being a per-  
12 son of color, being directly impacted or having in-  
13 volvement in the legal system, having involvement in  
14 the child welfare system, being directly impacted by  
15 exclusionary school discipline and policing in schools,  
16 having experienced housing instability, having a dis-  
17 ability, or identifying as LGBTQI+.

18 (4) POSITIVE BEHAVIORAL INTERVENTIONS  
19 AND SUPPORTS.—The term “positive behavioral  
20 interventions and supports” means—

21 (A) a schoolwide, systematic approach that  
22 embeds evidence-based practices and data-driv-  
23 en decision making to improve school climate  
24 and culture in order to achieve improved aca-  
25 demic and social outcomes and increase learn-

1 ing for all students (including students with the  
2 most complex and intensive behavioral needs);  
3 and

4 (B) encompasses a range of systemic and  
5 individualized positive strategies to teach and  
6 reinforce school-expected behaviors, while dis-  
7 couraging and diminishing undesirable behav-  
8 iors.

9 (5) COVERED LAW ENFORCEMENT OFFICER.—

10 The term “covered law enforcement officer”—

11 (A) means any person who—

12 (i) is a State, Tribal, or local law en-  
13 forcement officer (as defined in section  
14 1204 of the Omnibus Crime Control and  
15 Safe Streets Act of 1968 (34 U.S.C.  
16 10284)); and

17 (ii) is assigned by the employing law  
18 enforcement agency to a covered program,  
19 who is contracting with a covered program,  
20 or who is employed by a covered program;  
21 and

22 (B) includes an individual referred to as a  
23 “school resource officer” if that individual  
24 meets the definition in subparagraph (A).

1           (6) TRAUMA-INFORMED SERVICES.—The term  
2           “trauma-informed services” means a service delivery  
3           approach that—

4                   (A) recognizes and responds to the impacts  
5                   of trauma with evidence-based supports and  
6                   intervention;

7                   (B) emphasizes physical, psychological, and  
8                   emotional safety for both providers of services  
9                   and survivors of trauma; and

10                   (C) creates opportunities for survivors of  
11                   trauma to rebuild a sense of healing and em-  
12                   powerment.

13 **SEC. 5. PROHIBITION OF FEDERAL FUNDS FOR POLICE IN**  
14 **SCHOOLS.**

15           (a) FEDERAL FUNDS PROHIBITION.—Notwith-  
16 standing the Omnibus Crime Control and Safe Streets Act  
17 of 1968 (34 U.S.C. 10101 et seq.), including subpart 1  
18 of part E of title I of that Act (34 U.S.C. 10151 et seq.)  
19 (relating to the Edward Byrne Memorial Justice Assist-  
20 ance Grant Program) and part Q of title I of that Act  
21 (34 U.S.C. 13081 et seq.) (relating to the “Cops on the  
22 Beat” grant program), or any other provision of law, no  
23 Federal funds may be appropriated or used for hiring,  
24 maintaining, or training covered law enforcement officers  
25 in any capacity.

1 (b) COPS GRANT PROGRAM.—Section 1701 of title  
2 I of the Omnibus Crime Control and Safe Streets Act of  
3 1968 (34 U.S.C. 10381) is amended—

4 (1) in subsection (b)—

5 (A) by striking paragraph (12);

6 (B) by redesignating paragraphs (13)  
7 through (23) as paragraphs (12) through (22),  
8 respectively; and

9 (C) in paragraph (21), as so redesignated,  
10 by striking “through (21)” and inserting  
11 “through (20)”; and

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

13 “(n) PROHIBITION ON USE OF FUNDS FOR COVERED  
14 LAW ENFORCEMENT OFFICERS.—A recipient of a grant  
15 under this part may not use the grant funds for covered  
16 law enforcement officers (as defined in section 4 of the  
17 Counseling Not Criminalization in Schools Act).”.

18 **SEC. 6. SUPPORTING LOCAL EDUCATIONAL AGENCIES IN**  
19 **TRANSITIONING AWAY FROM POLICE IN**  
20 **SCHOOLS.**

21 (a) GRANT PROGRAM ESTABLISHED.—The Secretary  
22 of Education shall award grants, on a competitive and roll-  
23 ing basis, to local educational agencies to enable those  
24 local educational agencies—

1           (1) to replace covered law enforcement officers  
2           in elementary and secondary schools with personnel  
3           and services that support mental health and trauma-  
4           informed services; and

5           (2) to reform school safety and disciplinary  
6           policies so they reflect evidence-based practices that  
7           do not rely on the criminal justice system and pro-  
8           vide the necessary staff training and support to im-  
9           plement such policies.

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

15               (1) the local educational agency will not have  
16               covered law enforcement officers stationed on school  
17               campuses, including by terminating any existing con-  
18               tract with local law enforcement or, where applica-  
19               ble, dissolving school district-based police depart-  
20               ments, at least 30 days prior to the entity receiving  
21               funds under this section; and

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

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

3 (1) local educational agencies that terminated  
4 their contract with local law enforcement or dis-  
5 solved their school district-based police department  
6 prior to submitting an application and provide assur-  
7 ances that the local educational agency will not cre-  
8 ate or restart a contract with State or local law en-  
9 forcement, create or reinstate a school district police  
10 department, or create or restart a program of other  
11 law enforcement or armed school personnel during  
12 the duration of the grant;

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

17 (3) local educational agencies that—

18 (A) identify the uses of funds in subsection  
19 (d) based on meaningful community engage-  
20 ment; and

21 (B) establish ongoing stakeholder over-  
22 sight, guidance, and coordination of the pro-  
23 posed activities or policies with a broad group  
24 of stakeholders, including any groups of stu-  
25 dents, as well as their families, who have been

1 disproportionately arrested, suspended, or ex-  
2 pelled, to ensure proposed activities and policies  
3 mitigate disparities in the use of exclusionary  
4 discipline and promote a positive school culture.

