

4-1-2023

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Buffalo Law Review

VOLUME 71

APRIL 2023

NUMBER 2

Racial Isolation, School Police, and the “School-To-Prison Pipeline”: An Empirical Perspective on the Enduring Salience of “Tipping Points”

MICHAEL HEISE†

Two broad trends inform public K-12 education’s current trajectory. One involves persisting (and recently increasing) school racial isolation which helps account for an array of costs borne by students, schools, and communities. A second trend, involving a dramatically increasing police presence in schools, is evidenced by a rising school resource officer (“SRO/police”) presence in schools. Increases in the magnitude of a school’s SRO/police presence correspond with increases in the school’s propensity to engage law enforcement agencies in student disciplinary matters which, in turn, help fuel a growing school-to-prison pipeline problem. While these two broad trends propel two distinct research literatures, these research literatures do not meaningfully engage with one another. Empirical research is largely silent on the degree to which, if at all, variation in a school’s racial isolation level influences how its SRO/police presence interacts with the school’s propensity to report student discipline issues to law

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enforcement agencies. This Article examines whether variation in school racial isolation levels informs whether a school's SRO/police presence influences the school's law enforcement reporting rates. Results from this study imply that any such influence is confined to schools where non-white student enrollment ranges from 11% to 50%. The research literature on tipping points provides one helpful interpretative lens to better understand why this specific school racial isolation band systematically differs from others when it comes to SRO/police presence's influence on a school's propensity to report student discipline matters to law enforcement agencies.

CONTENTS

INTRODUCTION	166
I. LITERATURE REVIEW.....	170
A. <i>Racial Isolation in Public K-12 Schools</i>	170
1. “Double” Segregation: The Compounding Effect of Economic Isolation in Schools.....	172
B. <i>SRO/Police Presence and the School-To-Prison Pipeline Problem</i>	177
C. <i>Do School Racial Isolation and the School-To- Prison Pipeline Trends Intersect?</i>	184
II. DATA AND EMPIRICAL STRATEGY	186
A. <i>Data</i>	186
B. <i>Dependent Variable</i>	189
C. <i>School Racial Isolation</i>	189
D. <i>Other Independent (and Control) Variables</i>	190
1. School-Related Variables	191
2. Student-Related Variables	194
E. <i>Empirical Strategy</i>	197
F. <i>Data and Empirical Strategy Limitations</i>	197
III. RESULTS AND DISCUSSION	199
A. <i>A Closer Look at Non-White Student Percentage Variation, SRO/Police Presence, and “Tipping Points”</i>	205
B. <i>The Possible Influence of School Racial Tipping Points</i>	208
1. Judicial Attention to Tipping Points.....	210
C. <i>Tipping Points and the Student Disciplinary Reporting Context</i>	213
D. <i>Variation Across and Within School Racial Isolation Bands</i>	216
CONCLUSION	222

INTRODUCTION

Two trends help shape the nation's public K-12 landscape. First, even though more than sixty-five years have passed since the Supreme Court's *Brown* decision in 1954, racial isolation in public schools, especially "intensive" racial isolation, not only persists but, of late, continues to rise.¹ School racial isolation levels continue to rise despite widespread general agreement about the potential educational harms that attach to non-white students attending racially isolated schools.² These educational harms to students are especially acute in those schools where racial isolation and socioeconomic deficits interact.³

A second trend, and one independent of (though adjacent to) increased school racial isolation levels, involves a steadily increasing law enforcement officer presence, commonly referred to as either school resource officers or, more simply, police officers ("SRO/police") in the nation's public K-12 schools.⁴ An increased SRO/police presence in schools

1. See generally GARY ORFIELD & DANIELLE JARVIE, BLACK SEGREGATION MATTERS: SCHOOL RESEGREGATION AND BLACK EDUCATIONAL OPPORTUNITY (2020), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/black-segregation-matters-school-resegregation-and-black-educational-opportunity>; ERICA FRANKENBERG ET AL., HARMING OUR COMMON FUTURE: AMERICA'S SEGREGATED SCHOOLS 65 YEARS AFTER BROWN (2019), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/harming-our-common-future-americas-segregated-schools-65-years-after-brown/Brown-65-050919v4-final.pdf>.

2. See ORFIELD & JARVIE, *supra* note 1; FRANKENBERG ET AL., *supra* note 1; Derek W. Black, *Middle-Income Peers as Educational Resources and the Constitutional Right to Equal Access*, 53 B.C. L. REV. 373 *passim* (2012); James E. Ryan, *Schools, Race, and Money*, 109 YALE L.J. 249 *passim* (1999).

3. See Richard D. Kahlenberg, *Socioeconomic School Integration*, 85 N.C. L. REV. 1545 *passim* (2007).

4. Compare Janel George, *Populating the Pipeline: School Policing and the Persistence of the School-To-Prison Pipeline*, 40 NOVA L. REV. 493, 494 (2016), and Amanda Merkwae, *Schooling the Police: Race, Disability,*

consistently correlates with schools' increased rate of reporting to law enforcement agencies incident to student misconduct.⁵ Schools' increased propensity to formally engage law enforcement in student disciplinary matters, in turn, helps fuel a well-documented school-to-prison pipeline.⁶

The emergence of a (growing) school-to-prison pipeline matters for an array of reasons. One negative spillover cost involves students' enhanced exposure to the criminal justice system that may flow from changes to a school's student disciplinary reporting practices. This is particularly likely for students attending schools seeking to functionally outsource responsibility for student discipline to law enforcement agencies.⁷ Making matters worse is that school referrals of student disciplinary incidents to law enforcement—particularly lower-level, non-violent student incidents traditionally handled “in-house”—often set in motion a series of legal events that can culminate in ways that deleteriously impact students' lives going forward. Given the gravity of such costs to students, their families, schools, and

and the Conduct of School Resource Officers, 21 MICH. J. RACE & L. 147, 180 (2015), with Michael Heise & Jason P. Nance, *To Report or Not to Report: Data on School Law Enforcement, Student Discipline, Race, and the “School-to-Prison Pipeline,”* 55 U.C. DAVIS L. REV. 209, 223–24 (2021) [hereinafter Heise & Nance, *To Report*], and Michael Heise & Jason Nance, *Defund the (School) Police? Bringing Data to Key School-to-Prison Pipeline Claims*, 111 J. CRIM. L. & CRIMINOLOGY 717, 735–37 (2021) [hereinafter Heise & Nance, “Defund”]. Also, according to the Community Oriented Policing Services (COPS) program and the Safe and Drug-Free Schools and Communities Act, an SRO is a “career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations.” 34 U.S.C. § 10389(4).

5. See, e.g., AARON KUPCHIK, *THE REAL SCHOOL SAFETY PROBLEM* 31–33 (2016).

6. See *id.*

7. See Heise & Nance, *To Report*, *supra* note 4.

communities, another line of research focuses on how these costs distribute across various student subgroups.⁸

What the research literature does not consider, however, is whether and, if so, how these two trends intersect. This Article contributes to the research base by exploring whether school racial isolation itself contributes to a growing school-to-prison pipeline problem. More specifically, this Article considers whether variation in school racial isolation levels informs a well-documented relation between increases in a school's SRO/police presence and increases in the school's likelihood of engaging law enforcement agencies in student disciplinary matters. Overall, the weight of the findings from this study (with one important exception) implies that school racial isolation levels do not figure prominently in explaining systematic variation in how a school's law enforcement presence interacts with the school's reporting rates. Thus, leaving aside an array of other problems associated with school racial isolation, results from this study suggest that, in general, variation in school racial isolation levels does not

8. See, e.g., George, *supra* note 4, at 494 (“[C]hildren of color and low-income children . . . are disproportionately targeted for referral and arrest by police in schools.”); Merkwae, *supra* note 4, at 180 (“[T]here is overwhelming evidence suggesting that students of color and students with disabilities are funneled into the justice system due to the disparate impact of exclusionary discipline polices and discretionary arrests in schools.”); Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. CRIM. JUST. 280, 285–86 (2009) (finding evidence of a relation between school poverty levels and number of student arrests). *But cf.* Jason P. Nance & Michael Heise, *Law Enforcement Officers, Students, and the School-to-Prison Pipeline: A Longitudinal Perspective*, 54 ARIZ. ST. L.J. 527 *passim* (2022) (finding that a school's percentage of non-white students did not systematically inform the school's propensity to report disciplinary matters to law enforcement agencies) [hereinafter Nance & Heise, *Law Enforcement Officers*]; Heise & Nance, *To Report*, *supra* note 4 (same). Heise & Nance, “Defund,” *supra* note 4 (same); Michael Heise & Jason P. Nance, *Following Data: The “Defund the Police” Movement’s Implications for Elementary and Secondary Schools*, 110 J. CRIM. L. & CRIM. ONLINE 63, 66 (2020) (same) [hereinafter Heise & Nance, *Following Data*].

exacerbate a school-to-prison pipeline problem.

While results from this study suggest that variation in school racial isolation does not fuel a school-to-prison pipeline problem in general, one important exception exists and this exception warrants careful attention. Specifically, the results also make clear that in schools where the non-white student presence ranges from 11% to 50% the magnitude of a school's SRO/police presence systematically informs the school's propensity to turn to law enforcement in the student disciplinary context. This particular school racial isolation band (11% to 50% non-white) is notable for two reasons. First, it includes schools whose student demographic composition evidences a consequential level of racial (and ethnic) heterogeneity. Second, the percent of non-white students in these schools does not exceed 50%. That is to say, none of the schools in this particular racial isolation band are "majority-minority."

