

OUR RIGHT TO RESOURCES



**School Districts are Cheating
High-Need Students by
Funding Law Enforcement**

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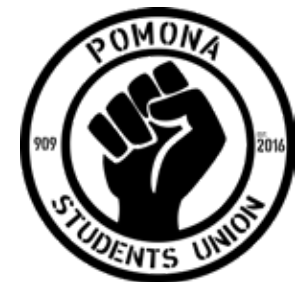
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AUTHORS:
 Nicole Gon Ochi
Public Advocates Inc.
 Victor Leung & Ariana Rodriguez
ACLU of Southern California
 Jessica Cobb, PhD



DATA CODING & ANALYSIS:
 Jessica Cobb, PhD
 Jesus Sanchez & Taylor Brunson
Gente Organizada
 Angela Coronado, Melissa Garcia, Ev Lopez,
 Julianna Piña, Samantha Salvador, Alexis Sanchez,
 Romauldo Sanchez, Iris Villalpando
Pomona Student Union Youth Organizers



EDITORS:
 Sylvia Torres-Guillén
ACLU of Southern California
 John Affeldt, Angelica Jongco
Public Advocates Inc.



DESIGN:
 Eliza Wee
Dogmo Studios

COVER DESIGN:
 Jenna Pittaway
ACLU of Southern California

SPECIAL THANKS:
 Anne Busacca-Ryan, Ruth Cusick, Tanya Franklin,
 Harold Jordan, Joanna Leitch, Eliza Moreno, Alexis Piazza,
 Jesus Sanchez, Amir Whitaker, Loretta Whitson

I. Executive Summary

For generations, students of color have been denied equal educational opportunities in California. From legally segregated schools through the first half of the twentieth century, to racialized disinvestment in public education as the state diversified in the 1970s, to today’s systematic criminalization and push out of Black, Latinx, Pacific Islander, Indigenous, and Southeast Asian children through the school-to-prison pipeline, public education has never served its students of color as they deserve.

In 2013, after years of organizing and advocacy by parents, students, and organizations across the state, California lawmakers attempted to address these injustices by creating an equity-based school funding formula called the Local Control Funding Formula (“LCFF”).¹ Under LCFF, the state provides districts with three primary types of funding on a per-student basis: (1) **base funds** for each student enrolled, (2) **supplemental funds** as an additional grant for each high-need student enrolled (students who are low-income, English learners, and foster youth),² and (3) **concentration funds** for districts serving a high concentration (more than 55%) of high-need students. School districts must “increase or improve services” specifically for high-need students at a level equal to the amount of funds generated by high-need students – the supplemental and concentration funds (“S&C funds”). To meet this requirement, districts must demonstrate that these services are both “principally directed” and “effective” in meeting goals for high-need student achievement.

In addition to creating an equity-based funding formula, LCFF requires districts to receive input from stakeholders, including parents and students, when making funding decisions. To enable this democratic participation in decision making, districts must publish their plan for spending base, supplemental, and concentration funds in a document called the Local Control and Accountability Plan (“LCAP”) and update it each year. Students, parents, and community members can use the LCAPs to hold their school districts accountable for appropriate use of funds. County Offices of Education also must review and approve districts’ LCAPs each year. The California Department of Education (“CDE”) is responsible for adjudicating complaints about LCAPs that are appealed to them and maintaining a statewide accountability and support system in collaboration with the State Board of Education and County Offices of Education.

In 2019, youth members of Pomona Student Union (“PSU”), a social action group of Gente Organizada, did what the County Office of Education had not when it approved Pomona Unified School District’s LCAP the previous two years. PSU reviewed Pomona Unified’s LCAP and found that it included an illegal expenditure – the district attempted to use S&C funds to pay for school police and security. Spending S&C funds on law enforcement and security violates the law for two independent reasons:

- First, law enforcement and security expenditures do not increase or improve services for high-need student groups. They have not been shown to be effective at improving school climate and student engagement, and, in fact, the evidence shows the contrary. Numerous studies and district data demonstrate that law enforcement and security on campus tend to push out, criminalize, and

otherwise harm high-need students and students of color. Indeed, the students who generate S&C funds for their districts are most likely to be harmed when their districts spend those funds on school “hardening” measures.

- Second, such spending generally provides the same basic level of service to all students and thus is not principally directed because it fails to address any “particular needs, conditions, or circumstances” of high-need students.³

Accordingly, the PSU students organized and demanded that their school board stop this illegal practice and instead fund additional school counselors and student supports, including expanded arts offerings and services intended for English learners and foster youth. In a united front, they called for the district to invest in resources and supports that, as they implored, “are more humanizing than criminalizing.” Initially, the school board refused to make changes, but with continued pressure from the youth, support from Public Advocates and the ACLU Foundations of California, and a request for amendment by the Los Angeles County Office of Education (“LACOE”), the school board ultimately agreed to divert the S&C funds away from law enforcement and invest \$2,156,210 in additional elementary and secondary school counselors, which are evidence-based resources that provide particular benefits to high-need students.

The youth achieved victory in their own district, but they wanted to do more. They wanted to investigate whether other districts were spending money intended to serve high-need students on counterproductive school hardening measures such as police officers, security guards, and equipment purported to make schools secure. These hardening measures damage school climate by creating a culture of fear and intimidation, reduce student engagement, and expose students of color, low-income students, foster youth, and English learners to potential violence and criminalization from adults. Instead, the youth wanted to inspire other districts to invest in services that are both principally directed and effective in meeting goals for high-need students such as restorative justice, positive behavior interventions and supports, and school-based mental health and health providers.

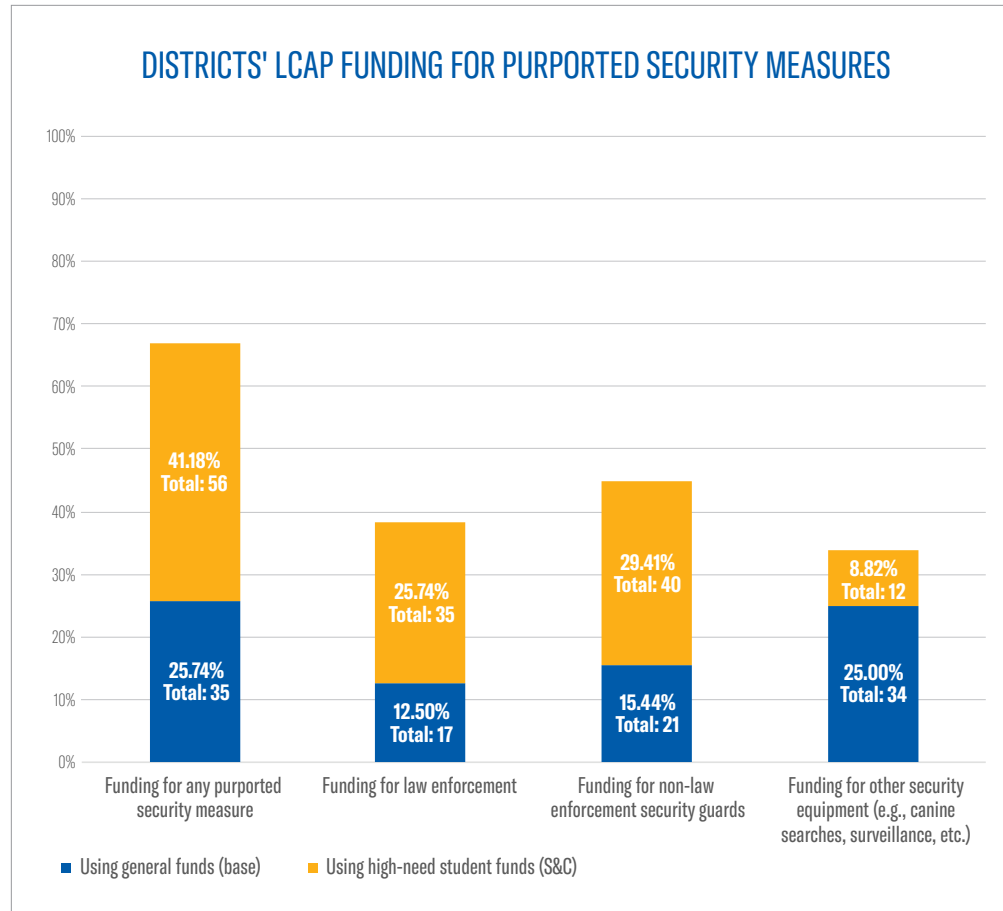
This report is based on a collaboration among youth members of PSU, Gente Organizada, Public Advocates, and the ACLU Foundations of California. Together, these individuals and organizations collaborated to review and analyze the spending documented in 136 2019–20 LCAPs in Los Angeles, Riverside, and San Bernardino counties and developed policy recommendations to address these illegal expenditures.



A. Findings

The LCAPs reviewed in this report came from 136 districts that serve over two million students, approximately a third of the student population statewide. The review revealed that:

- **41%** (56) of the school districts spend S&C funds on at least one security measure⁴
- **26%** (35) of the school districts spend S&C funds on school police
- **29%** (40) of the school districts spend S&C funds on non-police security personnel
- **9%** (12) of the school districts spend S&C funds on security equipment



The review covered three major counties in Southern California. Each county revealed its own disturbing trend:

- **Los Angeles County** has the most districts that spend S&C funds on security measures, with 27 individual districts spending S&C funds on at least one security measure.
- **Riverside County** has the highest percentage of districts that spend S&C funds on security measures, with 65% of the reviewed districts spending S&C funds on at least one security measure and 43% of the reviewed districts spending S&C funds on school police.
- **San Bernardino County** is home to districts with the most egregious violations. One, Fontana Unified, failed to justify \$7.67 million in S&C expenditures on school police in

its 2019–20 LCAP, after entirely omitting millions in S&C expenditures on its school police department from its 2018–19 LCAP.⁵ Another district, Chaffey Joint Union High School District, plans to spend \$5.4 million in S&C funding on school police in 2019–20, a roughly nineteen-fold increase from 2017–18.⁶ During this period, suspension rates of Black students increased sharply in the district. Now at 9.2%, Black students are suspended at nearly 2.5 the rate of their white peers (3.8%).⁷

None of these districts met the legal standard for spending S&C funds on law enforcement and security actions. More than 40% of districts reviewed illegally spend S&C funding on school police or security, which robs over a million high-need students of tens of millions of dollars that should have been invested in positive students supports proven to close opportunity gaps and improve school climate for low-income students of color. In fact, for many districts, an increased presence of school police correlated with a decrease in student engagement and safety, particularly for high-need students and students of color.⁸ **Perversely, the students who generate extra S&C funds for their districts are harmed the most when their districts choose to use those funds on law enforcement and other school hardening measures.**⁹

In addition to finding that dozens of districts are illegally spending S&C funds on law enforcement, the analysis showed a statistically significant correlation between the districts that illegally spend S&C funds on police and security and higher concentrations of high-need students and students of color.

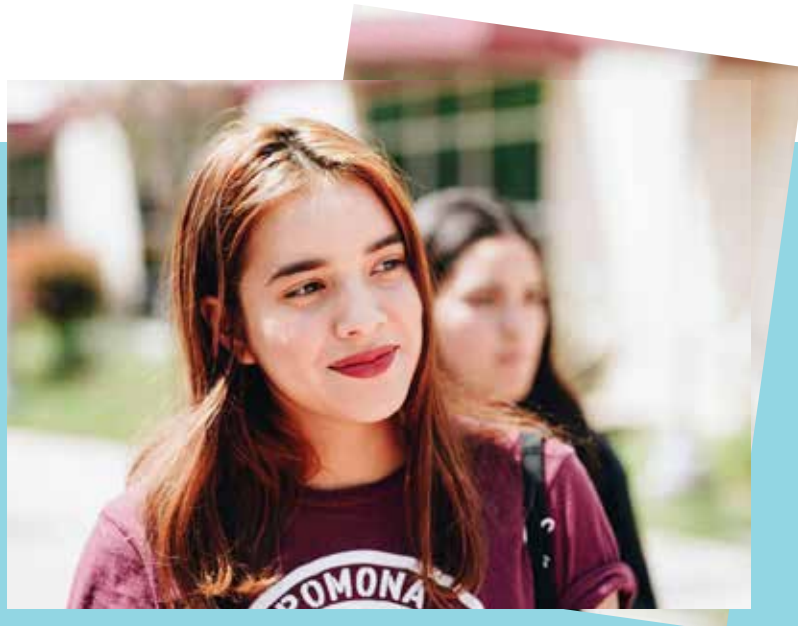
- Districts that illegally spend S&C funds on law enforcement and security have a significantly higher average concentration of high-need students (79%) than districts that do not include any law enforcement and security spending in their LCAPs (59%).
- Districts that illegally spend S&C funds on law enforcement and security have a significantly lower average concentration of white students (12%) than districts that include no law enforcement and security spending in their LCAPs (26% white).
- Districts that illegally spend S&C funds on law enforcement and security have a significantly higher average concentration of students who belong to over-policed and under-resourced racial groups (80%) than districts that include no law enforcement and security spending in their LCAPs (58%).¹⁰
- Districts that are eligible for concentration grants are nearly three times as likely as more privileged districts to fund police in their LCAPs – regardless of whether that funding comes from base funds or from S&C funds.

More than 40% of districts reviewed illegally spend S&C funding on school police or security, which robs over a million high-need students of tens of millions of dollars¹¹ that should have been invested in positive students supports proven to close opportunity gaps and improve school climate for low-income students of color.

Research consistently demonstrates that commitments to changing school culture through restorative justice and positive behavior interventions and supports (“PBIS”) and investments in health and mental health positions have particular benefits for high-need students. Studies also show that such resources are effective ways to hold students and school communities accountable without criminalizing them or pushing

them out of school. Although 90% of districts reviewed included restorative justice or PBIS practices in their LCAPs, the depth of such services varied widely. In many districts, millions of dollars are spent on law enforcement and security while only a fraction of that is spent on restorative justice and PBIS. For example, Inglewood Unified spent \$1.3 million on school police last year, but only \$66,400 in PBIS training. Moreover, a review of school staff data revealed egregiously poor ratios for health and mental health positions in the 136 districts that we reviewed:

- **60%** (81) of the districts reviewed had student to school counselor ratios exceeding 500:1 and 10 districts lacked school counselors altogether.
- **85%** (115) lacked any school social workers, and almost every district with social workers had ratios in the thousands or tens of thousands.
- **99%** (135) had student to school nurse ratios that exceeded 1000:1, and 21 districts lacked a school nurse altogether.
- **50%** (68) had student to school psychologist ratios that exceeded 1000:1, and seven districts lack any psychologist at all.



STATE AUDITOR REPORT ON LCFF

This report's examination of law enforcement and security spending in Los Angeles, Riverside, and San Bernardino County LCAPs corroborates the State Auditor's 2019 report, which found that districts do not effectively analyze whether services have been successful and urged the state to implement better accounting systems for tracking S&C spending with dashboard indicators.¹² If the state creates tracking mechanisms to reveal illegal spending and ensures that County Offices of Education hold districts accountable for robust effectiveness analysis of all actions, harmful law enforcement and security expenditures will be reduced and increased funding will be available for positive supports.

B. Recommendations

To ensure the transparency, accountability, and equity required by LCFF, California's governor, lawmakers, and statewide education policymakers should:

- Issue guidance that school districts should not use education funding on law enforcement because it has not been shown to be effective and can harm students.
- Hold County Offices of Education accountable to their LCAP oversight function and provide support to ensure they understand their obligations and do not approve LCAPs with inappropriate S&C expenditures on law enforcement and security.
- Develop stronger requirements for tracking S&C spending and a mechanism to link S&C spending with services and outcomes as proposed by the State Auditor.¹³

To serve all students and especially high-need students, school board members, school administrators, and County Offices of Education should:

- Not spend any education funding on law enforcement. School police are ineffective at promoting the success of high-need students and have adverse consequences, especially for foster youth and students of color. Moreover, such expenditures have not been shown to meet legal standards for S&C spending under LCFF.
- Ensure that your district or the districts you oversee are not illegally spending S&C funds on law enforcement or other security measures.
- Provide your communities with ample opportunities to give input, for example, through participatory budgeting and a robust two-way dialogue.
- With input from your communities and real monetary investment, focus on culture change district-wide and at each school site by implementing evidence-based supports for high-need students and students of color, including meaningful restorative justice practices and PBIS, and greater investment in school counselors, nurses, psychiatric social workers, and school psychologists.

Parents, students, teachers, staff, and community members should do the following to hold decisionmakers accountable and ensure that schools support their communities:

- Review your district's LCAP to determine whether your district is (1) illegally spending S&C funds on law enforcement or security and (2) spending S&C and base funds on the priorities important to you and your community.
- Advocate to convince your district to divest from law enforcement and purported security and to re-invest those funds in positive and effective supports using our toolkit.*
- Advocate to convince your County Office of Education to refuse to approve an LCAP with illegal law enforcement and security expenditures using our toolkit.*
- File a Uniform Complaint Procedure ("UCP") complaint against the district to challenge S&C spending on law enforcement or security (a template is available in our toolkit*).

*The toolkit is available at aclusocal.org/RightToResources.

II. Introduction



For many low-income students and students of color, law enforcement officers on campus evoke fear, intimidation, and unease. Fear was on the minds of youth members of the Pomona Students Union as they waited for hours to speak at a school board meeting on September 11th, 2019. They remembered Christian Aguilar, an unarmed 16-year-old who was violently assaulted by Pomona Police officers; they remembered dozens of Black and Latinx teens like him throughout the country who had been assaulted by police in their front yards, parks, and classrooms.

Several months before the school board meeting, these students had noticed an obscure line in the Pomona Unified School District's LCAP. The line indicated that the district planned to illegally spend money meant to support high-need students on law enforcement and purported security. Outraged, they organized their peers and developed a campaign with Public Advocates and the ACLU Foundations of California that culminated in a board meeting where student after student spoke about their personal experiences as English learners and low-income students of color. They shared their vision for what their schools could become.

The PSU youth who spoke at the meeting presented a unified message: it is unacceptable to spend money meant for high-need students on school police and security. Police, security guards, cameras, and canine searches neither make schools safer nor help students graduate; instead, these measures undermine student achievement and contribute to youth criminalization. **“No school police ever taught me English,”** one student declared. **“Will these officers only police the low-income students and foster youth?”** another student asked. The PSU members called out the district's misallocation of funds as perpetuating the hurtful misconception that low-income

students, students of color, and foster youth are somehow “dangerous.” Instead, the students implored the board members to re-invest those funds in counselors, social workers, psychologists, restorative justice, participatory budgeting,¹⁴ and other resources that have been shown by evidence and experience to support high-need students.