5 (d) USES OF FUNDS.—

6 (1) REQUIRED USE.—A local educational agen-  
7 cy receiving funds under this section shall use such  
8 grant funds to hire, maintain, or train school coun-  
9 selors, school psychologists, nurses, social workers,  
10 credible messengers, community health workers and  
11 trauma-informed personnel, dedicated staff specifi-  
12 cally trained in deescalation and violence interrup-  
13 tion practices, staff trained in anti-bias practices,  
14 doctoral level specialists in behavior planning and  
15 intervention, or other specialists or individuals with  
16 expertise in school climate and behavior.

17 (2) PERMITTED USES.—In addition to the re-  
18 quired use described in paragraph (1), a local edu-  
19 cational agency receiving funds under this section  
20 may also use grant funds to carry out 1 or more of  
21 the following:

22 (A) Implementing schoolwide positive be-  
23 havioral interventions and supports, restorative  
24 justice programs and interventions, mediators,

1 social and emotional learning programs, or  
2 other evidence-based trauma-informed services.

3 (B) Providing ongoing professional devel-  
4 opment to teachers, teacher assistants, school  
5 leaders, counselors, specialized instructional  
6 support personnel, credible messengers, and  
7 mental health professionals that—

8 (i) fosters safe, inclusive, and stable  
9 learning environments that support the so-  
10 cial, emotional, mental, and academic well-  
11 being of students and prevent and mitigate  
12 the effects of trauma, including through  
13 social and emotional learning;

14 (ii) improves school capacity to iden-  
15 tify, refer, and provide services to students  
16 in need of trauma support services;

17 (iii) reflects the best practices for  
18 trauma-informed identification, referral,  
19 and support developed by the Interagency  
20 Task Force on Trauma-Informed Care;

21 (iv) reduces the number of students  
22 with disabilities experiencing school dis-  
23 cipline for their disability-related behavior  
24 through specific training on the identifica-



1                   tion, development, and implementation of  
2                   Behavior Intervention Plans (BIPs); and

3                   (v) reduces the number of Black,  
4                   Latino, Native American, and LGBTQI+  
5                   students who are subjected to punitive dis-  
6                   cipline practices rather than trauma-in-  
7                   formed services and supports.

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

10           (1) the development, establishment, implemen-  
11           tation, or enforcement of punitive school discipline  
12           policies, including the commission, contracting of, or  
13           agreements with, law enforcement that support the  
14           presence of police in schools, including formal or in-  
15           formal partnerships or data and information sharing  
16           agreements with the Department of Justice or Sec-  
17           retary of Homeland Security, including U. S. Immi-  
18           gration and Customs Enforcement or U. S. Customs  
19           and Border Protection;

20           (2) the purchase, maintenance, or installation  
21           of surveillance equipment or programs, including  
22           metal detectors, surveillance cameras, facial recogni-  
23           tion technology, or software programs that monitor  
24           or mine the social media use or technology use of  
25           students; or

1           (3) arming teachers, principals, school leaders,  
2           or other school personnel.

3           (f) GRANT AMOUNTS.—The amount of grant funds  
4 received under this section by a local educational agency  
5 shall be based on the number of students enrolled in the  
6 local educational agency.

7           (g) REPORTING.—

8           (1) IN GENERAL.—Each local educational agen-  
9 cy receiving a grant under this section shall prepare  
10 and submit an annual report to the Secretary con-  
11 taining the information described in paragraph (2).  
12 Such report shall be made publicly available.

13           (2) CONTENTS.—Subject to paragraph (3), the  
14 report described in paragraph (1) shall include infor-  
15 mation about—

16                   (A) how the grant funds were used;

17                   (B) the number and percentage of students  
18 who were arrested by or referred to law enforce-  
19 ment officers in the previous year compared to  
20 the number and percentage arrested or referred  
21 during the term of the grant;

22                   (C) in the aggregate, the reasons for those  
23 arrests;

24                   (D) demographic data of students arrested  
25 or referred to law enforcement officers,

1 disaggregated and cross-tabulated by race, eth-  
2 nicity, age, gender, status as a child with a dis-  
3 ability, and whether the student is eligible for  
4 a free or reduced price lunch under the Richard  
5 B. Russell National School Lunch Act (42  
6 U.S.C. 1751 et seq.);

7 (E) the number of metal detectors and  
8 surveillance cameras used by each school served  
9 by the local educational agency, as well as poli-  
10 cies governing the use of these devices;

11 (F) whether facial recognition technology  
12 is used by the local educational agency, and if  
13 so, the policies governing the use of such tech-  
14 nology; and

15 (G) whether software programs that mon-  
16 itor or mine the social media use or technology  
17 use of students or the families of students are  
18 used by, or at the direction of, the local edu-  
19 cational agency, and if so, the contract with the  
20 provider of those software programs as well as  
21 the policies governing the use of such programs.

22 (3) PERSONALLY IDENTIFIABLE INFORMA-  
23 TION.—Collection or disaggregation of information  
24 shall not be required under subparagraphs (B)  
25 through (D) of paragraph (2) to the extent that

1 such collection or disaggregation would reveal per-  
2 sonally identifiable information about an individual  
3 student or otherwise violate privacy laws.

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

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this section  
12 \$5,000,000,000.

○