What might help explain this particular school racial isolation band's salience for a school's propensity to engage law enforcement agencies for student disciplinary matters? While obvious explanations are scant, insights from the "tipping point" research literature provide important theoretical and practical clues. For example, one may find in schools that are racially heterogeneous but have not yet "tipped" into majority-minority (that is, majority non-white) status comparatively higher levels of student racial tension and school discord. This possibility is especially likely in schools with either unstable or especially dynamic student demographic profiles. Such schools may be especially inclined to respond to tensions and discord—and, concurrently, look for ways to help dampen school demographic changes trending toward a real or perceived tipping point—by more aggressively and pervasively engaging SRO/police and law enforcement agencies in student disciplinary matters.

I. LITERATURE REVIEW

This Article explores the intersection of two distinct research literatures. One involves the array of consequences to schools, students, and communities attributable to persistent racial isolation in public K-12 schools. Scholarship, as well as various judicial opinions, note the salience of racial isolation, especially in the nation's public schools. A second research literature focuses on a school's SRO/police presence, if any, and its relation to the school's law enforcement reporting rates for student disciplinary matters. Given the well-documented link between school law enforcement reporting policies and practices and the school-to-prison pipeline, much of the research to date focuses on distributional concerns relating to variation in law enforcement reporting across schools.

A. *Racial Isolation in Public K-12 Schools*

While noting that many are generally "fatigued" by conversations about how to increase school racial integration levels,⁹ even more than 65 years after the *Brown v. Board of Education*¹⁰ decision, school desegregation efforts persist. School desegregation advocates and scholars also continue to push advance long-standing claims about problems attributable to racially identifiable and isolated schools.

One related research focus involves school racial isolation trends themselves. Various factors—and their complex interactions—contribute to schools' demographic composition and the increasing exacerbation of school racial isolation. As Orfield and Jarvie note, such factors include evolving national racial composition patterns, shifting legal doctrine (especially as it relates to school desegregation litigation), the availability of and access to private schools,

9. See, e.g., Ryan, *supra* note 2, at 251.

10. *Brown v. Board of Education*, 347 U.S. 483 (1954).

and residential housing patterns, notably dynamic suburban migration trends.¹¹

These key factors (and others) increasingly interact in ways that exacerbate public K-12 school racial isolation. As Orfield and Jarvie observe, for example, “[a]t the peak of [school] desegregation in 1988, more than a third of Black students (37%) attended schools that had a majority of White students, and in the South, it was 43% in majority White schools. In 2018, it was down to 19% nationally, 18% in the South and only 14% in the West.”¹² Orfield and Jarvie also note that “[s]egregation is intense in the education of Black students in 2020.”¹³

Given the well-documented increases in school racial isolation trends, how (and why) these trends matter is the focus of related, adjacent research. To the extent that school racial isolation and education quality and opportunity map onto one another, some of the consequences are as obvious as they are important. Orfield and Jarvie, for example, argue that intensely isolated non-white schools remain “unequal in many critical dimensions that create barriers to equal education.”¹⁴ Similarly, Frankenberg *et al.* assert that “[school] segregation has strong, negative relationships with achievement, college success, long-term employment and income of students of color.”¹⁵ Moreover, while sidestepping nettlesome and highly complex causal claims and the frequent conflation of student race and poverty status, Professor Black characterizes the assertion that “minority students suffer [educational harms] as a result of attending school in racial isolation” as “well documented.”¹⁶ Finally,

11. See generally ORFIELD & JARVIE, *supra* note 1.

12. *Id.* at 28.

13. *Id.* at 35.

14. *Id.*

15. FRANKENBERG ET AL., *supra* note 1, at 4.

16. See, e.g., Black, *supra* note 2, at 404. To be fair, later in the same

even as the school desegregation litigation movement has largely given way to school finance litigation,¹⁷ astute school finance litigation proponents recognize the costs of such a tradeoff. Professor James Ryan, for example, has observed that “increasing expenditures in racially isolated schools, moreover, cannot replicate the social benefits of racially integrated schools.”¹⁸

1. “Double” Segregation: The Compounding Effect of Economic Isolation in Schools

If increased racial isolation levels in public K-12 schools were not troubling enough, that racial and economic segregation likely interact in ways that impose additional educational burdens only makes a bad situation worse. Indeed, “for Black students, intense patterns of racial segregation have been compounded by high levels of socioeconomic isolation.”¹⁹ In this study, an “economically isolated” school is understood to mean that a school’s concentration of low-income students exceeds 40% and thus meets the federal Community Eligibility Provision (CEP) threshold.²⁰ Under federal rules, schools eligible for CEP

paragraph Professor Black goes on to also note that: “Research indicates that much of this achievement gap is not based on race itself, but is largely attributable to the fact that predominantly minority schools are also overwhelmingly high-poverty schools.” *Id.*

17. See, e.g., Goodwin Liu, *The Parted Paths of School Desegregation and School Finance Litigation*, 24 L. & INEQ. 81, 101–02 (2006) (observing that while school desegregation “has all but come to an end,” school finance litigation “continues apace in state courts”). See also Ryan, *supra* note 2, at 259 (observing that school finance reform and desegregation “could have worked well together”).

18. Ryan, *supra* note 2, at 256.

19. Rachel F. Moran, *Persistent Inequalities, the Pandemic, and the Opportunity to Compete*, 27 WASH. & LEE J. CIV. RTS. & SOC. JUST. 589, 596 (2021).

20. See National School Lunch Program and School Breakfast Program: Eliminating Applications through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010 [81 FR 50194,

funds are permitted to provide free breakfasts and lunches to all students who attend the schools without verifying any individual student's eligibility for free- or reduced-lunches.²¹

Schools noted for high concentrations of students from low-income households typically confront a wide array of challenges. According to school desegregation advocates, one reality is that:

[S]egregation by race usually means segregation by concentrated poverty as well. This means that most students of color attend schools which reflect the problems of poverty in many, less qualified teachers, peer groups, parent influence, and many other limitations, richly documented in the research on the sociology of education. The fact that these children come from the families with least wealth, the most risk of hunger, homelessness, untreated health problems and many other forms of inequality means that the schools have less capacity to help the doubly segregated students or to provide the opportunities and connections routinely available in middle class schools. If students were only segregated by skin color or Latino ethnicity, it would still be a serious problem but less devastating if the segregated children came from families and communities with equal resources. They do not.²²

Given such a reality, that schools dominated by students from low-income households generate challenges of their own will surprise few. Researchers have consistently found that schools noted for comparatively high concentrations of student poverty are, typically, difficult environments for effective student learning.²³ To be sure, while well-known (and celebrated) counter examples of success exist,²⁴ they are few in number and difficult to both scale and replicate. Aside from some of the more obvious barriers to academic success that confront too many students from low-income homes

July 29, 2016; 7 CFR 245.9(l)].

21. *Id.*

22. FRANKENBERG ET AL., *supra* note 1, at 25.

23. *See, e.g.*, Kahlenberg, *supra* note 3, at 1547.

24. *See, e.g.*, SAMUEL C. CARTER, NO EXCUSES: LESSONS FROM 21 HIGH-PERFORMING, HIGH-POVERTY SCHOOLS (2000) (describing successful practices of twenty-one principals of low-income schools).

(e.g., health care, nutritional, and other resource deficits), additional equally challenging barriers lurk. Specifically, additional obstacles arise when K-12 schools concentrate low-income students and separate them from their middle class peers. Professor Kahlenberg, drawing on insights from the Coleman Report,²⁵ emphasizes various human capital deficits that are particularly acute in schools serving high concentrations of low-income students.²⁶ Why this is so is as predictable as it is consequential: “Virtually everything that educators talk about as being desirable in a school—high standards, good teachers, active parents, adequate resources, a safe and orderly environment, and a stable student and teacher population—are found in middle class schools but not in low-income schools.”²⁷

While it would be one thing if worries about school racial and economic isolation remained confined to scholars, judicial opinions evince similar concerns. Perhaps most prominently, many (if not most) “modern” school desegregation cases recognize the importance of minimizing (or avoiding altogether) racial isolation in public elementary and secondary schools. A relatively recent example of judicial concern over the deleterious consequences flowing from student racial isolation is found in the Supreme Court’s 2007 *Parents Involved* decision.²⁸ In his concurring opinion, Justice Kennedy specifically noted that addressing racial isolation constitutes a compelling governmental interest.²⁹

25. JAMES S. COLEMAN ET AL., U.S. DEP’T OF HEALTH, EDUC., & WELFARE, EQUALITY OF EDUCATIONAL OPPORTUNITY (1966), <https://files.eric.ed.gov/fulltext/ED012275.pdf> (hereinafter COLEMAN REPORT).

26. Kahlenberg, *supra* note 3, at 1548–49.

27. *Id.* at 1549.

28. *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007).

29. *Id.* at 797 (Kennedy, J., concurring in part) (“A compelling interest exists in avoiding racial isolation, an interest that a school district, in its discretion and expertise, may choose to pursue.”).