I came to this district as an English learner and mastering a new language was really hard. Yet, I fail to understand how cops and security will help anyone learn a new language. Cops and security didn't help me learn English and they won't help me get into college.

– Ev L., Pomona Unified Student

The students succeeded in their campaign. In response to significant pressure, the Pomona Unified School District Board ultimately agreed to stop spending money intended for high-need students on law enforcement and security and redirect the money to hire additional counselors, ensuring at least one full-time position for each Pomona campus and bringing their student to school counselor ratios more in alignment with the recommended minimum of 250:1. PSU youth celebrated their victory but remained curious: how widespread was the practice of illegally spending funds intended for high-need students on law enforcement and security? Could other students benefit from similar advocacy?

To answer this question, PSU partnered with Public Advocates and the ACLU Foundations of California to review the LCAPs of all 136 unified, elementary, and high school districts in Los Angeles County, where Pomona is located, and in neighboring San Bernardino and Riverside counties. The districts in these counties serve more than 2,019,000 students – nearly a third of California's student population. The review revealed that Pomona Unified School District's attempt to divert funds intended for high-need students to pay for police and security measures is widespread, with over 40% of districts spending funds designated for high-need students on school law enforcement officers, non-police security guards, and/or security equipment such as cameras or canine searches.¹⁵ These expenditures rob over a million high-need students of tens of millions of dollars or more each year¹⁶ that should be spent on positive supports designed to close opportunity and discipline gaps for high-need students.

Disturbingly, districts that illegally use funds this way tend to have higher concentrations

III. Overview of the Local Control Funding Formula

of high-need students (79%) and students belonging to over-policed and under-resourced racial groups (80%) than districts that do not engage in such illegal spending (59% and 58%, respectively). All California students, and especially high-need students and students of color, desperately need more positive supports, such as school-based health and mental health services, a culture of restorative justice practices, and robust PBIS implementation. California public schools are woefully underfunded. Most studies place California towards the bottom of all states with respect to per pupil funding. In 2019, Governor Newsom conceded that California ranked 41st, citing a study that placed California near last in student to staff ratios.¹⁷ Ending illegal S&C expenditures on police and security can potentially free up hundreds of millions of dollars across the state to make meaningful and deep investments in these positions and programs that are proven to be effective.

This agenda item should really cause us to question this concept of security. Your forces think that the only way to be 'secure' and 'safe' is if there's a man with a gun nearby. We really need to rethink this and challenge this dominant narrative and the monetary interest behind it and imagine a concept of security that is really rooted in community, shared values, and systems of support that would prevent students from falling in between the cracks.

- Pomona Community Organizer

This report (1) explains the laws governing school budgeting and why it is presumptively illegal to use S&C funds to fund school police and security, (2) offers detailed findings from our review and analysis of the LCAPs, providing specific examples of problematic language and spending, and (3) provides an overview of the research demonstrating why law enforcement and security spending is harmful to students and why school-based mental health resources, restorative justice, and PBIS are far more effective expenditures. Finally, the report provides recommendations that students, parents, and community members can use to follow the example of the PSU youth to advocate in their local district for truly supportive measures that serve high-need students.

In 2013, Governor Jerry Brown signed the Local Control Funding Formula into law. LCFF represented a fundamental shift in the way that California funds public education; the new law largely eliminated a complicated system of restricted funding streams in favor of a simpler structure based on equity and local control. The new system included requirements for districts to receive input from stakeholders, such as students, parents, and community members, when making spending decisions. The law is premised on the understanding that certain students face unique challenges and require greater resources to have a fair opportunity to succeed. As Brown explained when he enacted LCFF: "Equal treatment for children in unequal situations is not justice."¹⁸ To promote equity, LCFF directs a greater share of resources to high-need students, specifically low-income students, English learners, and foster youth.

Under LCFF, the state provides each local education agency with three primary types of funding on a per-student basis: (1) base, (2) supplemental, and (3) concentration funds.¹⁹ First, every student generates the same amount of base funds, adjusted by grade level.²⁰ For example, each California school district will receive the same base grant amount for each fifth grade student it enrolls. Second, students who are low-income, English learners, and foster youth (collectively "high-need students") generate additional "supplemental" grants for their district, which provide an additional 20% above base funds.²¹ Third, districts are also eligible for a "concentration" grant if their student population exceeds 55% high-need students. For each student above the 55% threshold, districts receive an additional per pupil grant that is 50% above the base grant.

The vast majority of high-need students in California are also students of color.²² Students of color are overrepresented in each of the three LCFF high-need student categories. For example, Black students are greatly overrepresented among foster youth, and Latinx students are greatly overrepresented among English learners. Black, Latinx, American Indian, and Pacific Islander youth are all overrepresented among low-income students, who are defined as students participating in the Federal Free/Reduced-Price Meal Program. For an overview of which groups are overrepresented, refer to the Appendix, available at aclusocal.org/RightToResources.

Base funds are unrestricted and can be used for any purpose, including general operating expenditures, such as technology, textbooks, maintenance, district administration, and many other services and programs provided to all students. **Supplemental and concentration or "S&C" funds must be used to "increase or improve services for unduplicated pupils" as compared to the services provided to all pupils.**²⁴ Districts may increase or improve services by providing services limited to high-need student groups

PER PUPIL FUNDING UNDER LCFF

CONCENTRATION GRANT
Additional grant provided to districts where enrollment is >55% high-need students for each student over that threshold.

SUPPLEMENTAL GRANT
Additional grant provided for each high-need student (provided only once per high-need student).

BASE GRANT
Flat rate grant provided for each student enrolled, adjusted by grade level.

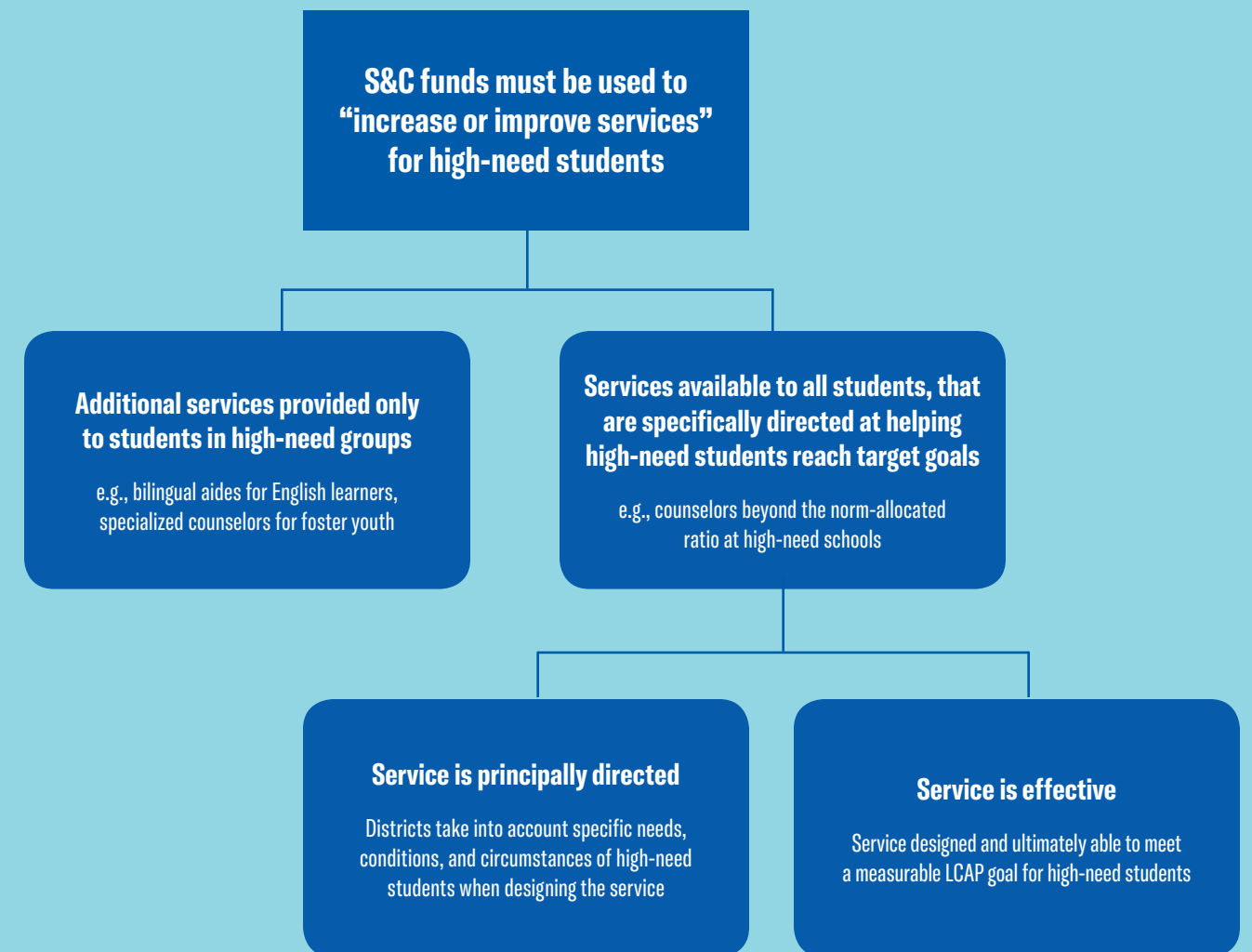
(e.g., bilingual aides for English learners, specialized counselors dedicated to supporting foster youth) or by adopting programs and services that may be available to all students but are intended specifically to address the needs of and reach target goals for high-need students (e.g., counselors beyond the norm-allocated ratio at high-need schools, restorative justice programs proven to reduce discipline gaps for high-need students).

If a district uses its S&C funds on a district-wide or school-wide basis such that all students benefit, it must demonstrate how the funds are (1) “principally directed towards” supporting high-need students; and (2) “effective in meeting the district’s goals for unduplicated pupils in the state and any local priority areas.”²⁵ Spending is “principally directed” when the district considers “factors such as the needs, conditions or circumstances of its unduplicated pupils . . . and takes these factors into consideration [in designing the service].”²⁶ Spending is “effective” if it explains “*how* it believes the action/service will help achieve one or more of the expected outcomes for the goal.”²⁷ Districts with 55% high-need students or fewer must also demonstrate that the services are the *most effective* use of funds to meet the district’s goals for its high-need students by describing any alternatives considered and any supporting research, experience, or educational theory.²⁸

Each district is required to create a Local Control Accountability Plan (“LCAP”), a spending plan designed to promote transparency and community accountability by describing how the district’s base- and S&C-funded programs and services are linked to the district’s goals for high-need students. Districts must identify and justify the services and programs that are increasing and improving services for high-need students in a specific section of the LCAP called the Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students Section²⁹ (“Increased or Improved Services Section”).³⁰ School districts must create a LCAP every 3 years and update it annually.

County Offices of Education (“COEs”), or more specifically, each County Office of Education’s Superintendent of Schools, must review and approve school district LCAPs each year. COEs must withhold approval of LCAPs that do not comply with the law, including the requirement to increase or improve services for high-need students, and provide technical assistance to bring the district into compliance. Further, districts that fail to meet their goals to improve student outcomes will receive support and technical assistance from COEs and through a state agency, the California Collaborative for Educational Excellence (“CCEE”).³¹

Permissible S&C Funding Under LCFF



In doing this investigation and finding these numbers, it's just so depressing. It really makes me wonder how numb students have become to constantly being policed and surveilled in school.

– Pomona Student Union Youth Organizer



IV. Findings

A. A Survey of School District LCAPs in Los Angeles, San Bernardino, and Riverside Counties

Our review covered all 136 unified, elementary, and high school district LCAPs in Los Angeles, San Bernardino, and Riverside counties. The 136 districts we reviewed serve approximately 2,019,392 students, one-third of the total student population in California public schools. For a detailed overview of our methodology, please refer to the Appendix, available at: aclusocal.org/RightToResources.

Our review uncovered three major categories of purported security measures funded in the LCAPs: law enforcement officers (e.g., police officers or so-called school resource officers (“SROs”); non-police security guards; and security equipment (e.g., cameras, canine searches, visitor management systems, and other “security” equipment). While this report refers to these expenditures as “security measures,” as discussed in the following sections, there is no evidence that such spending makes students safe.

Two-thirds (91) of the districts reviewed fund at least one security measure in their LCAP, and 41% (56) of the districts reviewed fund at least one security measure with S&C funds. These 56 districts enroll a total of 1,035,101 students who fall under at least one high-need student category: foster youth, English learners, and low-income students. Districts tend to use S&C funds to pay for security personnel in particular. More than a quarter of districts (35) fund law enforcement personnel and nearly 30% (40) fund security guards with S&C funds.

District Spending on Security Measures by Funding Source and Measure Type³²

	Districts without security measures in LCAP	Districts funding security measures with base funds only	Districts funding security measures with S&C Funds
Any Measure	45 33.09%	35 25.74%	56 41.18%
Law Enforcement	84 61.76%	17 12.50%	35 25.74%
Security Guards	75 55.15%	21 15.44%	40 29.41%
Security Equipment	90 66.18%	34 25.00%	12 8.82%

The districts that use S&C funds to pay for law enforcement, non-police security guards, or security equipment have far higher concentrations of unduplicated foster youth, English learners, and low-income students than the districts that do not fund security measures in their LCAPs. On average, the districts that used S&C funds to pay for security measures had a 79% unduplicated student population, whereas districts that did not fund security measures in their LCAPs only had a 59% unduplicated student population.

District Funding in LCAP for Security Measures by High-Need Student Demographics

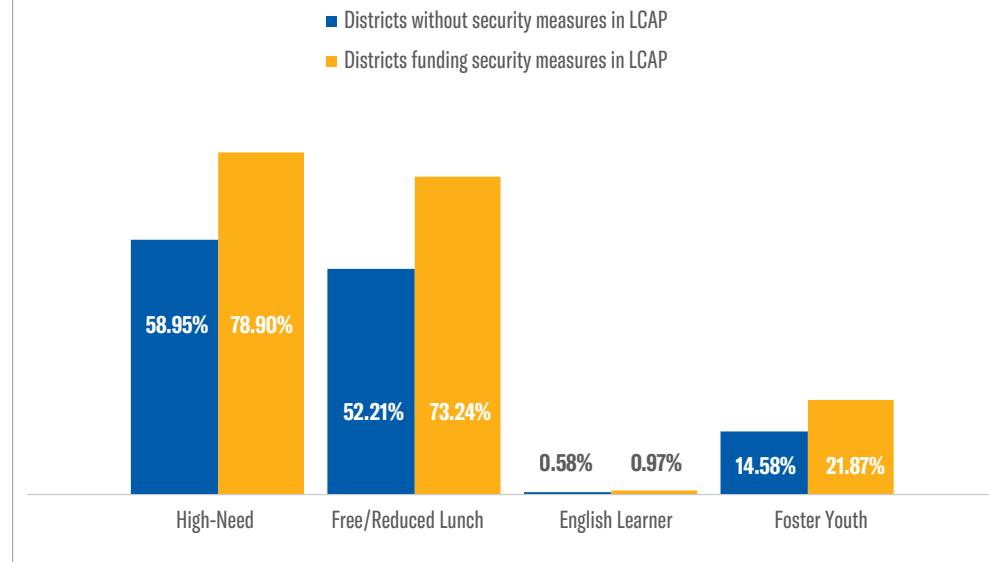
	Districts without security measures in LCAP	Districts funding security measures with S&C funds
High-Need Students	58.95%	78.90% ³³
Free/Reduced Lunch	52.21%	73.24%
English Learner	14.58%	21.87%
Foster Youth	0.58%	0.97%

The districts that use S&C funds to pay for law enforcement officers, non-police security guards, or security equipment also have far higher concentrations of students from over-policed and under-resourced racial and ethnic groups. On average, the districts that used S&C funds to pay for security measures had a population with 80% of these high-need student groups, while the districts that did not use S&C grants to pay for security measures had a population with only 59% of these students.

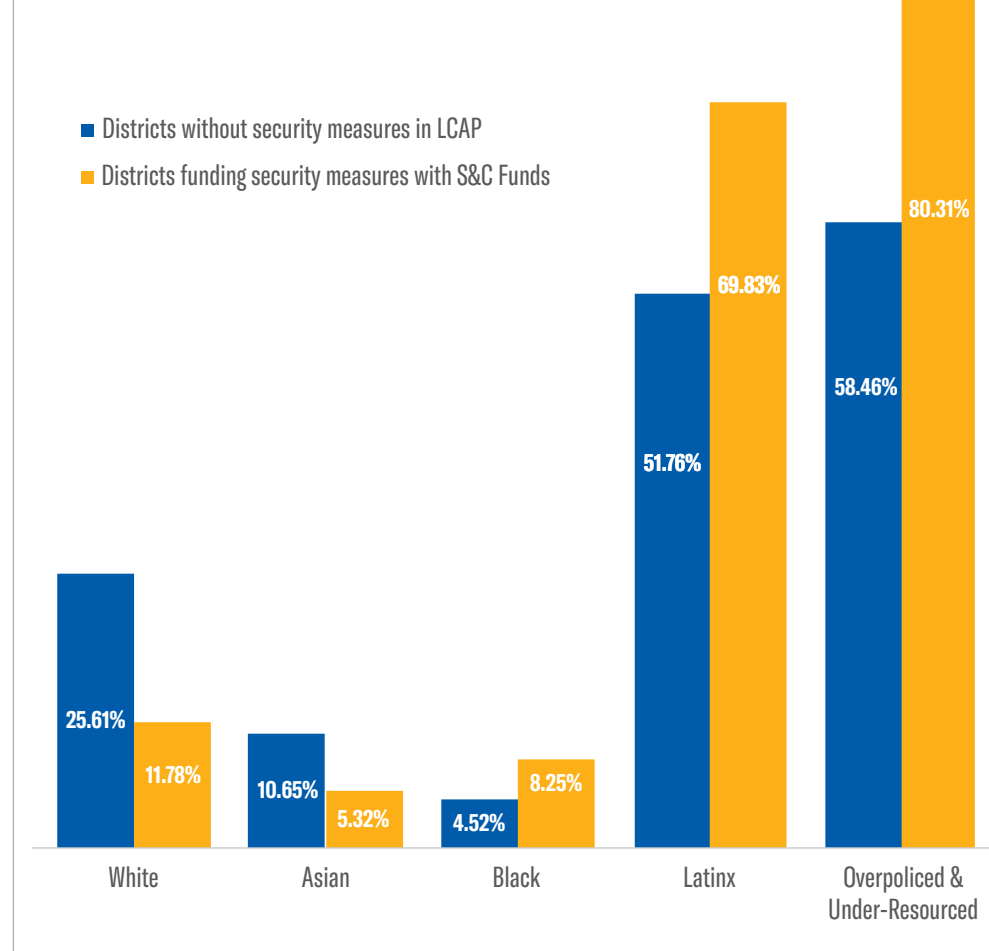
District Funding in LCAP for Security Measures by Racial Demographics

	Districts without security measures in LCAP	Districts funding security measures with S&C funds
White	25.61%	11.78% ³⁴
Asian	10.65%	5.32%
Black ³⁵	4.52%	8.25%
Latinx ³⁶	51.76%	69.83%
Over-policed & under-resourced groups	58.46%	80.31%

DISTRICT HIGH-NEED DEMOGRAPHICS AND S&C FUNDING FOR SECURITY MEASURES IN LCAPS



DISTRICT RACIAL DEMOGRAPHICS AND S&C FUNDING FOR SECURITY MEASURES IN LCAPS



Districts that are eligible for concentration grants are nearly three times as likely as more privileged districts to fund law enforcement in their LCAPs – regardless of whether that funding comes from base funds or from S&C funds. These are districts where more than 55% of the student population consists of high-need students. Only 16% (6 out of 38) of districts with a low concentration of high-need students fund law enforcement in their LCAPs; by contrast, 47% (46 out of 98) of districts with a high concentration of high-need students fund law enforcement in their LCAPs.³⁷

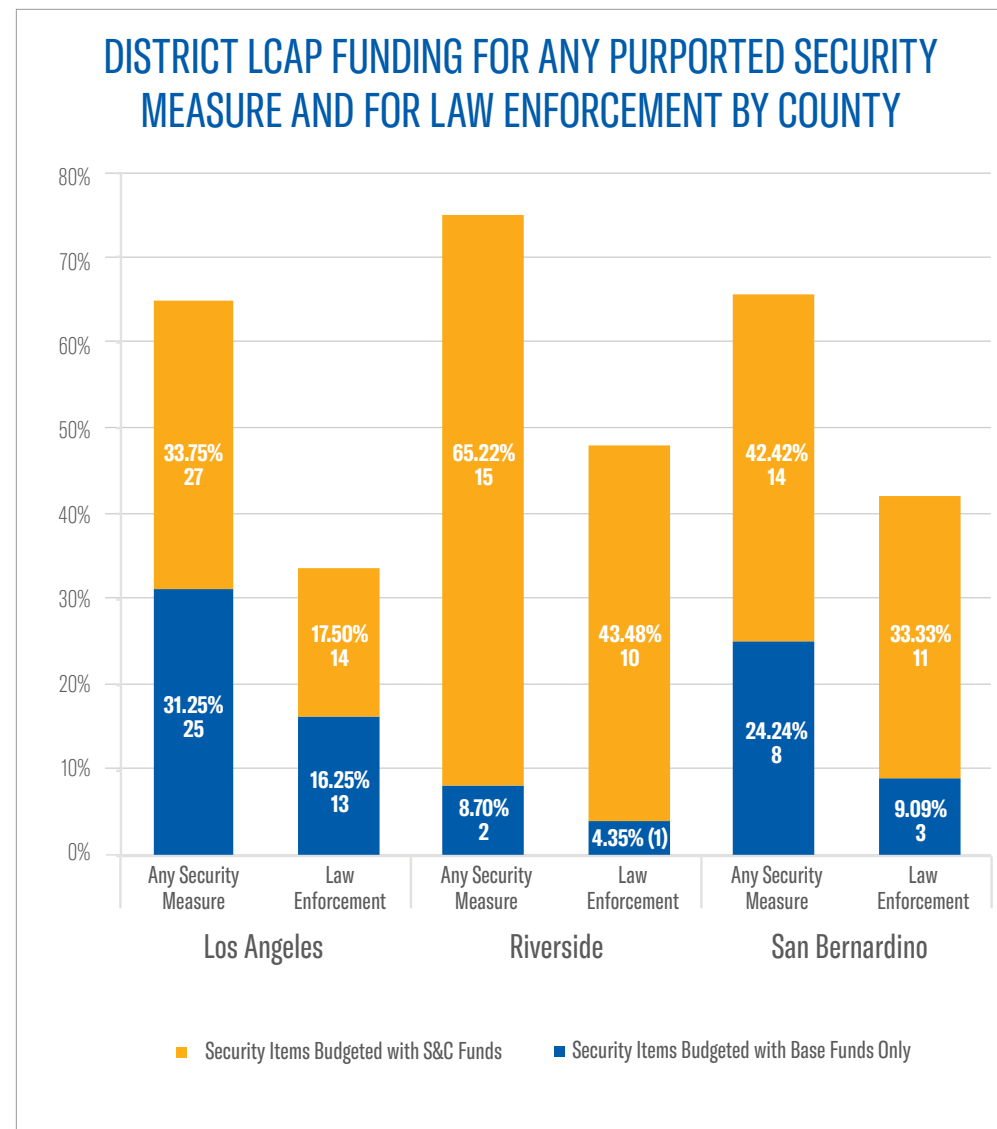
Similarly, districts with higher percentages of students from over-policed and under-resourced racial groups are more than three times as likely as other districts to fund law enforcement in their LCAPs, regardless of whether that funding came from base or S&C funds. Using the LCFF concentration funds cut-off, we compared districts with 55% or fewer students from over-policed and under-resourced racial groups to districts with more than 55% students from the same groups. Only 18% (8 out of 44) of districts with low concentrations of students from those groups fund law enforcement in their LCAPs; by contrast, 48% (44 out of 92) of districts with high concentrations of students from those groups fund police in their LCAPs.³⁸

Taken together, these correlations between S&C spending on security measures and demographics indicate that the students most vulnerable to criminalization and school pushout are over-policed by their districts – often with the very funds intended to remedy this inequity.

The three counties we reviewed vary in their districts’ use of S&C funds to fund security measures. Los Angeles County has the largest number of districts (28 districts, or 35% of districts in the county) that spend S&C funds on security measures, but proportionally, a far higher percentage of Riverside County districts spend S&C funds on security measures (15 districts, or 65% of districts in the county).



		Districts funding with base funds only		Districts funding with S&C funds	
		Districts	Percentage	Districts	Percentage
Los Angeles (80 LCAPs)	Any Security Measure	25	31.25%	27	33.75%
	Law Enforcement	13	16.25%	14	17.50%
	Security Guards	17	21.25%	19	23.75%
	Security Equipment	22	27.50%	4	5.00%
Riverside (23 LCAPs)	Any Security Measure	2	8.70%	15	65.22%
	Law Enforcement	1	4.35%	10	43.48%
	Security Guards	1	4.35%	11	47.83%
	Security Equipment	3	13.04%	6	26.09%
San Bernardino (33 LCAPs)	Any Security Measure	8	24.24%	14	42.42%
	Law Enforcement	3	9.09%	11	33.33%
	Security Guards	3	9.09%	10	30.30%
	Security Equipment	9	27.27%	2	6.06%

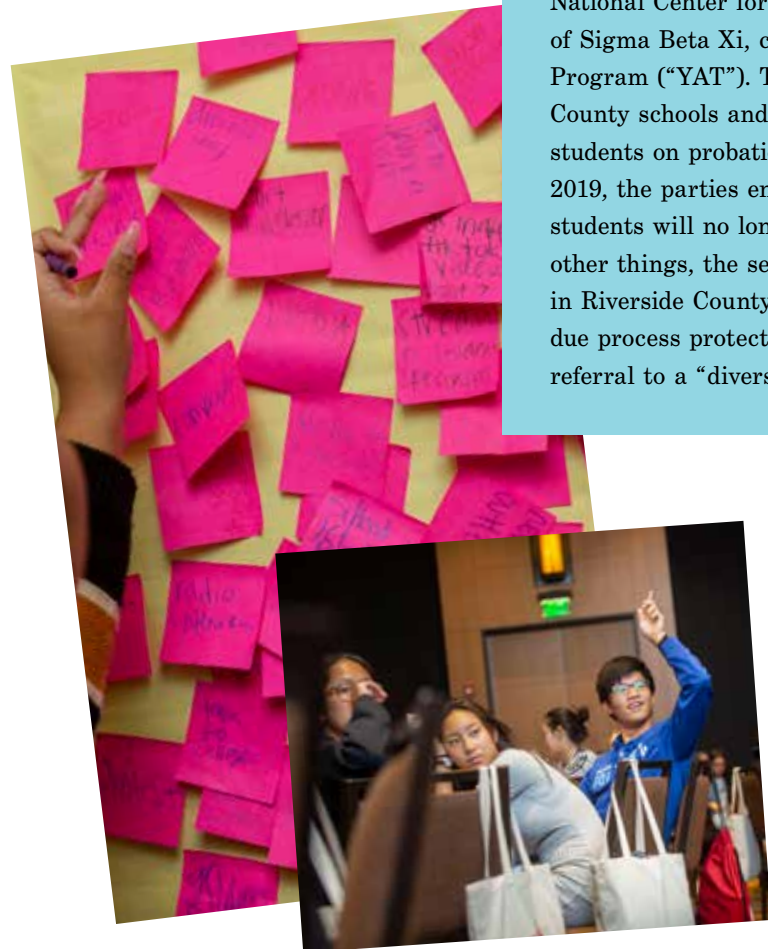


On the other hand, most school districts (122 individual districts, or 89.7% of districts we reviewed) across all three counties, fund activities, items, or positions related to PBIS or restorative justice. This high level of interest in PBIS and restorative justice is promising; however, further research is needed to show whether districts' PBIS and restorative justice investments are superficial or meaningfully improve school climate and culture, especially given the broad variations in the amount of investment in these proven strategies. More information about PBIS and restorative justice and examples of the varying levels of investment by school districts in these strategies are discussed in Section VI.B.

Even when districts invest in these positive resources, they cannot eliminate the harm caused to youth if the district is also spending on school hardening measures.³⁹

Several school districts illegally use S&C funding to station probation officers in their schools. For example, Victor Valley Union School District spent more than \$580,000 on law enforcement, including on "Probation officers [who] will [purportedly] provide on campus supports for at-risk students in areas including anger management, drug/alcohol abuse, and other socialemotional programs. Probation Officers and SROs will conduct home visits for students who are chronically absent including homeless and foster youth."

Such spending is particularly problematic in light of a lawsuit the ACLU, National Center for Youth Law, and Sheppard Mullin filed in 2018 on behalf of Sigma Beta Xi, challenging Riverside County's Youth Accountability Team Program ("YAT"). That program stationed probation officers in Riverside County schools and criminalized youth, particularly students of color, by placing students on probation who merely engaged in normal childhood behavior. In 2019, the parties entered into a preliminary settlement which ensured that students will no longer be put on probation for non-criminal behavior. Among other things, the settlement removes all probation officers stationed at schools in Riverside County and requires youth accused of committing crimes to receive due process protections, including the appointment of a defense lawyer upon referral to a "diversion" program such as YAT.⁴⁰



B. Districts Fail to Provide Full Transparency in their Spending Plans, which Belies the True Scope of the Problem

Altogether, more than 40% of the reviewed districts illegally spend S&C funds on law enforcement or security, yet our findings underreport the scope of the problem for two reasons. First, it is impossible to ascertain the full amount of S&C funds that districts misappropriated on law enforcement and security actions because many districts fail to include all of their expenditures in the LCAP. Districts are required to report all their S&C expenditures in their LCAP,⁴¹ but many districts fail to do so. Our analysis uncovered eight LCAPs that disclosed a lower amount of S&C expenditures than S&C received. In fact, only five districts included 100% of their budgeted expenditures in their LCAPs. A third of the districts reviewed (42) included less than 25% of their budgeted expenditures in their LCAPs. Examples of this disturbing trend include:

- San Bernardino City Unified employs 40 sworn police officers,⁴² but we cannot determine whether S&C funds are used to pay for these officers because it is not listed in the LCAP.⁴³ The SBCUSD LCAP reflects only 18% of SBCUSD's budget, which means a large portion of S&C funds are not accounted for in the LCAP.⁴⁴
- Compton and Snowline Unified also failed to disclose law enforcement spending in their LCAPs.⁴⁵
- Several districts, including Cucamonga Elementary, Paramount Unified, and Whittier Union High School, conceded in their LCFF Budget Overview for Parents that their LCAPs omitted security expenditures.⁴⁶

Second, over a third of districts that pay for security measures with S&C funds bundle multiple, unrelated expenditures into a single line item. This bundling practice prevents parents, students, and community members from determining precisely how much districts are spending on each specific action as LCFF requires.⁴⁷ For example:

- Lancaster Elementary combines funding for SROs with various other actions, including social-emotional learning curriculum, PBIS programs, counselors, health clerks, assistant principals, recreation counselors, professional development, special education behavioral interventions, targeted para-educators, transportation, and social-emotional enrichment classes into a single, multi-million dollar action.⁴⁸ Many of these services are important positive supports. Bundling SRO spending into a single line item with these positive supports obscures spending on law enforcement and conflates the impact of law enforcement with the impact of these other measures.
- Long Beach Unified combines community services, such as recreation aides and teaching gardens, with campus security and police.⁴⁹ There is no way to determine the proportion of funds spent on positive supports versus hardening measures.

It is troubling that public transparency documents containing such significant omissions have been approved by their County Offices of Education. The CDE, CCEE, and County Offices of Education must do better to hold districts accountable when they do not comply with the law and provide support to districts to ensure they properly support our high-need students.

V. Spending Supplemental and Concentration Funds on Law Enforcement and Security is Presumptively Illegal Because It Does Not Support High-Need Students

Our analysis of the LCAPs revealed that many districts spend S&C funds on law enforcement and security measures that are not shown to be principally directed or effective in supporting high-need students. Such spending is illegal.

As a preliminary matter, a disturbingly high number of districts failed to meet their legal obligation to identify and justify their S&C funding on law enforcement and security in the Increased or Improved Services Section of their LCAPs. This failure makes these expenditures plainly illegal. For example, the Chaffey Joint Union High School District includes a spending action of \$6.1 million in S&C funding for school law enforcement officers, campus security, security camera upgrades, and LobbyGuard, a visitor monitoring system on each campus.⁵⁰ This action accounts for nearly one-fifth of Chaffey Joint Union’s S&C funding, but it is entirely absent from the Increased or Improved Services Section of the LCAP.⁵¹ County Offices of Education must do a better job of preventing districts from disregarding LCFF’s equity requirements and misappropriating funds as part of their LCAP review and approval process.

Even when they are included in the Increased or Improved Services section of the LCAP, S&C expenditures on law enforcement and security measures are not justified as principally directed towards and effective for high-need students. State regulations require that all S&C funds meet these two requirements.⁵² None of the LCAPs that fund security with S&C dollars satisfied the legal standard.

First, law enforcement and security expenditures have not been shown to be effective in meeting the district’s goals for high-need students in any of the state priority areas. In fact, the research and evidence demonstrate that such measures undermine efforts to improve school climate (State Priority Area 6) and student engagement (State Priority Area 5). Many districts do not even attempt to justify the effectiveness of their security expenditures. And those that attempt to justify these expenditures failed to overcome the strong presumption from research and district data that law enforcement and security do not make campuses safer; they actually push out, criminalize, and otherwise harm high-need students and students of color.⁵⁴ Indeed, such rationales only serve to perpetuate the harmful misconceptions that low-income students, foster youth, and English learners are somehow more dangerous or less deserving of a supportive education than other students.

Second, in nearly every LCAP we reviewed, law enforcement and security measures are implemented across the board to all schools with little to no analysis of the particular needs or circumstances of low-income students, English learners, or foster youth. The few districts that attempted to connect security expenditures with particularized needs of students that generate S&C funds (i.e., high rates of crime in the neighborhood) tended to distribute security resources on an equal basis to all students without reference to higher need schools or logical intervention points. For example, if students need safe passage to and from school, funding SROs to patrol school grounds is not a logical or cost-effective intervention.

Law enforcement and security expenditures are very difficult, if not impossible, to justify as principally directed and effective uses of S&C funds. As our LCAP review revealed, very few districts even attempt to justify these expenditures. As a result, the numerous districts that spend S&C funds in this manner are doing so illegally, and by approving these LCAPs, the Los Angeles, Riverside, and San Bernardino County Offices of Education are failing to fulfill their LCFF accountability function.

Districts Fail to Demonstrate that Law Enforcement Officers Are an Effective Way to Improve School Climate and Engagement for High-Need Students

None of the 35 districts that funded law enforcement with S&C funds properly justified these expenditures.

- 46% (16 districts) did not even attempt to demonstrate that these expenditures are effective in supporting high-need students
 - 11 districts (31%) failed to include these expenditures in the Increased and Improved Services Sections, as required by law
 - 5 districts included these expenditures in their Increased or Improved Services Sections, but did not even attempt to link them with any measurable outcomes
- 40% (14 districts) connected law enforcement with a desired outcome, usually increasing safety and student engagement, reducing chronic absenteeism, or improving academic achievement, but either failed to track those outcomes in their LCAP and/or failed to explain (beyond conclusory statements) how law enforcement would achieve those outcomes as required.
- Only 14% (5 districts) explained how law enforcement will help achieve a measurable outcome tracked in the LCAP. Yet, none of these districts demonstrated progress on the identified metrics. In most cases, chronic absenteeism, discipline rates, and/or safety scores for high-need students worsened.

For example, *Moreno Valley Unified* claims that its \$1.3 million in S&C funded SROs “support[] students in making good decisions that result in positive actions and decreases in disciplinary actions yet, suspension rates have increased.”⁵³

A. Observed Spending on Law Enforcement and Security Is Not Effective in Meeting School Districts' Goals for High-Need Students

School districts may only spend S&C funds when they are effective in meeting the district's goals for high-need students in state and local priority areas.⁵⁵ The California Department of Education (the "CDE") has determined that "[a]n LEA meets this requirement by providing in the LCAP an explanation of how it believes the action/service will help achieve one or more of the expected outcomes for the goal. Conclusory statements that an action/service will help achieve an expected outcome for the goal, without further explanation as to how, are insufficient."⁵⁶ After the action/service is implemented, the district must review progress annually and assess whether the actions are working to achieve its goals for high-need students.⁵⁷



All we need is guidance and support, not security and authority. I strongly believe that these state funds for English learners, low-income, and foster youth should focus specifically on services and programs that will help students behavioral and emotional well-being.

– Pomona Unified Student

In every LCAP we reviewed, school districts that spent S&C funds on law enforcement and security attempted to connect the spending to two State Priority Areas.