Likewise, Justice Breyer’s dissent echoed similar concerns by observing “more than one in six [B]lack children attend a school that is 99–100% minority.”³⁰

Isolated federal judges’ concerns over harms attributable to school racial and economic isolation have not translated into legal doctrines that favor various efforts to reduce such isolation, however. To observe that federal courts have, in the main, resisted race-conscious K-12 student assignments, even in the service of reducing palpable racial isolation in many public elementary and secondary schools, is to observe merely the obvious.³¹ Owing to substantial adverse legal precedent in federal courts, Professor Black notes that “[e]fforts to promote racial and socioeconomic equity through student assignments have largely come to an end in federal court and only amounted to a few—albeit important—cases in state courts.”³²

Among these important state court cases is *Sheff v. O’Neill*.³³ In it, the Connecticut Supreme Court took direct aim at the substantial and pervasive racial isolation in Hartford’s public schools by noting that “students in the Hartford public schools are burdened by severe educational disadvantages arising out of their racial and ethnic isolation and their socioeconomic deprivation.”³⁴ The state court went on to conclude that the “severe racial and ethnic isolation imposes upon the state the responsibility to remedy ‘segregation . . . because of race [or] . . . ancestry’”³⁵

Various scholars emphasize *Sheff*’s importance partly for

30. *Id.* at 806 (Breyer, J., dissenting).

31. *But cf.* Coal. for TJ v. Fairfax Cty. Sch. Bd., No.1:21-cv-296, 2022 WL 579809 (ED VA Feb. 25, 2022).

32. Black, *supra* note 2, at 437.

33. *Sheff v. O’Neil*, 678 A.2d 1267 (1996).

34. *Id.* at 1271.

35. *Id.* at 1282–83 (quoting CONN. CONST. art 1., § 20; alterations in original).

how it conceptually conjoins school desegregation and finance impulses. A standard move to place school litigation cases into distinct analytical boxes—e.g., as either a “school desegregation” or a “school finance” case—remains both predictable and understandable. Such a move, however, helps obscure complex cases like *Sheff* which engage with *both* school desegregation and finance simultaneously. As Professor Ryan astutely observes, “[w]hereas school finance litigation was initiated to compensate for the shortcomings of school desegregation, *Sheff* represents an attempt to use desegregation to overcome the inadequacies of school finance reform.”³⁶ More specifically, the Connecticut Supreme Court in *Sheff* ordered that, rather than fiscal resources, students be distributed evenly across schools on the basis of race and ethnicity.³⁷ What likely helped nudge the justices away from a more traditional school finance remedy (e.g., increased per pupil spending) was “the inexorable fact that Hartford students were receiving more funds than the average suburban student, and still performing poorly.”³⁸

Efforts to export Connecticut’s *Sheff* decision to other states, however, have proved difficult. For example, while litigants in *Skeen v. State*³⁹ succeeded in eliciting from the Minnesota Supreme Court a declaration that the state’s education clause establishes a fundamental right to education,⁴⁰ a pair of more recent cases in Minnesota courts that sought to push *Sheff*-like claims met with varied and mixed success.⁴¹ Thus far, anyway, and as Professor Ryan

36. James E. Ryan, *Sheff, Segregation, and School Finance Litigation*, 74 N.Y.U. L. REV. 529, 532 (1999) [hereinafter Ryan, *School Finance Litigation*].

37. *Sheff*, 678 A.2d at 1281–85.

38. Ryan, *School Finance Litigation*, *supra* note 36, at 573.

39. *Skeen v. State*, 505 N.W.2d 299 (Minn. 1993).

40. *See id.* at 313.

41. *See Cruz-Guzman v. State*, 892 N.W.2d 533 (Minn. Ct. App. 2017); *Minneapolis Branch of the NAACP v. State*, No. 9–4800 (Minn. Dist. Ct.

feared, *Sheff* remains a “unique” case.⁴²

B. SRO/Police Presence and the School-To-Prison Pipeline Problem

Distinct from—though plausibly adjacent to—long-standing research attention to growing racial (and economic) isolation in the nation’s public K-12 schools is a more recent research focusing on how K-12 schools and law enforcement agencies increasingly intersect. Largely, though not exclusively, attributed to a growing SRO/police presence in the nation’s public K-12 schools,⁴³ one consequence of the increased intersections between schools and law enforcement includes the well-documented emergence of a more robust school-to-prison pipeline.⁴⁴

On the one hand, a growing law enforcement presence in schools is both understandable and predictable. Indeed, sadly—tragically—the nation was recently reminded once again of the unimaginable horrors resulting from violent, lethal attacks on children in their school on a scale not seen since the 1999, 2012, and 2018 massacres that unfolded at Columbine High School, Sandy Hook Elementary School, and Marjory Stoneman Douglas High School, respectively. One recent episode of large-scale school violence at the Robb

Sept. 19, 1995).

42. Ryan, *School Finance Litigation*, *supra* note 36, at 573.

43. For examples of recent empirical research on SRO/police programs, see generally Nance & Heise, *Law Enforcement Officers*, *supra* note 8; Heise & Nance, *To Report*, *supra* note 4; Heise & Nance, “Defund,” *supra* note 4; Heise & Nance, *Following Data*, *supra* note 8; Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 WASH. U. L. REV. 919 *passim* (2016); Mario S. Torres, Jr. & Jacqueline A. Stefkovich, *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*, 45 EDUC. AMIN. Q. 450 *passim* (2009); Chongmin Na & Denise C. Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, 30 JUST. Q. 619 *passim* (2013).

44. See KUPCHIK, *supra* note 5.

Elementary School in Uvalde, Texas, claimed the lives of twenty-one victims (nineteen students and two teachers).⁴⁵ Such horrific incidents—and on such a scale—almost inevitably reignite popular, parental, and political support for increased security measures in schools, including an increased SRO/police presence.⁴⁶

On the other hand, despite understandable growing pressure for an increased law enforcement presence in schools to promote greater security and safety, such a move is not without costs. One well-documented cost is that increases in a school's SRO/police presence correspond with increases in the school's law enforcement referral rate of student disciplinary issues, which, in turn, help fuel a growing school-to-prison pipeline. Another cost derives from uncertainty. Specifically, aside from the palpably clear costs flowing from fueling a school-to-prison pipeline, comparatively little else is known about the full suite of costs and benefits for students, schools, and families attributable to a SRO/police presence in a school.⁴⁷ Indeed, partly owing to the uncertainty about the range of costs and benefits associated with school SRO/police programs, as well as how some of their well-understood costs distribute, lingering efforts to “Defund the Police,” partly attributable to the

45. Nicholas Bogel-Burroughs et al., *In Uvalde, a Search for Answers: How Could This Happen?*, N.Y. TIMES (June 8, 2022), <https://www.nytimes.com/2022/06/08/us/uvalde-shooting-plot-salvador-ramos.html>.

46. Numerous news reports suggest that a SRO/police presence existed at Robb Elementary School prior to the recent tragedy. *See, e.g.*, Katie Reilly, *Schools Are Putting More Cops on Campus—Despite the ‘Abject Failure’ in Uvalde*, TIME (June 22, 2022, 9:36 PM), <https://time.com/6190182/school-resource-officers-uvalde/>.

47. *See* Nance, *supra* note 43, at 952–59 (observing the difficulty of measuring the effects of laws, practices, and policies, including having law enforcement officers in schools, on students); Na & Gottfredson, *supra* note 43, at 645 (concluding that “more rigorous research” on the effects of police officers in schools is “absolutely essential”).

Black Lives Matter movement,⁴⁸ have migrated into the school realm as a growing number of public school districts confront efforts to “defund” school SRO/police programs.⁴⁹

While much remains uncertain about what school SRO/police programs accomplish and what they do not, their well-documented contribution to a growing school-to-prison pipeline matters for an array of reasons. One negative spillover cost involves students’ increased exposure to the criminal justice system that may flow from changes to schools’ student disciplinary reporting practices. This is especially likely for schools seeking to functionally outsource responsibility for student discipline to law enforcement agencies. Making matters worse is that referrals of student incidents to law enforcement—particularly lower-level, non-violent student incidents traditionally handled “in-house”—often set in motion a series of legal events that can culminate in ways that deleteriously impact students’ lives in important ways going forward.

Although students’ intersections with the criminal

48. See, e.g., #DefundThePolice, BLACK LIVES MATTER (May 30, 2020), <https://blacklivesmatter.com/defundthepolice/>; Lissandra Villa, *Why Protesters Want to Defund Police Departments*, TIME (June 7, 2020, 11:17 AM), <https://time.com/5849495/black-lives-matter-defund-police-departments/>; Rachel Hatzipanagos, *What ‘Defund the Police’ Might Look Like*, WASH. POST (June 12, 2020, 12:05 AM), <https://www.washingtonpost.com/nation/2020/06/12/black-lives-matter-defund-police-is-country-ready/>.