- State Priority Area 5: actions designed to improve pupil engagement as measured by school attendance, chronic absenteeism, middle school and high school dropout rates, and high school graduation; and/or
- State Priority Area 6: actions designed to improve school climate, as measured by suspension rates, expulsion rates, and other local measures, such as surveys of students, parents, and teachers on school safety and connectedness.⁵⁸

Accordingly, a district will only meet LCFF's effectiveness requirement if it can establish that spending on law enforcement and security at school sites has or will reduce exclusionary discipline policies, increase student attendance and connectedness, and improve school safety for high-need students and students of color. Yet, the school district data and research all demonstrate the contrary – that law enforcement and security undermine such goals. Indeed, we did not review a single LCAP that offered any relevant evidence to the contrary.⁵⁹

1. Law Enforcement and Security Do Not Make Schools Safer

The primary rationale that districts use to justify their spending on law enforcement and security is that these measures promote safety, and in turn, improve school climate, student engagement, and student attendance. No credible research establishes a link between law enforcement or security and these purported benefits. In 2018, the WestEd Justice & Prevention Research Center surveyed the existing research on school-based law enforcement. Their survey showed that:

- "[t]here is no conclusive evidence that the presence of school-based law enforcement has a positive effect on students' perceptions of safety in schools," and
- "common non-curricular policing strategies have no overall effects on measures of crime or discipline in schools" and have not shown a "positive impact on school safety outcomes."⁶⁰

Similarly, a 2018 study of a North Carolina grant program concluded that middle schools that hired SROs failed to reduce serious incidents such as homicide, bomb threats, weapons possession, assault, or alcohol and drug use.⁶¹

Seeing police on campus doesn't make me feel safer. For example, seeing police during a passing period automatically makes me think something bad is happening and makes me nervous. I wish my school would invest in creating a safe space at school where students can go to feel better.

– Pomona Unified Student

One of the false claims Southern California school districts most commonly asserted when attempting to justify their law enforcement spending is that investments in SROs would decrease bullying.⁶² These claims are contradicted by a 2018 study comparing schools with SROs against those without SROs over a three year period.⁶³ The researchers found that the presence of SROs has no discernable impact on bullying in schools, and concluded that a focus on positive supports "such as teaching social and emotional competency skills, improving relationships between students and adults, and creating a positive school environment may be more effective in reducing bullying than a security procedure such as the use of SROs."⁶⁴

School police made me uneasy and feel like I was always doing something wrong. If I left class to use the restroom or took a break because I was feeling overwhelmed and needed some air, I'd immediately be told I couldn't be outside and that I needed to go back to class. This made me feel like I wasn't allowed to take a moment for myself, even when I felt overwhelmed. I think counselors could have been more helpful, but we would only get about five minutes of their time because they had so much work. I'm sure if I had been able to actually connect with my counselor they would have been able to help me so much more. I am lucky that I had a specific teacher and a mentor outside of school that allowed me to grow and develop in ways I couldn't otherwise. I fear that because our counselors had such limited time others who didn't hunt down their counselors ended up missing out on opportunities to continue their career and education. I am speaking up about this issue because I do not want my younger siblings and future children to ever feel the lack of support me and my peers felt at school.

– Iris V., Pomona Unified Student

2. Law Enforcement and Security Do Not Result in Increased Student Engagement, Higher Student Outcomes, or Improved School Climate

Rather than promoting school safety, law enforcement and other school hardening measures, such as increased security guards, more frequent student searches, and enhanced surveillance, among others, are counterproductive. Research shows that these measures hinder districts' progress towards improved student engagement and school climate. Law enforcement and security alienate students, harm school climate, and reduce perceptions of safety, particularly for high-need students and students of color. For example, studies have shown that police officers in schools can adversely impact all students' feelings of connectedness to school.⁶⁵ As discussed further in the following section, the presence of law enforcement in schools also significantly increases exclusionary discipline such as suspensions and expulsions, in particular for students of color.⁶⁶ Other research establishes that punitive school security practices such as locked or monitored gates, metal detector and other searches, and a law enforcement presence on campus increase disorder by making students more fearful and less trusting of school officials and police, particularly for students of color.⁶⁷ Similarly, a 2018 study found that higher reliance on security cameras in schools correlated with lower perceptions of safety, equity and support.⁶⁸ Many students feel that school police practices are fundamentally unfair,⁶⁹ which also engenders mistrust and harms student engagement and students' relationships with adults.

Beyond damaging school climate, the presence of law enforcement and security in schools harms academic achievement as well. A 2018 study found that schools receiving additional federal funding to hire law enforcement officers between 1999–2008 had poorer student outcomes, even when controlling for other factors. For example, the schools receiving three-year grants for law enforcement experienced 2.5% decreases in graduation rates and 4% decreases in college enrollment rates.⁷⁰

School police do not make me feel any safer at school and they only serve to marginalize most of the student population. Having professional guidance in any environment is extremely important in times of despair and uncertainty, so I wish my school would invest in more counselors rather than police. Police officers won't help me get to a 4-year university and they definitely won't provide scholarships and other resources to apply for college. It is important that students have a chance to voice concerns about these issues before school districts make decisions that affect us.

– Alexis S., Pomona Unified Student

A review of Southern California LCAPs confirms the same inverse relationship between school police and student engagement and safety. For example:

- **Inglewood Unified:** In 2018–19, Inglewood spent \$1.3 million on SROs and other security personnel and stated that “[w]ithout these security staff members, students’ attendance and active participation on [sic] can be affected.”⁷¹ Inglewood budgeted substantially the same amount for 2019–20, even though attendance rates have decreased⁷³ and chronic absenteeism continues to increase, now standing at 21.6% with every student subgroup in the red category on the California School Dashboard.⁷⁴ More than 50% of students experiencing homelessness in Inglewood were chronically absent in 2018–19. Yet, Inglewood has invested in only one intervention teacher to provide support for students who are chronically absent (Action 3.1, \$111,096), in stark contrast to the 19 police and security staff that the district is planning to fund (Action 3.10, \$1.3 million) with S&C dollars.⁷⁵
- **Lynwood Unified:** For the past 3 years, Lynwood has consistently spent more than half a million dollars on Sheriff Deputy contracts and security officers,⁷⁶ yet feelings of safety by students are low (only 49–55% report feeling safe at school compared to the national average of 58–62%) and has been decreasing.⁷⁷ Further, rates of chronic absenteeism continue to rise.⁷⁸ Lynwood did not even attempt to explain in its LCAP how these S&C funded security expenditures are intended to achieve a measurable goal for high-need students.⁷⁹
- **Hesperia Unified:** In 2018–19, Hesperia spent \$2.8 million in S&C funds on SROs and other security personnel at secondary schools⁸⁰ to “ensure safety of students,” which in turn was supposed to lead to increased learning opportunities.⁸¹ Although graduation rates are declining for high-need students, such as foster youth and Black students,⁸² Hesperia budgeted more for SROs in its 2019–20 LCAP (\$3.1 million).⁸³ The district’s investment in law enforcement and security is not effective in promoting academic achievement for high-need students. A more evidence-based approach would be to use those funds to reduce the student to counselor ratio from 1:754 to the recommended 1:250 and hire more than one social worker for more than 24,000 students.⁸⁴

In sum, there is a lack of research and evidence to show that investing in law enforcement and security will result in a stronger school climate, improved student engagement or outcomes, or safer campuses for high-need students and students of color. Indeed, research and evidence from across the country and in the reviewed LCAPs themselves support the contrary: these investments push students out of school, alienate students, harm their relationships with adults on campus, and reduce feelings of student safety and connectedness.



As a young woman of color from South Central Los Angeles, I am no stranger to the violence that the police force brings to people of color. My parents saw the destruction due to the War on Drugs, police brutality, gang violence, and underfunding all across the city so they had a simple solution: to enroll me in a school on the “west side.” While this gave me more opportunity, an encounter with school police still made me feel as though I didn’t belong. During an approved school walkout in support of the survivors of the Parkland shooting, students were allowed to march onto the front lawn. I felt passionate about the political moment and wanted to march further with

other students, but an officer stopped me in my tracks and aggressively said, “I will arrest you if you leave.” It hurt me to see some of my white peers be able to leave and not get harassed while I was stopped and threatened the moment I thought about going on the sidewalk. I realized it doesn’t matter what “side” of LA I am on, law enforcement doesn’t change how it sees me. And that is why school police can be more harmful than helpful. They create fear rather than relationships with students.

– Nadera P., Los Angeles Unified Student

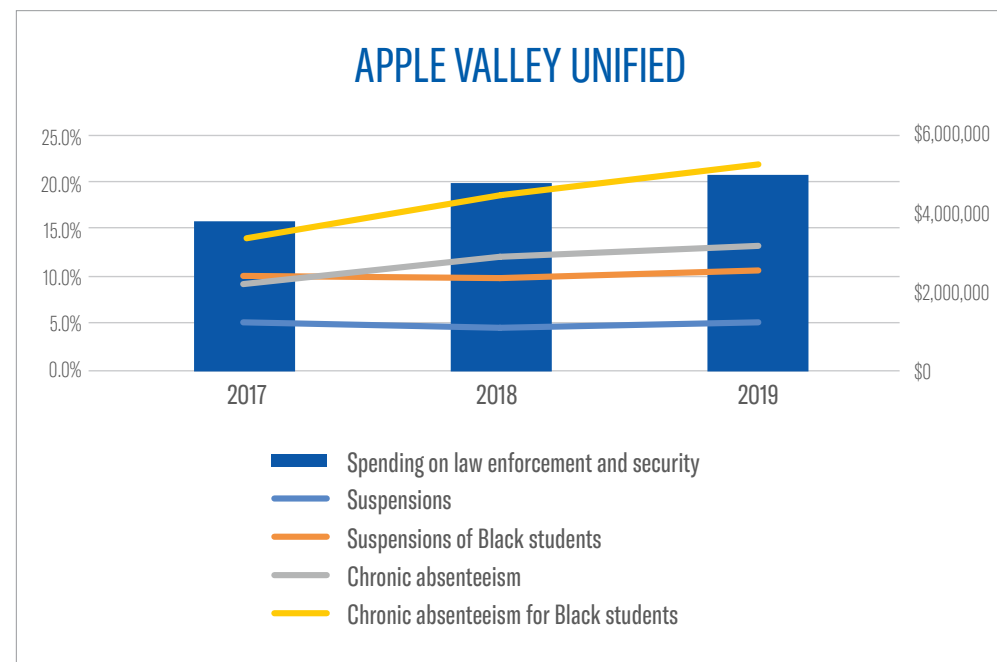
3. Law Enforcement and Security Increase, Rather than Reduce, Exclusionary Discipline for High-Need Students and Students of Color

Finally, numerous studies have found that the presence of SROs correlates with higher levels of exclusionary student discipline, such as suspensions and expulsions. For example, a 2018 U.S. congressional report on SROs highlighted studies that found a statistically significant increase in exclusionary discipline associated with SROs, stating that the SROs “might result in more children either being suspended or expelled or entering the criminal justice system for relatively minor offenses.”⁸⁵ A 2018 Texas study reviewing the impact of federal grants for school police on 2.5 million students similarly found a 6% increase in middle school discipline rates.⁸⁶

Critically, research shows that the negative impacts of SROs on school sites are borne most heavily by students of color, who constitute the vast majority of students that generate S&C funding.⁸⁷ The Texas study found that, in the middle schools receiving funding for law enforcement, all students experienced significant increases in school discipline, but Black students suffered from the highest increases. Specifically, at schools receiving law enforcement funding, Black students were disciplined at a 7% higher rate, while white students experienced only a 4% increase in discipline. The study also found that the harms associated with school law enforcement funding disproportionately impacted low-income students.⁸⁸ Other studies demonstrate a correlation between law enforcement and higher rates of exclusionary discipline among Black and Latinx students.⁸⁹ Research also indicates that the presence of school police can lead to poorer academic achievement, particularly among Black boys.⁹⁰ **The students who generate extra S&C funds for their districts are harmed the most when their districts choose to use those funds on SROs and other school hardening measures.**

Our review of Southern California LCAPs revealed the same correlations. For example:

- **Apple Valley Unified:** Apple Valley increased spending on security, including police, officers, and security officers, from \$3.9 million in 2017 to \$5 million in 2019.⁹¹ This action is supposed to reduce suspension rates overall and in particular for students with disabilities and Black students who experience high rates of suspension.⁹²

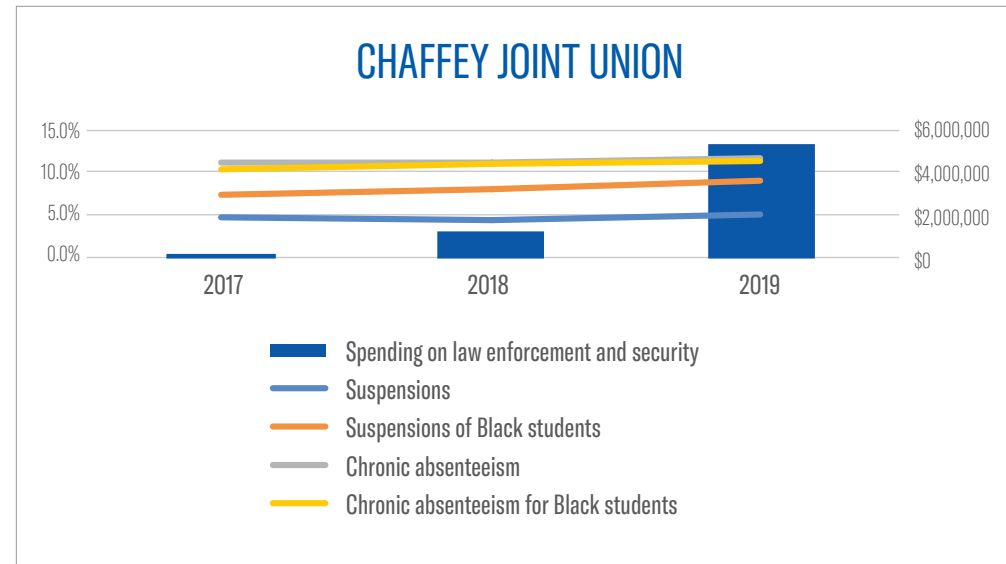


However, during that time, the suspension rate remained flat for all students at approximately 5.3%,⁹³ and the discipline gap persisted. In 2018–19, suspension rate for Black students was 10.9%, more than double the suspension rate for all students (5.3%) and more than 3 times the rate for white students (3.2%).⁹⁴ At the same time, chronic absenteeism increased from 9.4% to 13.6%.⁹⁵ Chronic absenteeism for Black students in particular rose sharply from 13.8% to 22.5% over that period.⁹⁶

At the end of class my teacher got a call and said he had to escort me to the office. When I arrived my vice-principal said there were two police officers waiting for me. The officers said I had to answer their questions before I could leave, even though I had to pick up my little brother. I didn’t know why I was there, but they sat me in a chair in a tiny room and closed the door. I felt very nervous speaking with police, especially because I didn’t have my mom or anyone, and I wanted to leave. They told me about an inappropriate video going around the school and accused me of having it, even though I told them I didn’t. They kept asking me repetitive questions, making me feel like I did something wrong. They also made me unlock my phone so they could search it, looking at my photos and social media history. I kept telling them I didn’t do anything. After 40 minutes, they didn’t find anything and told me I could go. I realize now they took advantage of me because I didn’t know my rights and it was like being pushed into a trap. I want my school to look out for my best interest and letting police question me like that on campus was not in my best interest. I’m speaking up because even though I had my mom to protect me after I know a lot of other kids don’t have that support and I don’t want this to happen to them.

– Pomona Unified Student

- **Chaffey Joint Union High School District:** Chaffey stations SROs at each school site and conducts canine searches, ostensibly to “provide [a] safe and caring campus environment that engage students in their schools.”⁹⁷ The district links such spending to goals to decrease suspension and expulsion rates.⁹⁸

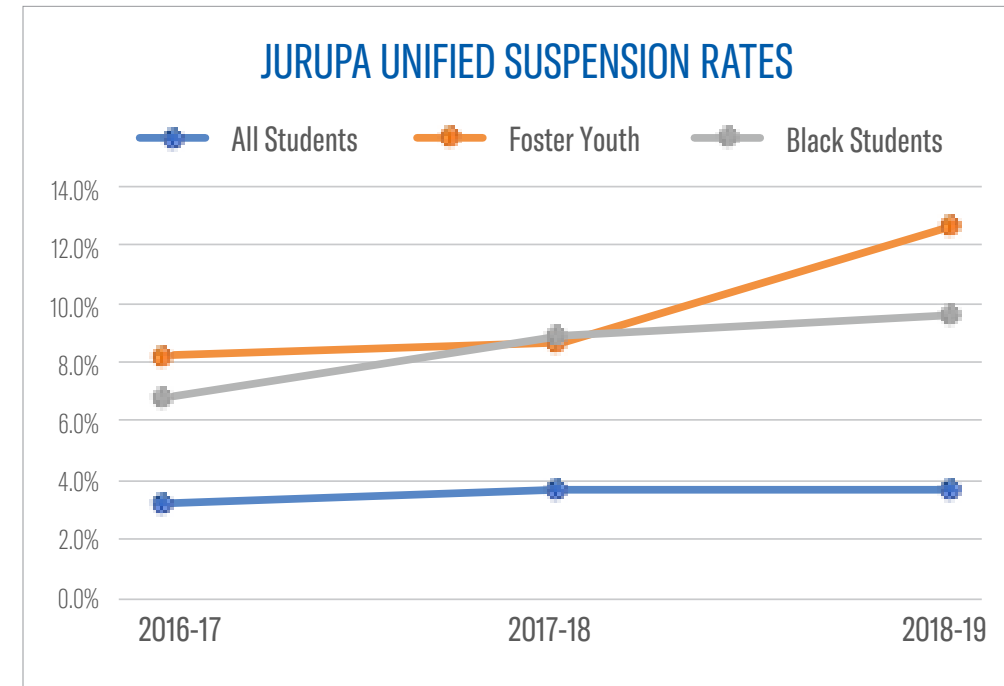


Yet, as S&C expenditures on SROs and campus security officers have increased more than 20 fold (from \$238,000 in 2017–18 to \$5.4 million in 2019–20),⁹⁹ suspension rates for Black students have increased from 7.5% in 2016–17 (orange) to 9.2% in 2018–19 (red).¹⁰⁰ According to the most recent data available (2018–19), suspension rates for Black students (9.2%) are nearly twice the suspension rate for all students (5.3%) and 2.5 times the suspension rate for white students (3.8%).¹⁰¹