49. See, e.g., Nader Issa & Fran Spielman, *Northside College Prep Votes to Remove Its CPD Officer, Becomes First CPS School To Do So*, CHI. SUN-TIMES (July 8, 2020, 7:59 PM), <https://chicago.suntimes.com/education/2020/7/8/21316997/northside-college-prep-removes-chicaggo-police-officer-first-cps-school>; Katie Reilly, *‘Police Do Not Belong in Our Schools.’ Student Are Demanding an End to Campus Cops After the Death of George Floyd*, TIME (June 5, 2020, 12:26 PM), <https://time.com/5848959/school-contracts-police>; Jessica Swarner, *While the Push to Defund Phoenix Police Grows Stronger, Activists Want Officers Out of Schools*, COPPER COURIER (June 16, 2020, 10:44 AM), <https://coppercourier.com/story/students-demand-remove-police-school-campus-phoenix/>.

justice system can yield an array of outcomes, few—if any—of the typical outcomes are positive. One outcome, of course, is incarceration and consequences for students from incarceration are as clear as they are negative.⁵⁰ Moreover, even student arrests that do not lead to incarceration correspond with undesirable student outcomes. Arrests can generate emotional trauma, embarrassment, stigma, expulsion from school, and reduce the probability of a student graduating from high school.⁵¹

Given the gravity of these potential costs to students, their families, schools, and communities, an emerging line of research focuses on how these costs distribute across traditional student subgroups.⁵² Much of the related research, empirical and other, concentrates on three

50. See, e.g., RIYA SAHA SHAH & JEAN STROUT, JUV. L. CTR., FUTURE INTERRUPTED: THE COLLATERAL DAMAGE CAUSED BY PROLIFERATION OF JUVENILE RECORDS 10–11 (2016); BARRY HOLMAN & JASON ZIEDENBERG, JUST. POL'Y INST., THE DANGERS OF DETENTION: THE IMPACT OF INCARCERATING YOUTH IN DETENTION AND OTHER SECURE FACILITIES 9 (2006).

51. See, e.g., ADVANCEMENT PROJECT, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK 12 (2005); Theriot, *supra* note 8, at 281; Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUST. Q. 462, 471–77, 476 tbl.5 (2006).

52. For a summary of such research see, for example, Janel George, *Populating the Pipeline: School Policing and the Persistence of the School-To-Prison Pipeline*, 40 NOVA L. REV. 493, 494 (2017) (“[C]hildren of color and low-income children . . . are disproportionately targeted for referral and arrest by police in schools.”); Amanda Merkwae, *Schooling the Police: Race, Disability, and the Conduct of School Resource Officers*, 21 Mich. J. Race & L. 147, 180 (2015) (“[T]here is overwhelming evidence suggesting that students of color and students with disabilities are funneled into the justice system due to the disparate impact of exclusionary discipline polices and discretionary arrests in schools.”); Theriot, *supra* note 8, at 285–86 (finding evidence of a relation between school poverty levels and the number of student arrests). *But cf.* Nance & Heise, *Law Enforcement Officers*, *supra* note 8; Heise & Nance, *To Report*, *supra* note 4; Heise & Nance, “*Defund*,” *supra* note 4; Heise & Nance, *Following Data*, *supra* note 8.

discrete—though related—research questions. One question considers factors that help explain how SRO/police presence levels evolved over time and across schools.⁵³ A second considers whether an increased SRO/police presence increases a school’s propensity to report student misconduct to law enforcement agencies.⁵⁴ A third research focus involves whether the burdens incident to an increased SRO/police presence in schools and school reporting to law enforcement agencies distribute in problematic ways.⁵⁵

Early scholarship on these three research questions—much of it descriptive—emphasizes how an increased SRO/police presence in schools helps fuel the school-to-prison pipeline problem and how school reporting to law enforcement agencies falls disproportionately on non-white students, particularly Black students. Some of the initial empirical work, especially studies drawing from the U.S. Department of Education Office for Civil Rights’ Civil Rights Data Collection, finds aggregate disparities at the national level.⁵⁶ Other scholars, using the same dataset, reach similar

53. See, e.g., Jason P. Nance & Michael Heise, *Students, Threat, Race, and Police: An Empirical Study*, 50 FL. ST. L. REV. 1 (2022) [hereinafter Nance & Heise, *Threat*].

54. See Na & Gottfredson, *supra* note 43, at 636–40; Nance, *supra* note 43, at 958–73.

55. See e.g., George, *supra* note 4, at 494 (“[C]hildren of color and low-income children . . . are disproportionately targeted for referral and arrest by police in schools.”); Merkwae, *supra* note 4, at 180 (“[T]here is overwhelming evidence suggesting that students of color and students with disabilities are funneled into the justice system due to the disparate impact of exclusionary discipline policies and discretionary arrests in schools.”); Theriot, *supra* note 8, at 285–86 (finding evidence of a relation between school poverty levels and number of student arrests).

56. See U.S. DEP’T OF EDUC. OFF. FOR CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION DATA SNAPSHOT: SCHOOL DISCIPLINE 7 (2014), <https://ocrdata.ed.gov/assets/downloads/CRDC-School-Discipline-Snapshot.pdf>; (“Black students represent 16% of student enrollment, 27% of students referred to law enforcement, and 31% of students subjected to a school-related arrest.”); see also Emily M. Homer &

conclusions from state-level analyses.⁵⁷

More recent, and more granular, school-level analyses drawing from the more comprehensive and robust U.S. Department of Education School Survey on Crime and Safety (SSOCS) datasets, however, point in less definitive and more conflicting directions.⁵⁸ For example, when it came to examining how SRO/police presence levels evolved over time and across schools, results from longitudinal studies imply that, during the 2009-10 school year, a school's concentration of Black students corresponds with that school's likelihood of having an SRO/police presence.⁵⁹ Longitudinal evidence illustrating how the SRO/police presence in schools evolved over time is important as increases in SRO/police presence generally correspond with increases in the probability a

Benjamin W. Fisher, *Police in Schools and Student Arrest Rates Across the United States: Examining Differences by Race, Ethnicity, and Gender*, 19 J. SCH. VIOLENCE 192, 198–199 (2020) (examining the 2013-14 Civil Rights Data Collection and finding that “Black students’ arrest rates were higher by 1.23 students per 1,000” and “Hispanic students’ arrest rates were higher by 0.55 students per 1,000” in schools with police). Importantly, however, scholars have expressed concerns over systematic errors in the CRDC datasets. See, e.g., Perry A. Zirkle & Gina L. Gullo, *State Rates of 504-Only Students in K-12 Public Schools: The Next Update*, 385 ED. LAW REP. 14, 17 (2021) (noting various reasons for “potential errors” in the CRDC datasets).

57. See, e.g., Evie Blad & Alex Harwin, *Black Students More Likely to Be Arrested at School*, EDUC. WEEK (Jan. 24, 2017), <https://www.edweek.org/ew/articles/2017/01/25/black-students-more-likely-to-be-arrested.html?r=1131109146> (“In 43 states and the District of Columbia, black students are arrested at school at disproportionately high levels . . .”).

58. See, e.g., Heise & Nance, “Defund,” *supra* note 4 (using 2015–16 SSOCS dataset); Heise & Nance, *Following Data*, *supra* note 8, at 67 (using 2015–16 SSOCS dataset); Nance, *supra* note 43, at 958–59 (using 2009–10 SSOCS dataset). Various results discussed in this Article also derive from the 2009–2010 and the 2017–2018 restricted-use versions of the SSOCS data series.

59. Nance & Heise, *Threat*, *supra* note 53, at 42 tbl.1, 48 tbl.4, 48–49 (discussing longitudinal analyses spanning the 2009–2010 through 2017–2018 school years).

school will report student disciplinary incidents to law enforcement agencies.⁶⁰

At the same time, however, it remains important to note that when it comes to school reports to law enforcement agencies, persuasive empirical support, at least *direct* support, does not raise any obvious distributional concerns. More specifically, at the school-level, student incidents reported to law enforcement do not imply systematically uneven distributions across various student subgroups, including students of color. In particular, an increased concentration of minority students in a school does not systematically correspond with an increase in the school's rate of reporting student misconduct to law enforcement agencies.⁶¹

Also warranting emphasis is that the SSOCS datasets do not contain demographic data (e.g., race/ethnicity, gender, socio-economic status) on the individual students whose conduct triggered a school referral to law enforcement agencies.⁶² Thus, as it relates to the specific claim that referrals to law enforcement raise troubling distributional issues at the school level, such an assertion does not—and cannot—find direct empirical support from the nation's leading school safety and violence dataset.⁶³ Just as

60. See Heise & Nance, “Defund,” *supra* note 4, at 721; see also Na & Gottfredson, *supra* note 43, at 626, 642 (using various SSOCS datasets); Nance, *supra* note 43, at 919; Torres, Jr. & Stefkovich, *supra* note 43, at 466–67 (using 1999–2000 SSOCS dataset).

61. See Heise & Nance, “Defund,” *supra* note 4, at 722–23.

62. See, e.g., Heise & Nance, “Defund,” *supra* note 4, at 722 (SSOCS demographic data presented at the school-level); Na & Gottfredson, *supra* note 43 (same); Nance, *supra* note 43, (using 2009–10 SSOCS data); Torres, Jr. & Stefkovich, *supra* note 43, at 455–67 (using 1999–2000 SSOCS data).

63. Language in at least one published paper, using earlier versions of the SSOCS dataset, invites some level of confusion by potentially advancing claims, albeit tentatively, about the disproportionate impacts on minority student subgroups based on data on schools' overall

instructive, however, is, if anything, the weight of existing indirect school-level evidence does not generally hint at any troubling distributional outcomes.⁶⁴ Indeed, this general point holds whether one examines school decisions to report student misconduct to law enforcement agencies,⁶⁵ as well as school decisions to *not* report.⁶⁶

C. Do School Racial Isolation and the School-To-Prison Pipeline Trends Intersect?

The robust and complex challenges flowing from racially isolated schools (as well as schools noted for concentrations of student poverty) benefit from sustained study and are well-documented. While comparatively less developed in the research literature, more recent scholarship and public attention increasingly focus on various system-wide school policies and procedures, such as a school's increased

racial/ethnic, gender, and special education needs compositions. *See* Na & Gottfredson, *supra* note 43, at 641 (“We conclude that the results of our tests of interaction with percent in special education and percentage minority do not suggest a pattern of disproportionate impact of police use on socially or educationally disadvantaged populations.”). While perhaps such analyses provide not-implausible inferential support, without individual-level racial/ethnic, gender, and special education needs data on the actual students referred to law enforcement agencies, more efficacious and helpful conclusions are simply not possible given the data limitations. Contributing to the confusion is that the Na & Gottfredson paper is aware of the unit of analysis limitation in the SSOCS datasets. *See id.* at 641–42 (“However, finer-grained analyses conducted at the individual-level might uncover patterns that our school-level data could not.”).

64. *See, e.g., id.*, at 626–27, 641 (analyzing 2003–04, 2005–06, and 2007–08 SSOCS datasets); Nance, *supra* note 43, at 973 (analyzing 2009–10 SSOCS data).

65. *See* Heise & Nance, “*Defund*,” *supra* note 4, at 721–22; *see also* Na & Gottfredson, *supra* note 43, at 626, 642 (using various SSOCS datasets); Nance, *supra* note 43, at 919; Torres, Jr. & Stefkovich, *supra* note 43, at 466–67 (using 1999–2000 SSOCS dataset).

66. *See* Nance & Heise, *To Report*, *supra* note 8 (analyzing school decisions to not report).

SRO/police presence, that fuel increased intersections between misbehaving students and law enforcement agencies.

These two distinct—though related—research literatures, however, appear to be developing in isolation. What researchers have not considered, for example, includes whether a school’s racial isolation level itself informs interactions between a school’s SRO/police presence and its rate of reporting student disciplinary incidents to law enforcement agencies. Specifically, what remains largely unexplored includes whether the general trend towards increased law enforcement reporting incidents owing to an increased school SRO/police presence is any more or less acute for racially isolated schools. This Article’s specific scholarly contribution flows from connecting these two parallel research literatures by exploring whether school racial isolation levels contribute to a growing school-to-prison pipeline problem.

To do so, critical for this Article is the uncontested observation that, at a descriptive level, racial isolation levels vary across public K-12 schools.⁶⁷ By leveraging this variation one can better isolate and observe whether variation in racial isolation levels itself influences how variation in a school’s SRO/police presence informs the school’s rates of reporting student disciplinary incidents to law enforcement agencies. In so doing, one can empirically evaluate whether school racial isolation exacerbates a school-to-prison pipeline problem. And if school racial isolation does, in fact, contribute to a school-to-prison pipeline, this would constitute yet another important challenge flowing from the uneven distribution of racial isolation levels across public K-

67. A related-and not inconsistent claim—is that racial isolation levels are increasing over time. See e.g., Kimberly Jenkins Brown, *Restructuring the Elementary and Secondary Education Act’s Approach to Equity*, 103 MINN. L. REV. 915, 966 (2018) (summarizing studies evidencing increasing racial isolation levels in K-12 public schools).

12 schools.

II. DATA AND EMPIRICAL STRATEGY

To accomplish its research objective, this study draws from the nation's leading cross-sectional dataset on public school crime and safety and supplements this dataset with complementary information from other leading and long-standing datasets. The research hypotheses are tested by estimating fractional regression models.

A. *Data*

The main source of data for this study draws from the restricted-access version of 2017-18 SSOCS, collected by the U.S. Department of Education's National Center for Education Statistics (NCES).⁶⁸ The SSOCS is a nationally representative cross-sectional survey of school-level crime and safety administered to principals and administrators of public K-12 schools in the United States. The survey examines school safety programs, practices, and policies, frequency of crime and violence at schools, disciplinary problems, and other school characteristics during the 2017-18 school year. Of a stratified sample of 4,803 public schools surveyed, 2,762 schools returned completed questionnaires for a response rate of 61.7%.⁶⁹ This study uses the restricted-access version of the SSOCS dataset as it benefits from more granular school-level counts of the number of student disciplinary incidents that schools reported to law enforcement agencies as well as the number of full- and part-

68. While the restricted-use datasets are not available to the general public, the public-use data files may be downloaded at https://nces.ed.gov/surveys/ssocs/data_products.asp#2018. U.S. Dep't of Educ., *2017–18 School Survey on Crime and Safety (SSOCS)*, NAT'L CTR. FOR EDUC. STAT. (Apr. 2020), <https://nces.ed.gov/pubs2020/2020054.pdf> [hereinafter *Public Codebook*].

69. *Id.* at 27 tbl.3.2.

time SRO/police officers at each school.⁷⁰

The 2017-18 SSOCS dataset was supplemented in two important ways. First, school-level SSOCS data were merged with school district-level current per pupil spending data drawn from the U.S. Census Bureau's 2018 Public Elementary-Secondary Education Finance Dataset.⁷¹ The 2018 school district-level per pupil spending data were adjusted with the National Center for Education Statistics Comparable Wage Index to reflect cost-of-living variation across the nation's more than 13,000 public school districts.⁷²

70. Institute of Education Science, Data Security Office, User License No.19110005. The public version of the SSOCS dataset and codebook are available at <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2020054>. U.S. Dep't of Educ., *supra* note 68. The restricted-use version of the 2017–2018 SSOCS dataset includes a greater level of detail in the data compared to public-use data files. *See generally Statistical Standards Program: Getting Started*, NAT'L CTR. FOR EDUC. STAT., https://nces.ed.gov/statprog/instruct_gettingstarted.asp (last visited Mar. 5, 2021). Importantly, to align this study with previous studies, the focus on SRO/police includes only school resource officers and other sworn law enforcement officials. The focus on sworn law enforcement officials, therefore, excludes any security guards or other individual who may contribute to school safety but who are neither sworn nor formally trained law enforcement officials.

71. U.S. Dep't. of Comm., *2018 Public Elementary-Secondary Education Finance Data*, BUREAU OF THE CENSUS, <https://www.census.gov/data/tables/2018/econ/school-finances/secondary-education-finance.html>.

72. U.S. Dep't of Educ., *American Community Survey Comparable Wage Index for Teachers (ASC-CWIFT)*, NAT'L CTR. FOR EDUC. STATS. (2017-18 school district level dataset), <https://nces.ed.gov/programs/edge/Economic/TeacherWage> (last visited Mar. 12, 2023). For a detailed description and explanation of (and codebook for) the Comparable Wage Index, see LORI L. TAYLOR & WILLIAM J. FOWLER, JR., *A COMPARABLE WAGE APPROACH TO GEOGRAPHIC COST ADJUSTMENT* (2006), <https://nces.ed.gov/pubs2006/2006321.pdf>. For a discussion of some of the limitations of the CWI adjustment, see, for example, Thomas A. DeLuca, *Instructional Spending Metrics: A Multilevel Analysis Using NCES Data*, 44 J. EDUC. FIN. 23, 42 (2018); Michael Heise, *Per Pupil Spending and Poverty's Persistent Penalty: An Empirical Analysis of 2016 District-Level*

This study also includes state-level information on the circumstances—and for what particular student offenses or incidents—under which federal or state laws compel a school to report an incident to law enforcement agencies.⁷³ Federal law, for example, mandates that all school districts receiving federal education funding pursuant to the Elementary and Secondary Education Act (which includes virtually every “regular” public K-12 school) create and implement a policy “requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school”⁷⁴ Federal statutes like these are critical to this study, as they eliminate (or severely reduce) school administrators’ reporting discretion insofar as such statutes require schools to report certain activities that occur on school property to law enforcement authorities regardless of surrounding or mitigating circumstances. At the same time, many analogous state statutes go beyond federally imposed requirements and mandate that schools also refer to law enforcement agencies a wider range of student incidents and offenses than those involving a firearm or weapon.

One final refinement to the sample warrants brief discussion. Insofar as this study seeks information on “typical” or “regular” public K-12 schools, those schools classified as something other than “regular” (e.g., magnet, charter, other variants of public school choice, as well as other non-traditional public schools) were excluded from the analyses. Such a refinement facilitates comparing results from this study with many prior studies.

NCES Data, 45 J. EDUC. FIN. 149, 162–63 (2019).

73. In this way this study better aligns with Nance’s important prior study of 2009–2010 SSOCS data. *See* Nance, *supra*, note 43, at 934–36.

74. 20 U.S.C. § 7151(h)(1) (2012); *see also* FLA. STAT. § 1006.07(1) (2014) (mandating that any student who brings a firearm or weapon to any school function will be expelled for a period not less than one year and “referred to the criminal justice or juvenile justice system”).

B. Dependent Variable

This study's dependent variable is a school's rate (per one hundred students) of student disciplinary incident reports to law enforcement agencies. This dependent variable derives from each school's total recorded number of student disciplinary incidents that took place during the 2017-18 school year and the subset of those incidents that culminated in a formal school report (or referral) to a law enforcement agency. The raw school report counts are transformed into a school report rate (per one hundred students) to help account for variation in school size or scale (expressed in terms of student enrollment) across the sampled schools.⁷⁵ Just under half (47%) of the schools in the weighted sample reported at least one student incident to law enforcement agencies during the 2017-18 school year and, as Table 1 illustrates, the mean rate of school reports to law enforcement agencies is 0.69 per 100 students.⁷⁶

C. School Racial Isolation

This study exploits variation in school racial isolation levels to better understand whether they inform schools' rates of reporting student disciplinary incidents to law enforcement agencies. To do so, this study draws from SSOCS data on each school's percentage of non-white

75. Unreported alternative specifications exploring schools' rates of student disciplinary incident reports to police use the square root of the rate because its distribution is less distorted by schools that reported no such incidents. Results from these unreported analyses do not materially differ from results that derive from non-transformed rates.