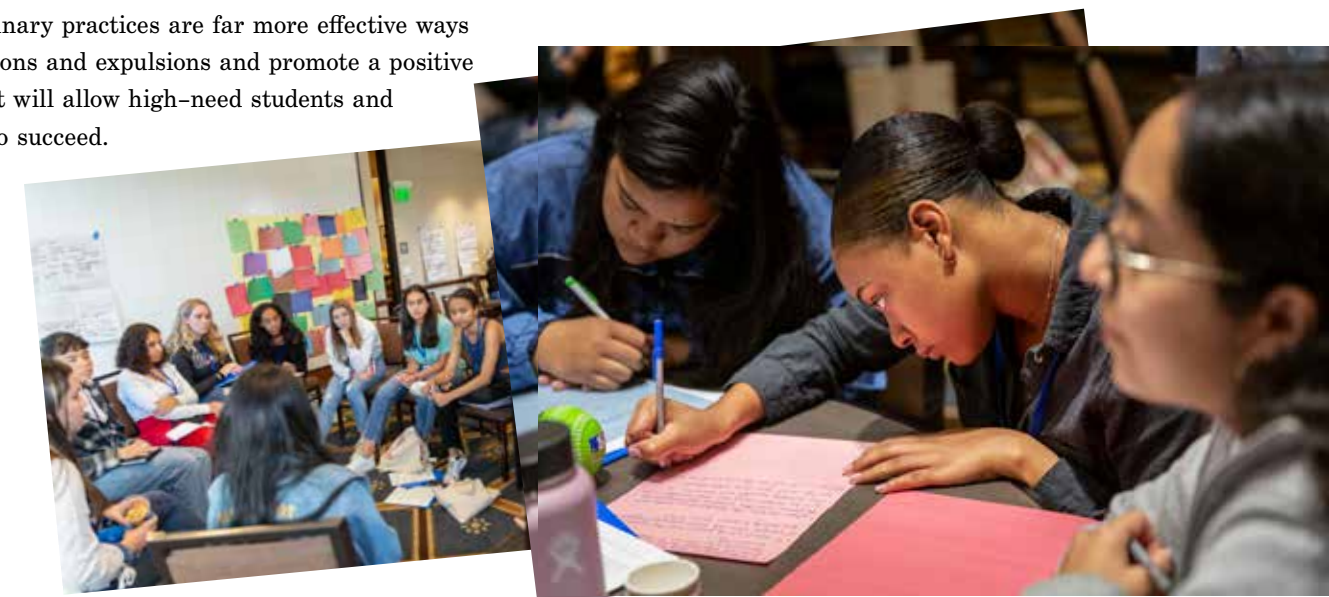
Many electronic “visitor management systems”, like Raptor, are deeply problematic as they require a school visitor to scan their government-issued identification at a kiosk, which then checks their information through a database, including criminal records. When the system flags a person on a database(s), the system sends an alert to school staff and even to local law enforcement. In California, parents and caregivers have the right to visit their child’s school, including to volunteer.¹⁰⁶ But electronic visitor management systems have the potential to undermine parent and caregiver participation at schools and wrongly target innocent parents. For example, these systems may chill parents with criminal legal histories from visiting their child’s school to avoid the risk of having this sensitive information revealed to others and to avoid dealing with law enforcement abuse. These systems may also chill participation from immigrant or low-income parents who do not possess a government-issued ID. Finally, these systems present great concerns regarding a person’s right to privacy, as schools may not be able to safeguard this sensitive information properly.

- **Jurupa Unified:** Jurupa spends more than \$1 million in S&C funds each year on SROs at every school and Raptor, a problematic visitor management system.¹⁰² These actions are supposed to ensure that “[a]ll students will have a safe, orderly, and inviting learning environment,” as measured by suspension rates, among other indicators.¹⁰³



Yet suspension rates for Black students and foster youth continue to increase with growing disparities compared to all students. For example, in 2018–19, the suspension rate for foster youth was 9% higher than for all students compared to 5.1% in 2016–17.¹⁰⁴ Similarly, in 2018–19, the gap in suspension rates between Black students and other students grew to 5.9 percentage points – an increase from the 3.7 percentage point gap that already existed in 2016–17.¹⁰⁵

Plainly violating LCFF, none of these districts even mentioned their S&C-funded SRO expenditures in the Increased or Improved Services Section of their LCAPs, much less attempted to explain how they would improve school climate. In contrast, as discussed below, restorative justice, PBIS, and programs like Youth Court that provide alternatives to punitive disciplinary practices are far more effective ways to reduce suspensions and expulsions and promote a positive school climate that will allow high-need students and students of color to succeed.



B. Spending on Law Enforcement and School Security with Supplemental & Concentration Funds Is Not “Principally Directed” Towards High-Need Students

S&C spending on law enforcement and security is illegal for the independent reason that these expenditures tend not to be principally directed towards district goals for low-income students, foster youth, or English learners. According to the CDE, to demonstrate that an action is principally directed, the district must “explain[] in its LCAP how it considered factors such as the needs, conditions, or circumstances of its unduplicated students, and how the service takes these factors into consideration (such as, for example, by the service’s design, content, methods, or location.)”¹⁰⁷ Services that address the needs of all students on an equal basis are not principally directed. For example, the CDE has held that campus security technicians tasked with improving school site safety are not principally directed because they are focused on improving school site safety generally,¹⁰⁸ and assistant principals responsible for developing and maintaining safe school plans are not principally directed because school safety plans address the needs of the whole school site and benefit all students on an equal basis.¹⁰⁹

The CDE has already rejected attempts¹¹⁰ to use S&C funds for law enforcement and other hardening measures because districts could not adequately explain how they were principally directing the spending to high-need students. For example, Fresno Unified School District’s (“Fresno”) 2016–17 LCAP planned to use \$440,000 in S&C funds for security such as SROs from the local police at secondary schools, a police department chaplaincy program at elementary schools, and gunshot-detecting technology. Fresno described these actions as part of “a comprehensive approach to serving the unique needs of our large student population.”¹¹¹ However, because the District provided “no statement describing how the security investments are directed towards meeting the needs of unduplicated pupils, as opposed to all pupils,” the CDE rejected the LCAP because it did not meet the “principally directed” requirement.¹¹²

Still, districts across Southern California are illegally using S&C funding for law enforcement and security services that apply uniformly to all students and lack any suggestion that they are serving particularized needs, including for:

- Problematic school-site visitor check in systems such as RAPTOR
- Security cameras that oversee school campuses
- On-campus probation officers¹¹³
- District-wide contracts with local law enforcement
- SROs and security officers assigned to school campuses

Indeed, virtually none of these districts attempt to justify their law enforcement and security expenditures as principally directed towards high-need students. Several districts actually state that these services are generically directed to all students. For example, in its demonstration that school police increase or improve services for high-need students, Hesperia Unified states that the positions “provide greater securing [sic] to *all students*” (emphasis added).¹¹⁴ Similarly, El Monte Union High School District provides campus security officers to all school sites at a 1:250 officer to student ratio,¹¹⁵ which is substantially lower than its school nurse to student ratio (1:4321), its school psychologist to student ratio (1: 1080), and its school counselor to student ratio (1:279).¹¹⁶

VI. School Districts Should Invest Supplemental and Concentration Funds in Evidence-Based Social-Emotional Resources that Support High-Need Students

In contrast to spending on ineffective and counterproductive measures to “harden” schools, districts can advance local and state priorities for high-need students far more effectively by divesting in law enforcement and security and investing in evidence-based, holistic resources such as school-based mental health staff, restorative justice, and positive behavior intervention and supports. However, many districts severely underfund these evidence-based strategies in favor of hardening measures that criminalize and push out the high-need students and students of color who are supposed to benefit the most from S&C funds. Our LCAP review revealed gross disparities in many districts, including the following in 2019–20:

- **Chaffey Joint Union:** Chaffey plans to spend a record-high \$6 million on hardening measures¹¹⁷ while spending only \$219,000 on PBIS and restorative justice programs.¹¹⁸
- **Fontana Unified:** Fontana plans to spend more than \$8 million on school police and operations,¹¹⁹ but only \$250,000 on PBIS and restorative justice at 17 schools.¹²⁰ In 2018–19, Fontana spent \$9.66 million in S&C funds outside of the LCAP to fund its school police department, in addition to the millions that it included in its LCAP.¹²¹
- **Redlands Unified:** Redlands plans to spend \$1.8 million on school security measures in 2019–20, a 25% increase over 2018–19, while maintaining PBIS interventions at less than 10% of what the district funds on security.¹²²
- **San Jacinto Unified:** In 2019–20, San Jacinto plans to fund 21 campus security officers but only 3 school nurses all using S&C funding.¹²³
- **Val Verde Unified:** Val Verde is in the process of creating its own police department and spent over \$1 million last year on this endeavor,¹²⁴ yet its student to counselor ratio is 746:1, nearly three times higher than the recommended staffing ratio.¹²⁵ As discussed below, high-need students in Val Verde will be served better by lowering the counselor ratio instead of creating a police department.

Given how severely California underfunds its public education system, it is all the more critical that school districts spend scarce resources in an effective manner to serve students. The interventions and supports discussed below represent such evidence-based best practices for building inclusive and safe school communities for student learning.

A. School-Based Health and Mental Health Resources Are Proven to Increase Student Engagement and Achievement and Improve School Climate

Research demonstrates that one of the most effective ways to increase student engagement and improve school climate – particularly for high-need students and students of color – is to invest in staff who provide school-based health and mental health services.

Traditionally, school-based providers include:

- **School counselors**, who use research-based strategies to reduce stigma, conflict, and pupil-to-pupil mistreatment and bullying. They are trained to address student mental health issues, improve school climate and pupil well-being, as well as enhance pupils' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs after graduation.
- **School social workers**, who help families and school staff navigate community systems to support student needs and address barriers such as poverty, inadequate healthcare, community violence, homelessness, domestic violence, and other issues. Social workers also facilitate prevention and intervention programs in areas such as substance abuse, bullying, and anger management, among others.
- **School psychologists**, who are trained in both psychology and education with specialized knowledge to address learning, motivation, behavior, mental health, social development, and childhood disabilities. Psychologists are also integral in ensuring evidence-based assessments and interventions for students.
- **School Nurses**, who provide support for both physical and mental health. Nurses help with behavioral screening and referrals to health care providers in the community and also support treatment compliance where appropriate.

Research confirms that these school-based health and mental health providers provide a breadth of benefits for all students. First, they support positive school climate (State Priority Area 6) by improving campus relationships and reducing exclusionary discipline. Access to counseling and mental health services is correlated with lower rates of expulsion,¹²⁶ suspension,¹²⁷ and incidents of fighting—even among students who do not participate in counseling programs.¹²⁸ Comprehensive counseling programs also correlate

I want my school district to spend money on counselors, school nurses, social workers, school psychologists and other related resources that help support students' physical and mental health. My high school counselor has helped me by letting me know about different opportunities that may help me and encouraging me all the time to do my best in school. He always mentions how he's proud of how much I've improved throughout my first three years in high school. I think all students should have this strong support in school, especially those who are struggling or don't have strong support at home.

– Zuly H., Los Angeles Unified Student

with making students feel safer, improving relationships with educators, and fomenting culture change at the school site.¹²⁹

Second, school-based health and mental health providers also increase student engagement (State Priority Area 5), achievement (State Priority Area 4), and other positive outcomes. Researchers analyzing the 100 largest U.S. districts found that the number of social workers in a school positively correlates with graduation rates, even when controlling for other factors such as poverty.¹³⁰ A study of the Dallas School District found that students who received mental health services saw a 32% decrease in absences, a 31% decrease in course failures, and a 95% decrease in discipline referrals.¹³¹

Elsewhere, studies in Nebraska and Utah demonstrated that “school counseling was shown to be related to a range of important student outcomes including increased Math proficiency levels, increased Reading proficiency levels, lower suspension rates, lower disciplinary rates, increased attendance rates, higher graduation rates, higher Perkins program completion rates, greater percentages of students taking the ACT and higher average ACT scores.”¹³² Similarly, a review of the prevailing research on school-based mental health providers found that school counseling improved school discipline rates, student problem solving, career knowledge, and academic achievement.¹³³ **And, in contrast to the research studying the effects of law enforcement and security in schools, not a single study suggests that providing more mental health resources is associated with any negative consequences for any student group.**

Third, empirical research establishes that school-based health and mental health resources are particularly effective in closing opportunity and discipline gaps for high need students. A study of Florida elementary and middle school students who fell behind academically found that students who participated in counseling programs closed the opportunity gap faster than students who did not.¹³⁴ Another study found that schools in Missouri that maintained the recommended student to counselor ratio of 1:250 had higher graduation rates, better attendance rates, and lower discipline rates than those with higher ratios, with schools serving more low-income students experiencing the greatest benefits.¹³⁵ In Georgia, a rural school successfully implemented a group counseling program specifically to support Black students. Students participating in the program performed far better on standardized tests, exceeding the passage rate of Black students from the previous year by more than 38% and closing the opportunity gap between Black and white students to only approximately 7%.¹³⁶

School-based health and mental health services are particularly beneficial for high-need students and students of color because they are frequently the only resources available to them.¹³⁷ Low-income students and Black and Latinx students are less likely to have access to health providers and be properly diagnosed for depression, anxiety, and behavioral or conduct problems.¹³⁸ Further, access to those services is particularly essential to low-income students, foster youth, English learners, and students of color, because they generally have more acute mental health needs than their peers. For example, research shows that low-income students and students of color suffer from more pronounced rates of traumatization because they are more likely to experience “poverty, exposure to community violence, family stress, discrimination, and racism.”¹³⁹ Another study found that recent immigrants who were non-native English speakers experienced disproportionate exposure to violence, both

Before my first year in middle school I had never met a counselor. As a low-income student of color, I didn't even know what a counselor was. I moved schools, and I was struggling and had no one to talk to until finally my counselor decided to talk to me and changed my life. I started meeting with her often and that has made me the person I am today. I now feel passion for making a positive change in the world. I was able to open up about how I felt to my counselor, and she helped me feel better in times where I felt so alone and angry at myself. She was able to help me understand how I felt and guide me to the right path. Thanks to her I am able to express myself. I am forever grateful for things she has done for me. Because of her, now I see why my education matters.

– Emily C., Los Angeles Unified Student

personal victimization and witnessing violence.¹⁴⁰ 32% of the non-native English students had PTSD symptoms, and 16% of them had depressive symptoms.¹⁴¹ Further, research has shown that low-income students have more trouble developing their career identities and require more support from counselors to clarify academic, college, and career goals as a result of systemic barriers such as attending schools with fewer resources.¹⁴²

While even school-wide expenditures on mental health providers likely will be principally directed towards high-need students, the most effective programs are those tailored specifically for high-need student populations and adapted to support their particular needs. A growing body of research suggests that “behavioral interventions for minority youth should align with the cultural beliefs of youth and families, and acknowledge how culture, language, and family values can affect symptoms and acceptance of treatment.”¹⁴³ For example, one study found that targeted supports by bilingual/bicultural counselors to English learners in grades four and five resulted in significant improvements in reading and math test scores compared with those who did not receive the support.¹⁴⁴ Accordingly, school districts should consult with their communities and consider investing in more health and mental health supports, adapting them specifically to the needs of the districts’ high-need students.

Despite the overwhelming evidence that school-based health and mental health resources are crucial to closing opportunity gaps and improving engagement and academic achievement for high-need students and students of color, California has some of the worst student-to-staff ratios for school counselors, social workers, psychologists and nurses in the country.¹⁴⁵ 60% of districts (81) that we reviewed had student to counselor ratios exceeding 500:1 and 10 districts lacked counselors altogether.¹⁴⁶ Most districts (115) lacked any school social workers, and almost every district with social workers had ratios in the thousands or tens of thousands.¹⁴⁷ All but one district had student to school nurse ratios that exceeded 1000:1 and 21 districts lacked a nurse altogether.¹⁴⁸ Half of the districts reviewed (68) have student to psychologist ratios that exceed 1000:1 and seven districts lack any psychologist at all.¹⁴⁹ As shown below, almost none of the districts in the counties we reviewed meet the student-to-staff ratio recommended by the professional associations.

	Professionally-Recommended Ratio	Average ratio in California (2018-19)	# of Districts in LA, Riverside, San Bernardino Counties Meeting Recommended Ratio (2018-19)
School Counselors	250:1 ¹⁵⁰	594:1	1
School Social Workers	250:1 ¹⁵¹	7,152:1	0
School Psychologists	500:1 ¹⁵²	977:1	3
School Nurses	750:1 ¹⁵³	2,274:1	0

The under-investment in health and mental health supports is unconscionable. Today’s schoolchildren are experiencing record levels of depression and anxiety alongside multiple forms of trauma.¹⁵⁴ High-need students and students of color who disproportionately rely on school-based health and mental health supports desperately need districts to shift the funds that are illegally spent on law enforcement and purported security to hire more counselors, social workers, psychologists, and nurses.

ETHNIC STUDIES

Access to ethnic studies is another positive intervention that is effective at supporting high-need students of color. A 2017 Stanford study found that 9th grade students who took an ethnic studies class significantly increased attendance, GPAs, and credits earned. Thomas S. Dee & Emily K. Penner, *The Causal Effects of Cultural Relevance: Evidence From an Ethnic Studies Curriculum*, 54(1) Am. Educ. Res. J. 127-166 (2017). These positive effects were consistent across ethnicities, and especially prominent for students who were Latino and male. Linda Darling-Hammond, *California Needs Time to Get Ethnic Studies Curriculum Right*, EdSource (Sept. 19, 2019). Another study found that culturally responsive materials, ideas, and teaching activities are a critical component of creating “identity-safe classrooms” that support strong academic achievement for all students. Linda Darling-Hammond & Channa M. Cook-Harvey, *Educating the Whole Child: Improving School Climate to Support Student Success*, 21 (2018).

In Pomona, an investment in a Chicano studies program and MEChA club provided students with a place to discuss current events and organize around issues that mattered to students. This ethnic studies investment birthed PSU, the youth organizing group that led the campaign to divest S&C funds from law enforcement and security in Pomona Unified, which mentors and empowers students of color, including low-income students and English learners.

PEER MENTORING

In Ontario, a teacher at Diamond Ranch High School started a peer mentoring club named, “Get Culture.” The club pairs up foster students, English learner students, and students struggling to pass classes with peer mentors, who often come from similar backgrounds themselves. It is a particularly effective intervention because the peer mentors understand where the mentees are coming from and often identify with what they face at home. For example, some students have parents who speak neither English nor Spanish – some speak indigenous languages and cannot help their children navigate the U.S. school system. Students who participate in the club have seen significant improvements in their grades over the last semester.