76. As the mean student enrollment in the school sample is just over 600 students (604.2), on average each school reported just over four (4.1) student incidents. Because only 47% of schools reported any incidents, the effective mean number of incident reports to law enforcement is approximately eight student incidents among those schools that reported any such incidents.

students.⁷⁷ To better map onto leading school desegregation research, school racial isolation data are organized into four school racial isolation bands: 0%-10%, 11%-50%, 51%-89%, and 90%-100%. The study uses these four racial isolation bands as the school desegregation literature typically uses the term “intense” racial isolation to describe those schools where the percentage of non-white students exceeds 90%, inclusive. (Relatedly—and conversely—“intense” racial isolation in the opposite direction includes those schools where the percentage of non-white students is 10% or less.)⁷⁸ Each school was placed into one of four racial isolation bands based on the school’s percentage of non-white students. As Table 1 makes clear, across all four school racial isolation bands, the largest number of schools (43%) report a non-white student percentage that ranges from 11% to 50%. Overall, a majority of schools (61%) report that the percentage of non-white students falls at or below 50% level.

D. *Other Independent (and Control) Variables*

Insofar as a school’s student disciplinary law enforcement reporting outcomes are certainly the product of a complex interaction of a host of other factors, the models include an array of control variables. The various control variables loosely organize into two general categories: school- and student-related variables.

77. The SSOCS dataset draws on student enrollment data from the 2014–2015 Common Core Data File. See Public Codebook, *supra* note 69, at D-2.

78. While there is perhaps no “magic” line demarking “intensely” racially isolated schools from “non-intensely” racially isolated schools, the ten percent threshold is a common line found in the leading empirical school desegregation literature. See, e.g., ORFIELD & JARVIE, *supra* note 1, at 29 tbl.12; FRANKENBERG ET AL., *supra* note 1, at 21–22; Joseph O. Oluwole & Preston C. Green, III, *Charter Schools: Racial-Balancing Provisions and Parents Involved*, 61 ARK. L. REV. 1, 20 (2008).

1. School-Related Variables

One stable and consistent finding in the research literature is that the magnitude of a school's SRO/police presence, if any, influences the school's propensity to report student misconduct to law enforcement agencies.⁷⁹ To control for this, the models include the total number of SRO or sworn police officers at a school. Prior empirical research also assesses the blunter effect of whether any SRO/police presence in a school (regardless of its size) informs a school's report rate. However, over time the number of schools that have some degree (though varying) of an SRO/police presence has persistently increased.⁸⁰ For the 2017-18 school year, for example, more than half (54%) of the schools in the weighted sample reported one or more full- or part-time SRO/police presence at school.⁸¹ As a SRO/police presence in schools becomes increasingly common, a focus on the more granular magnitude of a school's SRO/police presence (if any) on school report rates becomes more salient.⁸²

A school's background level of general "disorder" also likely influences the school's law enforcement report rates. To measure a school's base "disorder" level, a school disorder variable was constructed by indexing a school's total number of recorded student disciplinary actions (per one hundred students). Student enrollment turbulence reflects the total percentage of students who either transferred into or out of the school during the 2017-18 school year. A school's "urbanicity" score construes the school's geographic location on a four-point scale, ranging from "rural" to "urban." Finally, a three-point scale assessing a school's general crime

79. See, e.g., Heise & Nance, "Defund," *supra* note 4, at 721–22; see also Na & Gottfredson, *supra* note 43, at 626, 642; Nance, *supra* note 43, at 919; Torres, Jr. & Stefkovich, *supra* note 43, at 466–67.

80. See Nance & Heise, *Law Enforcement Officers*, *supra* note 8, at 85 tbl.1.

81. See *id.*

82. See *id.*

level measure derives from school administrators' reported perceptions of crime activity where the school is located.

While most key variables are indexed to better account for variation in student enrollment across schools, raw student enrollment counts are also included in the models as a separate independent variable to help explore whether school scale effects (measured by student enrollment) exert any independent influence on administrators' perceptions about school crime and violence, as well as school law enforcement reporting. To the extent that small schools are arguably more likely to facilitate a comparatively healthier school "climate" or "culture," one plausible hypothesis is that concerns about school crime prevention are likely to be greater in larger and presumably more impersonal school environments. For similar—though distinct—reasons, the models also include a variable measuring each school's student-teacher ratio.

Insofar as mandatory school reporting obligations, as well as the presence of SRO/police officers, may inform perceptions about school safety and crime threats, the models also control for whether officials at each school were statutorily obligated to report various incident types to law enforcement agencies. To do so, the dataset draws from the relevant statutes and regulations in all fifty states (and the District of Columbia). Where a clear and relatively unambiguous mandatory reporting obligation existed, the dummy variable is coded as "1." To facilitate more focused analyses of the sub-pool of non-violent student incidents, the models include two separate mandatory reporting variables: one for violent student incidents and one for non-violent incidents.

Even though the majority of K-12 public schools in the United States are elementary schools and, as Table 1 illustrates, the sample reflects this (60% of the sampled schools are elementary schools), most school crime and

violence occurs in middle and high schools.⁸³ To the extent that elementary schools may systematically treat student incident reporting differently than non-elementary schools, the models include a dummy variable signaling the presence of elementary schools.

Finally, given the importance of a school's financial resources to its overall climate, the models include a standard proxy: district-level annual (2017-18) mean current per pupil spending. To accomplish this and to extend existing research, the dataset draws from one of the leading sources of school district-level per pupil spending data: the U.S. Census Bureau's annual survey of public elementary and secondary schools for financial information.⁸⁴ Current per pupil spending data were adjusted with data from the U.S. Department of Education's National Center for Education Statistics Comparable Wage Index that accounts for cost-of-living variation across the nation's more than 13,000 public school districts.⁸⁵ As Table 1 illustrates, the mean district-level current per pupil spending in the sample exceeds \$12,200.

Complicating slightly the inclusion of per pupil spending data is that they relate to school district-level means. The

83. Tragically, however, horrific incidents of gun violence continue to plague elementary schools as well. The almost-unimaginable loss of young lives at elementary schools in Sandy Hook (CT) and, more recently, Uvalde (TX) and the Covenant School (TN), endure as stark and, indeed, stunning, counterpoints. For the victims and their families, it is, of course, of no consequence that in both instances the source of violence was external to the elementary schools (that is, in none of these incidents was the gunman an elementary school student).

84. See U.S. Census Bureau, *2016 Public Elementary-Secondary Education Finance Data*, U.S. DEPT OF COM., <https://www.census.gov/data/tables/2016/econ/school-finances/secondary-education-finance.html> (last visited Jan. 30, 2020).

85. For a detailed description and explanation of the Comparable Wage Index, see generally, TAYLOR & FOWLER, JR., *supra* note 72. For a discussion of some of the limitations of the CWI adjustment, see, for example, Heise, *supra* note 72, at 162–63; DeLuca, *supra* note 72, at 42.

total (unweighted) number of “regular” schools in our sample (approximately 2,500) derive from 1,860 different school districts.⁸⁶ Consequently, 640 schools in the sample come from a district that includes at least one or more other schools in the sample. Of course, the district-level current per pupil spending value does not vary for schools from the same school district. While admittedly not ideal, to the extent that attention to per pupil spending discrepancies typically focuses on variation across—rather than within—school districts, the district-level per pupil spending data used in the analyses should not unduly distort the results.⁸⁷

2. Student-Related Variables

Along with the various school- (and district- and state-) related independent variables summarized above, key student-related factors also plausibly influence a school’s approach towards crime prevention efforts.⁸⁸ For example,

86. To comport with NCES’ requirements regarding reporting unweighted results from the restricted-use SSOCS dataset, all reported “Ns” are rounded to the nearest ten in the tables.

87. *But see, e.g.*, Ary Amerikaner, *States Are Burying Damning Data About School Funding*, N.Y. TIMES (Jan. 29, 2020). *See generally* Kenneth A. Shores & Simon Ejdemyr, *Pulling Back the Curtain: Intra-District School Spending Inequality and its Correlates* (July 27, 2017) (unpublished), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3009775.

88. *See* DAVID CANTOR & MAREENA MCKINLEY WRIGHT, SCHOOL CRIME PATTERNS: A NATIONAL PROFILE OF U.S. PUBLIC HIGH SCHOOLS USING RATES OF CRIME REPORTED TO POLICE 8 (2002), <https://www2.ed.gov/offices/OUS/PES/studies-school-violence/school-crime-pattern.pdf> (finding that large high schools located in urban areas serving a high percentage of minority students tend to experience more school crime); LAWRENCE F. TRAVIS III & JULIE KIERNAN COON, THE ROLE OF LAW ENFORCEMENT IN PUBLIC SCHOOL SAFETY: A NATIONAL SURVEY 20 (2005), <https://www.ojp.gov/pdffiles1/nij/grants/211676.pdf> (observing that crime is more common in schools that serve students from disadvantaged backgrounds); Nance, *supra* note 43, at 960–65; Aaron Kupchik & Geoff Ward, *Race, Poverty, and Exclusionary School Security: An Empirical Analysis of U.S. Elementary, Middle, and High Schools*, 12

the models also include each school's percentage of students in poverty.⁸⁹ Moreover, as boys are more likely than girls to trigger school discipline and crime issues, the models control for a school's percentage male students.⁹⁰ Finally, a three-point scale variable (from low-to-high) measures school administrators' perceptions of general criminal activity in the neighborhoods in which the students live. Table 1 presents basic summary statistics on all the variables considered in the various models.

YOUTH VIOLENCE & JUV. JUST. 332 *passim* (2014).

89. Students in poverty include those students eligible to participate in a free or reduced-lunch program. For a general discussion of various student poverty measures, see Heise, *supra* note 72, at 158.

90. Compare Russell J. Skiba et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, 34 URB. REV. 317, 319–20 (2002), and J. M. Wallace, Jr. et al., *Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students: 1991-2005*, 59 NEGRO EDUC. REV. 47 *passim* (2008), with Nance, *supra* note 43, at 972–73 (reporting “mixed” results as it relates to the influence of various student background characteristics of school incident reports to law enforcement).

TABLE 1: SUMMARY DESCRIPTIVE STATISTICS

	<i>Mean</i>	<i>S.D.</i>
<i>Dep. var:</i>		
Sch. rate of police reports (per 100 students)	0.69	1.77
<i>School Racial Isolation bands:</i>		
Sch. % non-white students (0-10)	0.18	0.39
Sch. % non-white students (11-50)	0.43	0.50
Sch. % non-white students (51-89)	0.23	0.42
Sch. % non-white students (90-100)	0.16	0.37
<i>Ind. vars:</i>		
Number of full- and part-time SRO/police	0.89	2.29
School non-white student %	44.21	32.66
School student:teacher ratio	17.12	14.58
School student mobility % (in/out)	13.28	12.31
School urbanicity scale (rural-to-urban; 1-4)	2.53	1.14
School disorder report rate (per 100 students)	1.61	3.67
School area crime scale (low-to-high; 1-3)	1.29	0.55
Student home area crime scale (low-to-high; 1-3)	1.46	0.62
School student enrollment	604.3	451.7
Elementary school (1=yes)	0.60	0.49
Mand. sch. violent incident report req. (1=yes)	0.87	0.34
Mand. sch. non-violent incident report req. (1=yes)	0.67	0.47
School student poverty %	57.33	29.53
School student male %	50.40	8.95
School dist. mean per pupil spending (2018 \$s)	12,225	5,984

NOTES: Reported means and standard deviations derive from the SSOCS weighted sample; N (unweighted)=2,500.

SOURCES: U. S. Dept. Educ., Nat'l Ctr. Educ. Stat., 2017-2018 School Survey on Crime and Safety (SSOCS); U.S. Dept. Comm., Census Bureau, 2018 Public Elementary-Secondary Education Finance File (2018).

E. *Empirical Strategy*

Given the well-documented relation between a school's SRO/police presence and the school's proclivity to report student discipline matters to law enforcement agencies, this Article examines whether a school's racial (non-white) isolation level influences this relation. To do so, I estimate separate fractional response regression models across the four school racial isolation bands. Fractional response regression models are appropriate where, as here, the dependent variable—the rate of school incident reports to law enforcement agencies—is continuous and bounded between zero and one.⁹¹ As it relates to the hypothesized variation across the four school racial isolation bands, a “category-wise” rather than a “dummy variable” empirical strategy is warranted insofar as critics of school racial isolation emphasize school integration levels' key influence on important aspects of a school's operation and success.⁹²

F. *Data and Empirical Strategy Limitations*

Despite the SSOCS dataset's obvious strengths, it is not without limitations. In particular, while data exist on a

91. For a discussion see Heise & Nance, “*Defund*,” *supra* note 4, at 752 n.162.

92. A “category-wise” rather than a “dummy variable” empirical strategy (that is, four separate models rather than a single model with a dummy variable signaling the four possible racial isolation bands) is preferable as the variances of the four separate school racial isolation bands are unlikely equal. For a technical discussion see H.E.T. Holgersson et al., *Dummy variables vs. category-wise models*, 41 J. APPLIED STAT. 233 *passim* (2014) (arguing for a “category-wise” approach); *but see* Jan Schepers, *On regression modelling with dummy variables versus separate regressions per group: Comment on Holgersson et al.*, 43 J. APPLIED STAT. 674 *passim* (2016) (contesting arguments for a “category-wise” approach). For a discussion about the implications of racial isolation on schools see Orfield & Jarvie, *supra* note 1; Frankenberg et al., *supra* note 1, at 14; Black, *supra* note 2, at 404; Ryan, *supra* note 2, at 284.

variety of school-level measures, including a school's gender and racial/ethnic profiles, the dataset does not include student-level gender or racial information on the actual students involved in the disciplinary incidents that triggered school reports to law enforcement agencies. The absence of such information, of course, functionally precludes inferences about whether school incident reporting policies distribute in ways that skew at the individual-level against, for example, boys or students in poverty.

Likewise, the empirical strategy includes its own set of limitations, particularly as it relates to support for any robust causal claims. In a more "perfect" world, to assess any potential causal relations between a school's reporting behavior and the magnitude of its racial isolation, it would be helpful to be able to manipulate a school's student racial isolation level and randomly assign otherwise identical schools (that is, "identical" as it relates to the dependent variable of interest). Indeed, as Table 2 makes clear, mean school report rates vary across the four school racial isolation bands. Greater control over randomization would, of course, help better isolate potential causality, and its direction, in the models.

As control over randomization in this context is not possible, one cannot assess with precision, for example, whether the number of SRO/police officers at a school reflects a response to pre-existing student disruption or crime levels ("incidents") that may themselves systematically vary across school racial isolation bands. It is also plausible that a school's racial isolation level (or, as well, the presence of SRO/police officers at the school) may influence the school's reporting decisions.

As an admittedly "second best" empirical strategy, the models lever a rich array of control variables designed to help disentangle the complex relations between, and among the dependent and key independent variables of interest. For example, as it specifically relates to a hypothesized relation between the presence of SRO/police officers at a school and

that school's student disciplinary reporting behavior, the models seek to control, as best that existing data permit, for other likely factors bearing on a school's probability of reporting incidents to law enforcement agencies. To assess school racial isolation's potential influence on this relation, I estimate separate models for each of the four school racial isolation bands. While important data and research design limitations preclude strong causal claims, at a descriptive level separately modeling the four school racial isolation bands facilitates cross-band comparisons. Results from such comparisons speak to the existing research base on how school racial isolation may both inform and contribute to the school-to-prison pipeline and school desegregation literatures.

III. RESULTS AND DISCUSSION

Past empirical research consistently finds that increases in a school's SRO/police presence systematically correspond with increases in the school's propensity to report student discipline incidents to law enforcement agencies.⁹³ What past research efforts do not assess, however, is whether this persistent general finding varies across K-12 school racial isolation levels.⁹⁴

At a purely descriptive level, results in Table 2 imply potential across-racial isolation band distributional concerns when it comes to a school's proclivity to report student disciplinary matters to law enforcement agencies.

93. See Heise & Nance, "Defund," *supra* note 4, at 721–22; see also Na & Gottfredson, *supra* note 43, at 626, 642 (using various SSOCs datasets); Nance, *supra* note 43, at 919; Mario S. Torres, Jr. & Jacqueline A. Stefkovich, *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*, 45 EDUC. ADMIN. Q. 450, 466–67 (2009) (using 1999-2000 SSOCs dataset).

94. While past empirical research, including my own, includes individual school-level racial isolation level controls, I am unaware of any research to date that organizes schools into four *school racial isolation bands* as this study does.

Specifically, in schools where the percentage of non-white students is at or below 10% and between 11% and 50%, the mean school law enforcement report rates (per 100 students) are 0.63 and 0.62, respectively. However, the mean school law enforcement agency report rates increase (to 0.80 and 0.81) for schools where the non-white student presence exceeds 50% and 90%, respectively. Overall, the purely descriptive results in Table 2 focus attention to school reporting rate differences that distinguish schools where the non-white student presence is at or below 50% (Models 1 and 2) from schools where the percentage of non-white students exceeds 50% (Models 3 and 4).

TABLE 2: RATES OF SCHOOL REPORTS TO LAW ENFORCEMENT, BY SCHOOL RACIAL ISOLATION LEVELS

	<i>Mean</i>	<i>S.D.</i>	<i>(N)</i>
<i>School % non-white students:</i>			
(0–10)	0.63	1.16	420
(11–50)	0.62	1.33	1,170
(51–89)	0.80	2.30	580
(90–100)	0.81	2.37	340

NOTES: Reported means and standard deviations derive from the SSOCS weighted sample; unweighted *Ns* reported.

SOURCES: U. S. Dept. Educ., Nat'l Ctr. Educ. Stat., 2017-2018 School Survey on Crime and Safety (SSOCS); U.S. Dept. Comm., Census Bureau, 2018 Public Elementary-Secondary Education Finance File (2018).

A transition from purely descriptive analyses to more granular fractional response regression models of school reports rates both clarifies and complicates the results. Notably, the general demarcation, suggested in Table 2, between schools where the non-white student presence is at or below 50% (Models 1 and 2) and schools where the percentage exceeds 50% (Models 3 and 4), largely (but not completely) vanishes in the transition from descriptive (Table 2) to more sophisticated regression analyses.