B. Restorative Justice Is an Effective Alternative to Punitive Discipline and Contributes to Improved School Climate and Culture

Restorative justice (“RJ”) practices provide a way to foster a connected, inclusive school climate and an effective alternative to punitive discipline that closes the opportunity and discipline gaps for high-need students. Restorative justice practices “focus on repairing harm done to relationships and people, developing solutions by engaging all persons affected by a harm, and accountability. A variety of restorative justice practices can be used in schools, ranging from brief on-the-spot responses to student behavior in the classroom to community conferencing involving multiple parties, such as students, parents, and teachers.”¹⁵⁵ Critically, for restorative justice to succeed, it must be accompanied by a corresponding change in school culture, which requires openness and commitment from the entire school community.

Research has consistently demonstrated that restorative justice practices are effective in advancing State Priorities 5 and 6 by improving school climate, promoting school safety, and improving attendance, if implemented properly. A 2016 research review found, “[a]ll the empirical studies we reviewed report a decrease in exclusionary discipline and harmful behavior (e.g., violence) after implementing some type of RJ program.”¹⁵⁶ In a middle school in San Antonio, Texas that adopted restorative justice, out-of-school suspensions and in-school suspensions fell by 87% and 29%, respectively, in the first year of implementation. In-school suspensions subsequently reduced by 52% for the pilot group in the second year.¹⁵⁷

Denver schools have invested in restorative justice for almost a decade. In 2018, “more than 40% of Denver’s 207 schools have staff dedicated to restorative justice.” And the district’s suspension rate has plummeted. “In 2010, the district suspended nearly 9,000 of its 78,000 students, according to district and state statistics. Last school year it suspended just shy of 4,500 of its 91,000 students.”¹⁵⁸ After 96% of staff at Cass Lake-Bena Elementary School in Minnesota were trained in restorative justice practices, the school experienced a 57% reduction in discipline referrals and in-school suspensions, a 35% reduction in average time spent in in-school suspensions, and a 77% reduction in out-of-school suspensions. Expulsions fell from 7 to 1.¹⁵⁹ Similarly, a pilot program in Minnesota Public Schools found that after implementing restorative justice practices “students reported significantly less fighting and skipping school,” “positive, significant increases in their ability to make good choices about how to act, even when they are upset,” and “[p]ositive increases in family communication were reported both by students and their family members.”¹⁶⁰ Similarly, Dyett High School in Chicago, after “implementing a series of restorative practices, including peace circles and peer injuries” experienced “a drop from 819 misconduct reports in 2006-2007 to 306 in 2007-2008, a decrease of 63%.¹⁶¹ Arrests also fell from 35 to 6, a decrease of 83% in just one year.¹⁶²

Further, studies consistently find that restorative justice programs improve school attendance and student outcomes. For example, absenteeism fell by 50% and tardiness decreased by roughly 64% for students who participated in a restorative justice program in Denver Public Schools.¹⁶³ In Oakland, a 2014 study found that middle schools with a restorative justice program experienced a 24% decrease in chronic absenteeism, “compared to a staggering increase in non-restorative justice middle schools of 62.3%.”¹⁶⁴ Similarly, “[f]rom 2010-2013, [restorative justice] high schools experienced a 56% decline in high school dropout rates in comparison to 17% for non-RJ high schools.”¹⁶⁵ Schools implementing RJ also reported reading levels increasing 128% versus only 11% in non-RJ schools. Finally, graduation rates at RJ schools increased 60% while non-RJ schools increased only 7%.¹⁶⁶

While restorative justice will help reduce exclusionary discipline and improve school climate for all students, it nonetheless provides unique benefits to high-need students and students of color. If implemented properly, restorative justice has the potential to ameliorate the disproportionate rates of discipline from which high-need students and students of color suffer most (as discussed above). Research has confirmed that restorative justice has the potential to close the discipline gap. For example, a 2014 study on Oakland Unified’s restorative justice programs concluded that “[s]ignificant progress has been made to close the discipline gap [between Black and white students] in the past 3 years,” with the discipline gap falling 6% in a single year.¹⁶⁷ In a different study about restorative justice programs in West Oakland, the researchers suggested that restorative justice could reduce discipline for all students and “can help keep students, particularly students of color and those from low-income families, in schools and out of the juvenile justice system.”¹⁶⁸

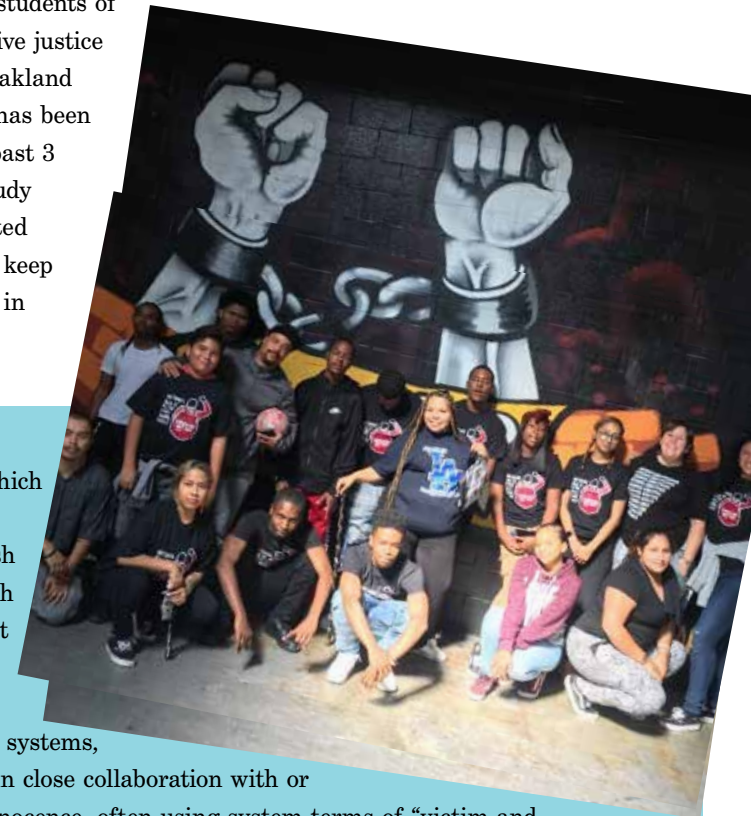
One particularly effective model is Transformative Justice (“TJ”), which is practiced by Youth Justice Coalition (“YJC”). Ever since the mid-2000s, YJC leaders – who had been directly impacted by school push out, detention, incarceration and/or deportation – had concerns with how most schools were performing restorative justice. YJC could not understand how to restore something that most U.S. communities had never had. Furthermore, YJC felt that while RJ internationally was radically challenging traditional juvenile and criminal justice systems, most RJ in the U.S. mirrored those structures, and was often run in close collaboration with or by punitive systems. Most RJ in the U.S. also assumes guilt and innocence, often using system terms of “victim and offender.” So YJC created TJ with an emphasis on transforming not only individuals and the relationships that they had with each other, but also the community and societal conditions that cause or contribute to harm, violence, and injustice.

YJC defines TJ as an alternative to “street justice” – violence, intimidation, revenge, retaliation, and/or rule by might over right; as well as an alternative to “school and court justice” that focuses on punishment, isolation, and removal through suspension/expulsion, incarceration, deportation, or death. TJ is rooted in ancient traditions that arguably existed in all indigenous communities – where disputes are handled and/or decisions made through community circles. One of LA’s spiritual indigenous leaders in the mid-2000s – Manny Lares with Santa Monica Barrios Unidos – observed the way YJC was organizing itself with non-hierarchical decision making. He reminded them that indigenous communities throughout the world are always organized in circles.

For YJC, the disconnection from indigenous traditions is a key reason why the modern court, government and corporate structures are so isolating and discriminatory for poor communities and communities of color. As one of YJC’s youth leaders, Henry Sandoval said, “We just have to de-learn to re-learn.” YJC members also recognize circles as sacred, because they provide for the most safety for individuals and the group, are non-hierarchical, and – if facilitated well – allow for equal opportunities for everyone to speak and provide solutions.

Like the facilitation of circles to make decisions, YJC recognizes that peacebuilding is part of our human nature and collective memory. YJC’s implementation of TJ requires that they train in peacebuilding (intervention); invest in and rely on peacebuilders instead of school police or security; build alternatives to 911 in their community center, homes, and communities; and engage in direct action organizing to dismantle juvenile and criminal justice systems. Everyone in the YJC’s membership and in the larger community is able to use and are subject to being called into a TJ circle. Ultimately, the goal of TJ is to transform the culture and relationships within groups and communities from control, intimidation, and inequality toward safety, equity, and justice.

You can learn more about YJC and TJ here: aclusocal.org/RightToResources



C. Positive Behavior Interventions and Supports Increases Learning Outcomes, Reduces Punitive Discipline, and Improves Student Behavior

Research also promotes coupling restorative justice practices with investments in PBIS strategies to improve school climate and close opportunity and discipline gaps. School-Wide Positive Behavior Intervention and Supports (“SWPBIS”) is a three-tiered approach to “improving student behavior and learning outcomes that relies on the consistent teaching and reinforcement of appropriate behavior and discourages reliance on punitive discipline.”¹⁶⁹ Key SWPBIS practices include proactively teaching behavioral expectations, frequently rewarding students for engaging in appropriate behaviors, parent and community collaboration, use of alternatives to class removal, and data-based decision-making.¹⁷⁰ The goal of PBIS is to provide school staff with systems and procedures that create a positive school environment where all students can develop the social, emotional, and academic skills needed to succeed.

I wish my school would invest more in listening to the hardships that students carry into the classroom from home. We have a large population of homeless and low-income students that go through so much trauma and stress and that affects their way of life at school and even how they get to school, but the school just punishes them without trying to get to know what’s really going on. I wish my school would invest in counselors and make them easier to access so students don’t have to suffer alone. I’ve struggled with mental health challenges since I was little, and teachers who knew never referred me to a counselor. That’s serious because in some cases getting help can be a life or death situation.

– Josue G., Pomona Unified Student

Like restorative justice, SWPBIS practices have been shown to improve school safety ratings, reduce disciplinary referrals, lower levels of aggression among students, and increase reading proficiency, especially among elementary students.¹⁷¹ While SWPBIS benefits all students, they can especially benefit low-income students, foster youth, and English learners by closing the discipline and opportunity gaps, as discussed above. For example, in a 2006 study of PBIS implementation at a middle school where approximately 80% of students were low-income, researchers found a 20% decrease in disciplinary referrals and more than a 50% decrease in short-term suspensions over a two-year period.¹⁷² Several other studies have found that implementation of SWPBIS decreases discipline referrals and improves academic performance.¹⁷³

School districts across the U.S. have adopted SWPBIS practices. Some form of SWPBIS is currently being implemented in more than 25,000 U.S. schools, and at least 17 states have passed legislation that encourage the use of positive and preventative school discipline practices such as SWPBIS.¹⁷⁴ A review of Southern California school district LCAPs suggests that the vast majority of local districts – 89.7% – are already investing in restorative justice and/or PBIS, evincing a near-unanimous belief that such approaches can be

effective in achieving the local and state priority areas. However, while almost all districts invested at least some funding to positive interventions, the scope and quality of investments varied widely among school districts. Some districts merely incorporated restorative justice and/or PBIS into their professional development trainings on a handful of occasions. For example:

- **Alvord Unified:** In 2018–19, Alvord experienced budget reductions that impacted its already-limited PBIS action (\$60,000).¹⁷⁵ In fact, according to the LCAP, these budget deficits prevented Alvord from investing any money in PBIS,¹⁷⁶ yet Alvord spent nearly half a million dollars in S&C funds on school police.¹⁷⁷
- **Hawthorne Unified:** Hawthorne includes PBIS staff as an action in its LCAP, but has not funded this position for several years,¹⁷⁸ while maintaining or increasing “security” personnel at or above \$1 million annually.¹⁷⁹ The only other PBIS-related action is a professional development series that includes “positive learning environments” as one of many topics.¹⁸⁰
- **Inglewood Unified:** In 2019–20, Inglewood’s commitment to PBIS is limited to \$125,000 in staff training on PBIS at only specified schools.¹⁸¹ In the previous year, the district only invested \$66,300 in PBIS training versus the nearly \$1.3 million it spent on school police.¹⁸²

To be most effective, these evidence-based supports require both real monetary investment and district-wide commitment. As such, district boards and staff should not only invest significant funding for PBIS, restorative justice, and school-based health and mental health supports, but incorporate them into a comprehensive plan that holistically supports their students and school community.



VII. Conclusion & Recommendations

LCFF was intended to promote equity, close opportunity and discipline gaps, and support the state's high-need students. However, in too many districts across Southern California, school districts are illegally spending funds meant to support high-need students on ineffective law enforcement and school hardening measures. Our students deserve better. Policymakers must abide by both the spirit and letter of the law and invest in evidence-based services that actually support our high-need students. We urge lawmakers and education policymakers at all levels to honor the law and ensure that our schools effectively educate and support our students.



STATE AUDITOR REPORT ON LCFF

This report's examination of law enforcement and security spending in Los Angeles, Riverside, and San Bernardino County LCAPs corroborates the State Auditor's 2019 report, which found that districts do not effectively analyze whether services have been successful and urged the state to implement better accounting systems for tracking S&C spending with dashboard indicators. See Cal. State Auditor Report 2019-10, K-12 Local Control Funding at pp. 25, 32-34. If the state created these tracking mechanisms to reveal illegal spending and ensured that County Offices of Education held districts accountable for robust effectiveness analysis of all actions, harmful law enforcement and security expenditures will be reduced and increased funding will be available for positive supports.

Accordingly, we offer the following recommendations to ensure that school districts spend their S&C funds on evidence-based services that actually educate and support our high-need students:

To ensure the transparency, accountability, and equity required by LCFF, California's governor, lawmakers, and statewide education policymakers should:

- Issue guidance that school districts should not use education funding on law enforcement because it has not been shown to be effective and can be harmful for students.
- Hold County Offices of Education accountable to their LCAP oversight function and provide support to ensure they understand their obligations and are not approving LCAPs with inappropriate S&C expenditures on law enforcement and security.
- Develop stronger requirements for tracking S&C spending and a mechanism to link S&C spending with services and outcomes as proposed by the State Auditor.¹⁸³

To serve all students and especially high-need students, school board members, school administrators, and County Offices of Education should:

- Not spend any education funding on law enforcement. School police are ineffective at promoting the success of high-need students and have adverse consequences, especially for foster youth and students of color. Moreover, such expenditures have not been shown to meet legal standards for S&C spending under LCFF.
- Ensure that your district or the districts you oversee are not illegally spending S&C funds on law enforcement or other security measures.
- Provide your communities with ample opportunities to give input, for example, through participatory budgeting and a robust two-way dialogue.
- With input from your communities and real monetary investment, focus on culture change district-wide and at each school site by implementing evidence-based supports for high-need students and students of color, including meaningful restorative justice practices and PBIS, and greater investment in school counselors, nurses, psychiatric social workers, and school psychologists.

Parents, students, teachers, staff, and community members should do the following to hold decisionmakers accountable and ensure that schools support their communities:

- Review your district's LCAP to determine whether your district is (1) illegally spending S&C funds on law enforcement or security and (2) spending S&C and base funds on the priorities important to you and your community.
- Advocate to convince your district to divest from law enforcement and purported security and to re-invest those funds in positive and effective supports using our toolkit.*
- Advocate to convince your County Office of Education to refuse to approve an LCAP with illegal law enforcement and security expenditures using our toolkit.*
- File a Uniform Complaint Procedure ("UCP") complaint against the district to challenge S&C spending on law enforcement or security (a template is available in our toolkit*).

*The toolkit is available at clusocal.org/RightToResources.

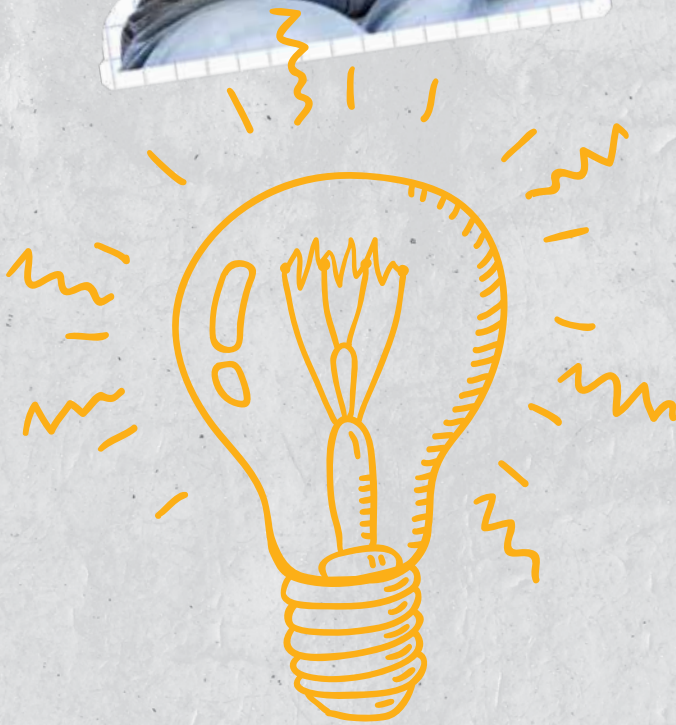
VIII. Endnotes

- 1 See CAL. EDUC. CODE §§ 52059.5–52077 (Deering 2019).
- 2 Racial sub-groups are not called out in LCFF because of Proposition 209, which prohibits considering race or ethnicity in public education.
- 3 The California Department of Education required Fresno Unified to take corrective action and redirect \$440,000 in funding in 2017 after an ACLU Foundations of California complaint highlighted the district’s failure to explain adequately how the funding impacted high-needs students. This review revealed similar vague and unlawful language in many other districts. See May 2017 CDE Fresno Decision, pp. 11, 14.
- 4 As discussed in section IV.B, *infra*, many districts fail to include all expenditures in their LCAPs. As a result, these findings underestimate the prevalence of law enforcement and security expenditures by school districts.
- 5 See Fontana Unified 2019–20 LCAP, pp. 442–43 (Action 7.1); p. 464 (noting \$9,664,394 in S&C funds used “for services outside the LCAP[.]” including additional funding for School Police Department and District Safety Officers).
- 6 See Chaffey Joint Union High School 2019–20 LCAP, pp. 143–44 (Action 3.12).
- 7 The California School Dashboard, *Suspension Rate (High School District) Indicator – 2019, Chaffey Joint Union High*, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2019&cocode=3667652&scode=&reporttype=sgroups>.
- 8 See section V, *infra*, for a detailed overview of the research demonstrating the harm caused to students when law enforcement is present on school campuses.
- 9 See sections IV and V, *infra*, for a discussion about how schools with higher concentrations of high-need students tend to spend more on security and how the prevailing research shows that such spending harms students.
- 10 In this report, “over-policed and under-resourced racial/ethnic groups” is defined as all students classified as “African American,” “Hispanic or Latino,” “American Indian,” “Filipino,” and “Pacific Islander” in the California Department of Education data. This category is designed to be inclusive of students from racial/ethnic groups that research shows are over-policed and under-resourced in both communities and schools. However, because the racial/ethnic categories in the Department of Education data are so broad, some students are excluded from the “over-policed and under-resourced” category in the data analysis even though they belong to ethnic groups – such as some Southeast Asian ethnic groups – that are over-policed and under-resourced. For research on the criminalization and exploitation of youth from these racial/ethnic groups, see, for example: JAMES A. BELL, REPAIRING THE BREACH: A BRIEF HISTORY OF YOUTH OF COLOR IN THE JUSTICE SYSTEM (W. Hayward Burns Inst. for Youth Just. Fairness & Equity, 2015); VICTOR M. RIOS, PUNISHED: POLICING THE LIVES OF BLACK AND LATINO BOYS (2011).
- 11 As discussed in section IV.B, *infra*, it is impossible to ascertain the total amount of S&C funds illegally spent on law enforcement and security because nearly half of the districts fail to isolate their security spending and nearly all districts leave some expenditures out of the LCAP.
- 12 See CAL. STATE AUDITOR, K–12 LOCAL CONTROL FUNDING: THE STATE’S APPROACH HAS NOT ENSURED THAT SIGNIFICANT FUNDING IS BENEFITING STUDENTS AS INTENDED TO CLOSE ACHIEVEMENT GAPS REPORT 2019-101 32–34 (2019), <https://www.auditor.ca.gov/pdfs/reports/2019-101.pdf>.
- 13 CAL. STATE AUDITOR, *supra* note 12, at 38 (recommending that the Legislature should amend state law to require districts to identify any unspent S&C funds in their LCAP and spend those funds on high-need students and require districts to track and report the total amount of S&C funds they receive and spend each year, as well as develop a common method for districts to use to report the type of services on which they spend their S&C funds).
- 14 Participatory budgeting is a democratic process by which community members determine how to spend public money. For more information and resources, visit the Participatory Budgeting Project website. See www.participatorybudgeting.org.
- 15 As discussed in section IV.B, *infra*, many districts fail to include all expenditures in their LCAPs. As a result, these findings underestimate the prevalence of law enforcement and security expenditures by school districts.
- 16 As discussed in section IV.B, *infra*, it is impossible to ascertain the total amount of S&C funds illegally spent on law enforcement and security because nearly half of the districts fail to isolate their security spending and nearly all districts leave some expenditures out of the LCAP.
- 17 Michael Finch, *Fact Check: Is California Really Ranked 41st in Education Spending Nationwide?*, THE SACRAMENTO BEE, Feb. 13, 2019, <https://www.sacbee.com/news/politics-government/capitol-alert/article226179020.html>; Jonathan Kaplan, *California’s Support for K–12 Education Is Improving, but Still Lags the Nation* (Jan. 2017), <https://calbudgetcenter.org/resources/californiassupport-k-12-education-improving-still-lags-nation/>. See also Children Now, *2020 California Children’s Report Card* at pp. 40–41 (Jan. 2020), <https://www.childrennow.org/portfolio-posts/20-report-card/> (giving California an F grade on providing caring professionals at school).
- 18 Valerie Strauss, *California’s Gov. Brown Blasts State, Federal Education Policy*, THE WASHINGTON POST, Jan. 24, 2013, <https://www.washingtonpost.com/news/answer-sheet/wp/2013/01/24/california-as-gov-brown-blasts-state-federal-education-policy/>.
- 19 Local educational agencies include traditional public school districts, which are subjected to analysis in this report.
- 20 Funding rates for 2019–20 are available on the CDE website. *Funding Rates and Information, Fiscal Year 2019–20* (2019), <https://www.cde.ca.gov/fg/aa/pa/pa1920rates.asp>.
- 21 Districts do not receive more than one supplemental grant per student, even if that student qualifies for a supplemental grant under multiple categories.
- 22 CDE does not release the racial demographics of all students included in the Unduplicated Pupil Count, but the racial demographics of each of the individual categories used to calculate the Unduplicated Pupil Count clearly indicate that the vast majority of high-need students are also students of color.
- 23 “Unduplicated pupils” is the statutory term for “high-need students.” Both have the same meaning in that each term refers to low-income, English learner, and foster youth.
- 24 CAL. CODE REGS. tit. 5, § 15496(a) (2019); see also CAL. EDUC. CODE § 42238.07 (Deering 2019).
- 25 CAL. CODE REGS. tit. 5, § 15496(b)(1) (2019).
- 26 May 2017 CDE Fresno Decision, p. 6.
- 27 Nov. 2018 CDE Klamath I Decision, p. 8.
- 28 CAL. CODE REGS. tit. 5, § 15496(b)(2) (2019).
- 29 This section was formerly called the Demonstration of Increased and Improved Services for Unduplicated Pupils Section.
- 30 See Apr. 2019 CDE Merced Decision, pp. 7–8; see also Dec. 2018 CDE Klamath Trinity II Decision, pp. 10–11.
- 31 CAL. EDUC. CODE § 52070; CAL. CODE REGS. tit. 5, §15497 (Deering 2019).
- 32 These numbers and percentages in the top row (Any Measure) are lower than the sum of the numbers and percentages for each security measure type (law enforcement, security guards, and security equipment) given in the three subsequent rows. This is because some individual school districts included multiple security measures in their LCAPs.
- 33 Bolded numbers represent a statistically significant difference in means between groups at the p<0.05 level.
- 34 Bolded numbers represent a statistically significant difference in means between groups at the p<0.05 level.
- 35 The percentages reported here come from the category “African American” in the California Department of Education datafiles.
- 36 The percentages reported here come from the category “Hispanic or Latino” in the California Department of Education datafiles.
- 37 Chi-square analysis showed this difference to be significant at the p<.001 level.
- 38 Chi-square analysis showed this difference to be significant at the p<.001 level.
- 39 See section V, *infra*, for a discussion about the harm caused to students by law enforcement in schools.
- 40 A detailed description of Sigma Beta Xi v. County of Riverside, 5:18-cv-01399 (C.D. Cal 2018), is available at <https://www.aclusocal.org/en/cases/sigma-beta-xi-v-county-riverside>.
- 41 See 5 CAL. CODE. REGS. § 15496(a) (2019) (requiring Districts to provide evidence in their LCAP that S&C funding is used proportionately to support the high-need students that generated those additional funds).
- 42 COMM’N ON PEACE OFFICER STANDARDS & TRAINING, CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL ALL POST PARTICIPATING AGENCIES, (Jan. 3, 2020), https://post.ca.gov/Data/Sites/1/post_docs/hiring/le-employment-stats.pdf.
- 43 See San Bernardino City Unified 2019–20 LCAP.
- 44 See San Bernardino City Unified 2019–20 LCFF Budget Overview for Parents.
- 45 Compton has a school police department with 19 full-time sworn officers. See COMM’N ON PEACE OFFICER STANDARDS & TRAINING, *supra* note 42, https://post.ca.gov/Data/Sites/1/post_docs/hiring/le-employment-stats.pdf. However, Compton’s LCAP does not disclose any action for law enforcement. See Compton Unified 2019–20 LCAP. Snowline Joint Unified employs 3 full-time sworn officers and 2 reserve officers, but also does not disclose any action for law enforcement. See Snowline Joint Unified 2019–20 LCAP.
- 46 See Cucamonga Elementary 2019–20 Parent Budget Overview, at p. 2; Paramount Unified 2019–20 Parent Budget Overview, at p. 2; and Whittier Union High School Parent Budget Overview, at p. 2.

- 47 See CAL. EDUC. CODE § 52060(c) (Deering 2019) (requiring districts to adopt LCAPs that contain all the information specified in the template adopted by the State Board of Education); see also Approved Local Control Accountability Plan and Annual Update (LCAP) Template 2019, <https://www.cde.ca.gov/re/lc/documents/lcaptemplate2019.docx> (requiring districts to distinguish between services limited to one or more unduplicated pupil subgroups and those that are available to all students; services provided only at schools serving certain grade spans or to certain schools; and services that are distinctive in nature); see also 5 CAL. CODE REGS. § 15496(a) (2019) (requiring district-wide or school-wide expenditures to be justified as “principally directed towards” and “effective in meeting the district’s goals for its unduplicated pupils,” which cannot be accomplished if actions that have different purposes and metrics for evaluating effectiveness are bundled).
- 48 See Lancaster Elementary 2019–20 LCAP, pp. 153–58 (Action 3.4).
- 49 See Long Beach Unified 2019–20 LCAP, pp. 169–72 (Action 7.2).
- 50 See Chaffey Joint Union High School District 2019–20 LCAP, pp. 143–44, 146–47.
- 51 *Id.* at pp. 165–66.
- 52 5 CAL. CODE REGS. tit. 5, § 15496(b) (2019).
- 53 See Moreno Valley Unified 2019–20 LCAP, pp. 160, 194. Yet, its Annual Update shows that its suspension rates have increased from the baseline in 2016–17. *Compare Id.* at p. 59 (6.2% actual suspension rate in 2018–19), with p. 145 (5.7% suspension rate baseline in 2016–17).
- 54 See, e.g., Matthew T. Theriot, The Impact of School Resource Officer Interaction on Students Feelings About School and School Police, 62(4) CRIME & DELINQUENCY 446, 459 (2016), https://www.researchgate.net/publication/297897099_The_Impact_of_School_Resource_Officer_Interaction_on_Students_Feelings_About_School_and_School_Police/link/5b15afbc4585151f91fb0375/download.
- 55 See CAL. CODE REGS. tit. 5, § 15496(b)(1)(B) (2019).
- 56 Klamath I, *supra* note 27, p. 8 (emphasis added).
- 57 See CAL. EDUC. CODE §§ 52064(b)(1)–(7) (Deering 2019).
- 58 CAL. EDUC. CODE §§ 52060(d)(5)–(6) (Deering 2019).
- 59 Only one LCAP identified any research to support its use of S&C funds on law enforcement. ABC Unified cited to a study of SROs in Canada that has little relevance to school police in California schools and did not address the impact of SROs on high-need students and students of color or on outcomes such as discipline, attendance, and connectedness. See ABC Unified 2019–20 LCAP, p. 191.
- 60 Alexis Stern & Anthony Petrosino, *What Do We Know about the Effect of School-Based Law Enforcement on School Safety?* 2, WestEd (2018); Aaron Kupchik, *School Policing: What the Research Shows*, (June 11, 2018).
- 61 Kenneth Alonzo Anderson, *Policing and Middle School: An Evaluation of a Statewide School Resource Officer Policy*, 4(2) MIDDLE GRADES REV. art. 7 (2018), <https://scholarworks.uvm.edu/mgreview/vol4/iss2/7>.
- 62 For example, Alford Unified tries to justify its S&C spending on cops and security by arguing that high-need students are particularly at-risk of chronic absenteeism because of a fear of bullying, among other things, and that security personnel will improve safety. See Alford Unified 2019–20 LCAP, p. 208. However, as discussed above, this logic is not consistent with the prevailing research.
- 63 Deanna Devlin, et al. *An Evaluation of Police Officers in Schools as Bullying*, 71 INTERVENTION, EVALUATION & PROGRAM PLAN. 12, 12–21, (2018).
- 64 *Id.*
- 65 Matthew T. Theriot, *supra* note 54.
- 66 See section V.A.3, *infra*.
- 67 Jason Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 EMORY L.J. 765, 792 (2017).
- 68 Sarah Lindstrom Johnson, *Surveillance or Safekeeping? How School Security Officer and Camera Presence Influence Students’ Perceptions of Safety, Equity, and Support*, 63(6) J. OF ADOLESCENT HEALTH 1, 4 (2018).
- 69 Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* 13, 74–79, 162–166 (2011).
- 70 Emily Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes*, U. OF TEXAS AUSTIN EDUC. RES. CTR. 3 (2018), <https://texaserc.utexas.edu/wp-content/uploads/2018/11/21-UTA034-Brief-BPCAB-11.1.18.pdf>.
- 71 See Inglewood Unified 2019–20 LCAP, pp. 65–66 (Action 3.10).
- 72 *Id.* at pp. 162–63 (budgeting \$1.4 million for school security and police officers).
- 73 *Id.* at p. 56 (noting a 1.4 percentage drop in daily attendance rates from the same time last year).
- 74 See The California School Dashboard, *Chronic Absenteeism Indicator – 2019, Inglewood Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=chron&year=2019&cd-code=1964634&scode=&reporttype=sgroups>. The California Dashboard is a color-coded online tool that shows how school districts and schools are performing on multiple measures included in California’s school accountability system, which was overhauled through LCFF. The color-coded performance levels (red is the worst and blue is the best) are based on the intersection of current data and changes from prior year results. See generally CAL. DEP’T OF EDUC, CAL. SCHOOL DASHBOARD AND SYSTEM OF SUPPORT (Jan. 13, 2020), <https://www.cde.ca.gov/ta/ac/cm/>.
- 75 Compare Inglewood Unified 2019–20 LCAP, pp. 148–50 (Action 3.1 for one intervention teacher focusing on students who are chronically absent), with pp. 161–63 (Action 3.10 for 5 police officers and 14 school security staff).
- 76 See Lynwood Unified 2019–20 LCAP, pp. 97–103 (Action 5.1).
- 77 *Id.* at p. 42.
- 78 See California School Dashboard, *Chronic Absenteeism Indicator – 2019, Lynwood Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=chron&year=2019&cd-code=1964774&scode=&reporttype=sgroups>
- 79 *Id.* at 150.
- 80 See Hesperia Unified 2019–20 LCAP, p. 32 (Action 2.2).
- 81 *Id.* at p. 101.
- 82 See California School Dashboard, *Graduation Rate Indicator – Student Group Five-by-Five Placement – 2019, Hesperia Unified*, <https://www6.cde.ca.gov/californiamodel/grid?indicator=grad&year=2019&cdcode=3675044&scode=&reporttype=sgroups>.
- 83 Hesperia LCAP, p. 105.
- 84 See Dataquest, 2018–19 Pupil Services Staff by Type.
- 85 CONG. RESEARCH SERV., R45251, SCHOOL RESOURCE OFFICERS: ISSUES FOR CONGRESS Summary (2018), https://www.everycrsreport.com/files/20180705_R45251_db5492370a04c7e3b39f27ce52416d229a0ac17d.pdf.
- 86 Emily K. Weisburst, *supra* note 70.
- 87 Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 EMORY L.J. 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885, (“This Article presents data on school surveillance practices, including an original empirical analysis of restricted data recently released by the U.S. Department of Education after the shootings at Sandy Hook Elementary School. Paralleling other disturbing trends of inequality in our public school system, these results and other empirical analyses reveal that schools serving primarily students of color are more likely to rely on more intense surveillance measures than other schools.”)
- 88 Emily K. Weisburst, *supra* note 70.
- 89 Benjamin W. Fisher & Emily A. Hennessy, *School Resource Officers and Exclusionary Discipline in U.S. High Schools: A Systematic Review and Meta-Analysis*, 1(3) ADOLESCENT RES. REV. 217, 229 (2016); see also Emily K. Weisburst, *supra* note 70.
- 90 Joscha Legewie & Jeffrey Fagan, *Aggressive Policing and the Educational Performance of Minority Youth*, 84(2) AM. SOC. REVIEW 19 (2018), <https://doi.org/10.1177/0003122419826020>.
- 91 See Apple Valley Unified 2019–20 LCAP, pp. 112–14 (Action 4.4).
- 92 *Id.* at pp. 105–07 (listing annual measurable outcomes for Goal 4).
- 93 Compare California School Dashboard, *Suspension Rate (Unified) Indicator – 2017, Apple Valley Unified*, <https://www.ca-schoolsdashboard.org/reports/19646340000000/2019/academic-engagement#chronic-absenteeism>, with California School Dashboard, *Suspension Rate (Unified) Indicator – 2019, Apple Valley Unified*, <https://www6.cde.ca.gov/californiamodel/grid?indicator=susp&year=2019&cdcode=3675077&scode=&reporttype=sgroups>.
- 94 See California School Dashboard, *Suspension Rate (Unified) Indicator – 2019, Apple Valley Unified*, <https://www6.cde.ca.gov/californiamodel/grid?indicator=susp&year=2019&cd-code=3675077&scode=&reporttype=sgroups>.
- 95 Compare California School Dashboard, *Chronic Absenteeism Indicator – 2018, Apple Valley Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=chron&year=2018&cdcode=3675077&scode=&reporttype=sgroups> (prior chronic absenteeism rate), with California School Dashboard, *Chronic Absenteeism Indicator – 2019, Apple Valley Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=chron&year=2019&cdcode=367507x7&scode=&reporttype=sgroups>.
- 96 *Id.*
- 97 See Chaffey Joint Union High School District 2019–20 LCAP, pp. 47, 55–56, 60 (Action 3.12).
- 98 *Id.* at pp. 126–29.
- 99 *Id.* at 144.
- 100 Compare California School Dashboard, *Suspension Rate*

- (Unified) Indicator – 2017, Chaffey Joint Union High, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2017f&cdcode=3667652&scode=&reporttype=sgroups>, with California School Dashboard, *Suspension Rate (Unified) Indicator – 2019, Chaffey Joint Union High*, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2019&cdcode=3667652&scode=&reporttype=sgroups>.
- 101 See California School Dashboard, *Suspension Rate (Unified) Indicator – 2019, Chaffey Joint Union High*, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2019&cdcode=3667652&scode=&reporttype=sgroups>.
- 102 See Jurupa Unified 2019–20 LCAP, pp. 97–102 (Action 2.2E).
- 103 *Id.* at pp. 92–94.
- 104 Compare California School Dashboard, *Suspension Rate (Unified) Indicator – 2017, Jurupa Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2017f&cdcode=3367090&scode=&reporttype=sgroups> (8.2% suspension rate for foster youth compared to 3.1% for all students), with California School Dashboard, *Suspension Rate (Unified) Indicator – 2019, Jurupa Unified*, <https://www6.cde.ca.gov/californiamodel/report?indicator=susp&year=2019&cdcode=3367090&scode=&reporttype=sgroups> (12.6% foster youth suspension rate compared to 3.6% suspension rate for all students).
- 105 *Id.* (6.8% suspension rate for Black students in 2016–17 compared to 3.1% suspension rate for all students and 9.5% suspension rates for Black students in 2018–19 compared to 3.6% for all students).
- 106 See CAL. EDUC. CODE §§ 51100-51102 (Deering 2019).
- 107 Mar. 2019 CDE Del Norte Decision, pp. 6–7.
- 108 Oct. 2018 CDE San Joaquin County Office of Education Decision, p. 11.
- 109 Jan. 2019 CDE Sac City Decision, pp. 11–12.
- 110 It is troubling that the CDE and other state policymakers did not independently identify these issues. Rather, they only addressed these problems in response to complaints by Public Advocates, the ACLU Foundations of California, and other organizations.
- 111 CDE Fresno Decision, *supra* note 26, at 13.
- 112 *Id.*
- 113 Police and probation departments already receive substantial funding from state, local, and federal sources. As discussed throughout this report, school districts should not supplement law enforcement budgets with education funds and should instead direct all of their funding on resources that actually educate and support students.
- 114 See Hesperia Unified 2019–20 LCAP, p. 101.
- 115 See El Monte Union High 2019–20 LCAP, p. 140–41.
- 116 See Dataquest, 2018–19 Pupil Services Staff by Type; see also *infra* notes 146–49 describing recommended ratios.
- 117 See Chaffey Joint Union 2019–20 LCAP, p. 144 (\$5.4 million budgeted for Action 3.12 for law enforcement contracts and campus officers), p. 146 (\$692,500 budgeted Action 3.14 for security equipment)
- 118 *Id.* at p. 145 (Action 3.13).
- 119 See Fontana Unified 2019–20 LCAP, p. 443 (\$7.67 million budgeted for Action 7.1 for police and security positions), p. 458 (\$379,350 budgeted for Action 7.11 for operational support for School Police Services).
- 120 *Id.* at pp. 122, 414 (Action 5.5 for implementation of PBIS and Restorative Practices).
- 121 *Id.* at p. 138 (2018–19 actual S&C expenditures included several dozen police officers and staff) & p. 464 (\$9,664,394 in S&C funds used outside the LCAP for Wifi infrastructure upgrades and additional funding for School Police Department sworn officers, staff, and District Safety Officers).
- 122 Compare Redlands Unified 2019–20 LCAP, pp. 77–78 (Action 2.2 for School Safety Officers, security software, drug testing services, among other services), with pp. 78–80 (Action 2.3 for staff training on PBIS to reduce student suspensions and expulsions).
- 123 See San Jacinto Unified 2019–20 LCAP, p. 67.
- 124 See Val Verde Unified 2019–20 LCAP, p. 53 (actual 2018–19 expenditures for SROs in Action 3.1).
- 125 See Dataquest, 2018–19 Pupil Services Staff by Type.
- 126 A study assessing mental health access for pre-kindergarten students concluded, “[t]eacher access to classroom-based mental health services was negatively correlated with expulsion rates: as access to mental health consultation increased, rates of expulsion decreased.” See James M. Frabutt & M.J. Gathings, *Prekindergarteners Left Behind: Expulsion Rates in State Prekindergarten Systems*, CTR. FOR YOUTH, FAMILY, & COMMUNITY PARTNERSHIPS U. OF NORTH CAROLINA AT GREENSBORO, 4 (2006).
- 127 A Connecticut study found that, controlling for other factors, “high schools that gave school counselors the opportunity to work with smaller numbers of students and where counselors used their work time to more fully provide college and career counseling services . . . had significantly fewer suspensions and disciplinary incidents.” See Richard T. Lapan et al, *Connecticut Professional School Counselors: College and Career Counseling Services and Smaller Ratios Benefit Student*, 16(2) PROF. SCH. COUNSELING 117–24 (2012); see also Richard T. Lapan et al., *The Relationship Between the Implementation of the Missouri Comprehensive Guidance Program and Student Academic Achievement*, AM. SCH. COUNSELOR ASS’N 28, (2006), <https://www.thefreelibrary.com/Connecticut+professional+school+counselors%3a+college+career...-a0315221685>; and Susan C. Whiston et al., *School Counseling Outcome: A Meta-Analytic Examination of Interventions*, 89 J. OF COUNSELING & DEV. 37–55 (2010) (establishing a strong connection between comprehensive counseling programs and the reduction of suspension rates and student discipline in secondary schools).
- 128 In Louisiana, a program that offered school-based multifamily counseling as an alternative to suspension resulted in reduced recidivism rates, reduced fighting even among students who did not participate in the program, and generally improved school climate. See Cecil McCune, *School and Family Counselors Work Together to Reduce Fighting at School*, 8(1) PROF. SCH. COUNSELING 40 (2004), <https://www.thefreelibrary.com/School+and+family+counselors+work+together+to+reduce+fighting+at...-a0123579432>; and Richard E. Cleveland & Christopher A. Sink, *Student Happiness, School Climate, and School Improvement Plans: Implications for School Counseling Practice*, 21(1) PROF. SCH. COUNSELING, 1–10 (2018); Thomas J. Hernandez & Susan R. Seem, *A Safe School Climate: A Systemic Approach and the School Counselor*, 7(4) PROF. SCH. COUNSELING, 256–62 (2004).
- 129 Richard T. Lapan et al., *Helping Seventh Graders be Safe and Successful: A Statewide Study of the Impact of Comprehensive Guidance and Counseling Programs*, 79 J. OF COUNSELING & DEV. 320–30 (2001). See also McCune, *supra* note 128 (finding that school-based multifamily counseling alternatives to suspension reduced fighting even among students who did not participate in the program).
- 130 Kevin Tan et al., *The Impact of School Social Workers on High School Freshman Graduation Among the One Hundred Largest School Districts in the United States*, 39(2) SCH. SOC. WORK J., 1–14 (2015).
- 131 Jenni Jennings et al., *Implementing and Maintaining School-Based Mental Health Services at a Large, Urban School District*, 70(5) J. OF SCH. HEALTH 203 (2000).
- 132 J.C. CAREY & K. M. HARRINGTON, THE IMPACT OF SCHOOL COUNSELING ON STUDENT EDUCATIONAL OUTCOMES IN HIGH SCHOOLS: WHAT CAN WE LEARN ABOUT EFFECTIVENESS FROM STATEWIDE EVALUATIONS OF SCHOOL COUNSELING PRACTICE IN NEBRASKA AND UTAH?, 3 (Amherst, MA: Ctr. for Sch. Counselling Outcome Res. & Evaluation, 2010), <https://www.umass.edu/schoolcounseling/uploads/Research-Brief-8.2.pdf>.
- 133 Susan C. Whiston & Robert F. Quinby, *Review of School Counseling Outcome Research*, 46(3) PSYCHOL. IN THE SCH. 267–72 (2009). See also Richard T. Lapan et al., *The Impact of More Fully Implemented Guidance Programs on the School Experiences of High School Students: A Statewide Evaluation Study*, 75(4) J. OF COUNSELING & DEV 292–302 (1997) (a study of 22,964 Missouri high school students found that students who participated in comprehensive guidance programs, “(a) they had earned higher grades, (b) their education was better preparing them for their future, (c) their school made more career and college information available to them, and (d) their school had a more positive climate.”).
- 134 Chari A. Campbell & Greg Brigman, *Closing the Achievement Gap: A Structured Approach to Group Counseling*, 30(1) THE J. FOR SPECIALISTS IN GROUP WORK 67–82 (2005), <http://www.fau.edu/education/research/conferences/osac2007/documents/CampbellBrigman05.pdf>.
- 135 Richard T. Lapan et al., *Missouri Professional School Counselors: Ratios Matter, Especially in High-Poverty Schools*, 16(2) PROF. SCH. COUNSELING 108, 115 (2012), doi: 10.1177/2156759X0001600207.
- 136 Angelia M. Bruce et al., *Closing the Gap: A Group Counseling Approach to Improve Test Performance of African-American Students*, 12(6) PROF. SCH. COUNSELING 450–57 (2009), doi: 10.1177/2156759X0901200603.
- 137 Elise Cappella et al., *Enhancing Schools’ Capacity to Support Children in Poverty: An Ecological Model of School-Based Mental Health Services*, 35(5) ADMIN. & POLICY IN MENTAL HEALTH & MENTAL HEALTH SERV. RES. 4 (2008), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3744335/>.
- 138 Reem M. Ghandour et al., *Prevalence and Treatment of Depression, Anxiety, and Conduct Problems in US Children*, 206 THE J. OF PEDIATRICS 256–67 (2018), [https://www.jpeds.com/article/S0022-3476\(18\)31292-7/fulltext](https://www.jpeds.com/article/S0022-3476(18)31292-7/fulltext).
- 139 Roya Ijadi-Maghsoodi, et al., *Adapting and Implementing a School-Based Resilience-Building Curriculum Among Low-Income Racial and Ethnic Minority Students*, 21(3) CONTEMPORARY SCH. PSYCHOL. (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5909715/>.
- 140 Lisa Jaycox et al., *Violence Exposure, Posttraumatic Stress Disorder, and Depressive Symptoms Among Recent Immigrant Schoolchildren*, 41(9) J. AM. ACAD. CHILD & ADOLESC. PSYCHIATRY 1104–10 (2002). doi: 10.1097/00004583-200209000-00011.
- 141 *Id.*

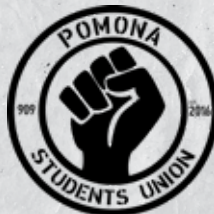
- 142 Angela McCoy Harless & Kevin B. Stoltz, *Integrating Narrative Approaches with Early Recollections to Provide Career Counseling With Low-SES Secondary Students*, 73(1) J OF INDIVIDUAL PSYCHOL. 117 (2018), <http://homeworkgain.com/wp-content/uploads/edd/2018/07/SchoolCounselingArticle-forArticleReview2.pdf>.
- 143 Ijadi-Maghssoodi, *supra* note 139, at 8.
- 144 Ana León et al., *Closing the Achievement Gap of Latina/Latino Students: A School Counseling Response*, 2(1) COUNSELING OUTCOME RES. & EVALUATION 73–86. (2011), doi: 10.1177/2150137811400731.
- 145 AMIR WHITAKER, SYLVIA TORRES-GUILLÉN, ET AL., COPS AND NOT COUNSELORS: HOW THE LACK OF SCHOOL MENTAL HEALTH STAFF IS HARMING STUDENTS, 12–14 (2019), <https://www.aclu.org/report/cops-and-no-counselors>.
- 146 Dataquest, 2018–19 Pupil Services Staff by Type.
- 147 *Id.*
- 148 *Id.*
- 149 *Id.*
- 150 ASCA NATIONAL MODEL: A FRAMEWORK FOR SCHOOL COUNSELING PROGRAMS: EXECUTIVE SUMMARY 1 (2012), <https://schoolcounselor.org/ascanationalmodel/media/anm-templates/anmexecsumm.pdf>.
- 151 NATIONAL ASSOCIATION OF SCHOOL SOCIAL WORKERS, NASW STANDARDS FOR SCHOOL SOCIAL WORK SERVICES 18 (2012), <https://www.socialworkers.org/LinkClick.aspx?fileticket=1Ze4-9-Os7E%3D&portalid=0>.
- 152 The National Association of School Psychologists recommends a ratio of 500 to 700:1, with higher need schools maintaining a lower student to school psychologist ratio. This report uses the 500:1 ratio as the recommendation given the high level of need in the schools discussed. *See* ANASTASIA KALAMAROS SKALSKI, ET AL., NASP PRACTICE MODEL: IMPLEMENTATION GUIDE 2 (2015), https://www.nasponline.org/Documents/Standards%20and%20Certification/Standards/PracticeModelGuide_Web.pdf.
- 153 AM. NURSES ASS'N (ANA) & NAT'L ASS'N OF SCH. NURSES (NASN), SCHOOL NURSING: SCOPE AND STANDARDS OF PRACTICE (2nd ed. 2011).
- 154 Susanna Schrobsdorff, *There's a Startling Increase in Major Depression Among Teens in the U.S.*, TIME (Nov. 16, 2016), <https://time.com/4572593/increase-depression-teens-teen-age-mental-health/>; Amy Ellis Nutt, *Why Kids and Teens May Face Far More Anxiety These Days*, THE WASHINGTON POST (May 10, 2018), <https://www.washingtonpost.com/news/to-your-health/wp/2018/05/10/why-kids-and-teens-may-face-far-more-anxiety-these-days/>; National Association of School Psychologists, *Trauma: Brief Facts and Tips* (last visited Jan. 21, 2020), <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-climate-safety-and-crisis/mental-health-resources/trauma>.
- 155 U.S. DEPARTMENT OF EDUCATION, GUIDING PRINCIPLES: A RESOURCE GUIDE FOR IMPROVING SCHOOL CLIMATE AND DISCIPLINE 24 (Jan. 2014), <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>; *see also* RESTORATIVE JUSTICE FOR OAKLAND YOUTH, RESTORATIVE JUSTICE, <https://rjyoakland.org/>.
- 156 TREVOR FRONIUS ET AL., RESTORATIVE JUSTICE IN U.S. SCHOOLS: A RESEARCH REVIEW 20 (WestEd, 2016), https://jprc.wested.org/wp-content/uploads/2016/02/RJ_Literature-Review_20160217.pdf.
- 157 Marilyn Armour, *Restorative Practices: Righting the Wrongs of Exclusionary School Discipline*, 50 U. RICH. L. REV. 999 (2016), <https://sites.utexas.edu/irjrd/files/2016/01/Armour-University-of-Richmond-Law-Review.pdf>.
- 158 Melanie Asmar, *Inside One of Three Denver Schools Serving as a National Model for how to do Discipline Differently*, CHALK-BEAT, Mar. 13, 2018, at 3, <https://www.chalkbeat.org/posts/co/2018/03/13/inside-one-of-three-denver-schools-serving-as-a-national-model-for-how-to-do-discipline-differently/>.
- 159 Nancy Riestenberg, *Restorative Schools Grants Final Report, January 2002-June 2003 2–3* (Minn. Dep't of Educ., 2003), http://crisisresponse.promoteprevent.org/webfm_send/1200.
- 160 BARBARA J. MCMORRIS, ET AL., APPLYING RESTORATIVE PRACTICES TO MINNEAPOLIS PUBLIC SCHOOLS STUDENTS RECOMMENDED FOR POSSIBLE EXPULSION 2 (U. of Minn., 2013), http://www.legalrightscenter.org/uploads/2/5/7/3/25735760/lrc_umn_report-final.pdf.
- 161 THE HIGH HOPES CAMPAIGN, FROM POLICY TO STANDARD PRACTICE: RESTORATIVE JUSTICE IN CHICAGO PUBLIC SCHOOLS SPRING 2012 7 (2012), http://docs.wixstatic.com/ugd/10497b_2d8276c5e3684a668749d1d94e61e1b3.pdf.
- 162 *Id.*
- 163 MYRIAM L. BAKER, DPS RESTORATIVE JUSTICE PROJECT: YEAR THREE (Denver Pub. Sch., 2009).
- 164 Sonia Jain, et al., *Restorative Justice in Oakland Schools Implementation and Impacts: An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions and Improve Academic Outcomes vi* (Oakland Unified Sch. Dist., 2014), <https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUUSD-RJ%20Report%20revised%20Final.pdf>.
- 165 *Id.*
- 166 *Id.*
- 167 *Id.*
- 168 MICHAEL SUMNER ET AL., SCHOOL-BASED RESTORATIVE JUSTICE AS AN ALTERNATIVE TO ZERO-TOLERANCE POLICIES: LESSONS FROM WEST OAKLAND 3 (Thelton E. Henderson Ctr. for Soc. Justice, 2010), https://www.law.berkeley.edu/files/thcsj/10-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf.
- 169 DIGNITY IN SCHOOLS, REDEFINING DIGNITY IN OUR SCHOOLS: A SHADOW REPORT ON SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORT IMPLEMENTATION IN SOUTH LOS ANGELES (Comm. Asset Dev. Re-defining Educ. 2010), http://www.cadre-la.org/core/wp-content/uploads/2011/03/4488_RedefDignityFullLengthReport_FINAL.pdf.
- 170 *Id.*; *see also* Claudia Vincent, et al., *Effectiveness of School-wide Positive Behavior Interventions and Supports in Reducing Racially Inequitable Disciplinary Exclusion* in CLOSING THE SCHOOL DISCIPLINE GAP: EQUITABLE REMEDIES FOR EXCESSIVE EXCLUSION (Daniel J. Losen ed., 2015), <http://www.fixschooldiscipline.org/wp-content/uploads/2015/03/Vincent-Chapter-Chapter-14-of-Losen-Book.pdf>.
- 171 ELIZABETH PUFALL JONES ET AL., CTR. FOR PROMISE, DISCIPLINED AND DISCONNECTED: THE EXPERIENCE OF EXCLUSIONARY DISCIPLINE IN MINNESOTA AND THE PROMISE OF NON-EXCLUSIONARY ALTERNATIVES 14 (2018), <https://gradnation.americaspromise.org/report/disciplined-and-disconnected>.
- 172 Jared S. Warren et. al., *School-wide Positive Behavior Support: Addressing Behavior Problems that Impede Student Learning*, 18(2) EDUC. PSYCHOL. REV. 187–98 (2006), <http://walden4.wdfiles.com/local-files/research/Positive%20Behavior.pdf>.
- 173 K. Brigid Flannery et. al., *Implementing School-wide Positive Behavior Support in High School Settings: Analysis of Eight High Schools*, 96(4) THE HIGH SCH. J. 269–70 (2013), https://ecommons.luc.edu/cgi/viewcontent.cgi?article=1081&context=education_facpubs.
- 174 *See* Elizabeth Pufall Jones, *supra* note 171.
- 175 *See* Alvord Unified 2019–20 LCAP, p. 51 (Action 3.1 for PBIS not funded)
- 176 *Id.* at p. 61.
- 177 *Id.* at pp. 52–53 (Action 3.3 for SRO contracts).
- 178 *See* Hawthorne Unified 2019–20 LCAP, pp. 101–02 (no budget for PBIS staff in 2018–19 or 2019–20).
- 179 *Id.* at pp. 94–95 (Action 2.2 for security officers)
- 180 *Id.* at pp. 95–96 (Action 2.3).
- 181 *See* Inglewood Unified 2019–20 LCAP, pp. 167–68 (Action 3.14).
- 182 *Compare Id.* at pp. 68–69 (Action 3.14 for PBIS), *with* pp. 65–66 (Action 3.10 for school police and security personnel).
- 183 CAL. STATE AUDITOR, *supra* note 12, at 38 (recommending that the Legislature should amend state law to require districts to identify any unspent S&C funds in their LCAP and spend those funds on high-need students and require districts to track and report the total amount of S&C funds they receive and spend each year, as well as develop a common method for districts to use to report the type of services on which they spend their S&C funds).



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