Results from the fractional response regression models convey a slightly different and more complicated picture. Overall (though with one important exception—Model 2),

results from Table 3 suggest that school racial isolation level variation does not materially dislodge the main results across the models. More specifically, aside from Model 2, the influence of a school's SRO/police presence on the school's law enforcement reporting rate does not vary across the school racial isolation bands.

In all, results across the four models in Tables 3 are noted more for their similarities than their differences. For example, when it comes to systematic influences on schools' law enforcement report rates, results from all four models underscore the salience of such factors as school disorder and elementary schools. As one would expect, increases in a school's disorder rate correspond with systematic increases in that school's law enforcement reporting rate. Likewise (though in the opposite direction), elementary school law enforcement reporting rates were strikingly lower than reporting rates at their non-elementary school counterparts (middle and high schools). That both of these core findings persist across all four school racial isolation bands suggests that these two variables' influence on school report rates overwhelms any hypothesized influence attributable to variation in school racial isolation levels.

While results in Table 3 may convey general consistency across school racial isolation level bands, clear differences emerge in schools where the non-white enrollment percentage varied from 11% to 50% (Model 2). Thus, notwithstanding the important ways in which the findings in Table 3 link all four models, it is where (and how) the results in Model 2 differ from those in the other three models that raise important, nuanced, and more complicated interpretative questions.

Perhaps the most consequential way Model 2's results depart from those in the three other models (and discussed in more detail below) involves the salience of the magnitude of a school's SRO/police presence. As previously discussed, the relevant empirical scholarship consistently finds that increases in a school's SRO/police presence correspond with

increases in the school's reporting rate to law enforcement agencies.⁹⁵ Results in Table 3, however, contribute an intriguingly nuanced and complicating wrinkle. Specifically, results across Table 3 suggest that any systematic influence of variation in the magnitude of a school's SRO/police presence on the school's law enforcement reporting rate is confined to the band of schools (Model 2) where the percentage of non-white students ranges from 11% to 50%.

In addition to a school's SRO/police presence, only in this school racial isolation band (Model 2) does the students' home crime scale variable as well as school size (construed in terms of student enrollment) achieve statistical significance. As it relates to school size, larger schools correspond with increased school law enforcement report rates. Such a finding coheres to the extent one finds persuasive the standard claim that comparatively small schools are arguably more likely to facilitate a comparatively healthier school "climate" or "culture."⁹⁶

One final way in which schools in Model 2 behave notably differently involves the influence of mandatory reporting requirements for various violent and non-violent student conduct. Somewhat inexplicably, the presence of such mandatory reporting requirements corresponds with a reduced school law enforcement reporting rate. Such a curious finding has been reported and discussed in other studies and underscores conflicting incentives and some obvious (and non-obvious) reasons why school authorities

95. See, e.g., Heise & Nance, "Defund," *supra* note 4, at 756 (using 2015-16 SSOCS dataset); Heise & Nance, *To Report*, *supra* note 4, at 261-62 tbl.2; Nance, *supra* note 43, at 969-70 (using 2009-10 SSOCS data); Torres, Jr. & Stefkovich, *supra* note 43, at 461, 463 (analyzing 1999-2000 SSOCS data); Na & Gottfredson, *supra* note 43, at 637 (analyzing various SSOCS datasets).

96. See generally William J. Fowler, Jr. & Herbert J. Walberg, *School Size, Characteristics, and Outcomes*, 13 EDUC. EVALUATION & POL'Y ANALYSIS 189, (1991) (discussing the link between school size and educational outcomes).

may choose to avoid complying with mandatory reporting requirements in various ways. Of course, perhaps such a finding should not necessarily surprise.⁹⁷ Even if such a result does not surprise, however, what remains curious is why such a finding only achieves statistical significance for schools in Model 2.

While key results help distinguish Model 2 from the other three models in Table 3, one technical anomaly as well as some shared findings warrant brief discussion. First, because Model 2 includes the largest number of schools (unweighted N=1,160) in the sample statistical power questions emerge for the other three models. Results from standard power calculations, however, imply that statistical power (or any lack thereof) does not appear to have played any material role in this study. Second, also warranting emphasis is that some of Model 2's results track those from the other three models. For example, school disorder rates as well as the presence of an elementary school systematically—and strikingly—informed school reporting rates across all four school racial isolation bands.

TABLE 3: FRACTIONAL RESPONSE REGRESSION MODELS OF SCHOOL REPORT RATES TO LAW ENFORCEMENT AGENCIES FOR ALL STUDENT DISCIPLINE INCIDENTS

	(1)	(2)	(3)	(4)
	<i>Non-White % (0-10)</i>	<i>Non-White % (11-50)</i>	<i>Non-White % (51-89)</i>	<i>Non-White % (90-100)</i>
Num. of full- and pt.-time SRO/police	1.02 (0.01)	1.02* (0.01)	1.01 (0.04)	1.01 (0.02)
Sch. student:teacher ratio	0.99 (0.02)	0.99 (0.00)	0.99 (0.00)	1.04* (0.02)
Sch. student mobility % (in/out)	1.01 (0.01)	1.00 (0.00)	1.01* (0.01)	1.00 (0.01)

97. For a discussion see Heise & Nance, *To Report*, *supra* note 4, at 232–35.

Sch. urban. scale (rural-to-urban)	1.24* (0.11)	0.99 (0.05)	1.11 (0.10)	0.79* (0.09)
Sch. disorder report rate	1.15** (0.02)	1.06** (0.01)	1.08** (0.02)	1.08** (0.02)
Sch. area crime scale (lo-to-hi)	1.04 (0.32)	0.88 (0.14)	1.02 (0.17)	1.51 (0.34)
Stud. home crime scale (lo-to-hi)	1.06 (0.32)	1.46* (0.22)	1.15 (0.15)	1.11 (0.29)
Sch. student enroll.	1.00 (0.00)	1.00** (0.00)	1.00 (0.00)	1.00 (0.00)
Elemen. school (1=yes)	0.32** (0.11)	0.15** (0.04)	0.08** (0.02)	0.12** (0.04)
Vio. incid. rep. req. (1=yes)	0.67 (0.23)	0.55** (0.09)	1.59 (0.51)	0.46 (0.21)
Non-vio incid. rep. req. (1=yes)	1.09 (0.21)	0.79* (0.09)	1.02 (0.23)	1.17 (0.29)
Sch. poverty %	1.01 (0.00)	1.00 (0.00)	1.01 (0.00)	1.00 (0.01)
Sch. male %	1.00 (0.01)	1.01 (0.01)	1.02 (0.01)	0.99 (0.01)
Sch. dist. mean per pupil spending (2018 \$s)	0.99* (0.00)	0.99** (0.00)	0.99 (0.00)	0.99 (0.00)
Constant	0.01** (0.00)	0.01** (0.00)	0.00** (0.00)	0.01** (0.01)
Pseudo R ²	0.06	0.09	0.14	0.15
<i>N (unweighted)</i>	410	1,160	570	340

NOTES: The dependent variable is the rate of school reports for all student disciplinary incidents to law enforcement agencies. Robust standard errors, clustered on school district, in parentheses. The models were estimated using the “fracreg logit” command in Stata (v.17.1) and used the odds ratio option and SSOCS weighted data. * $p < 0.05$; ** $p < 0.01$.

SOURCES: U.S. Dep’t Educ., Nat’l Ctr. Educ. Stat., 2017-2018 School Survey on Crime and Safety (SSOCS); U.S. Dep’t Com., Census Bureau, 2018 Public Elementary-Secondary Education Finance File (2018).

A. *A Closer Look at Non-White Student Percentage Variation, SRO/Police Presence, and “Tipping Points”*

While it is well-accepted that increases in the magnitude of a school’s SRO/police presence influence the school’s law enforcement reporting rate to law enforcement agencies,⁹⁸ until this study the particular influence of schools where the percent of non-white students varies from 11% to 50% had not been considered. Complicating interpretative matters further (and discussed in detail below) is that, while a school’s SRO/police presence informs school report rates for schools in Model 2, supplemental analyses suggest that *within*-band school-level racial isolation variation does *not* achieve statistical significance.

While prior research consistently finds a positive correlation between the number of SRO/police at a school and the school’s rate of law enforcement referrals, results in Table 3 illustrate how this general finding distributes across four different school racial isolation bands. Interestingly, the general finding concentrates in a single school racial isolation band (Model 2). Aside from Model 2, the influence of a school’s SRO/police presence on school law enforcement report rates appears otherwise impervious to variation in school racial isolation bands. While the four sets of results in Table 3 facilitate comparisons across the four different school racial isolation level bands, results in Table 3 do not account for school-level racial isolation variation *within* each of the four band of schools.

To assess this subtle and complicating wrinkle, Table 4 presents results from an alternative specification that includes as an additional variable each school’s actual percentage of non-white student enrollment. Two main findings emerge. First, and interestingly, the addition of each school’s percentage of non-white student enrollment in all four separate models (Table 4) did not disturb any of the

98. See KUPCHIK, *supra* note 5, at 29.

main findings presented in Table 3. Second, also notable is that this additional variable—each school's percentage of non-white student enrollment—failed to achieve statistical significance in any of the models, including Model 2.

TABLE 4: ALTERNATIVE FRACTIONAL RESPONSE REGRESSION MODELS OF SCHOOL REPORT RATES TO LAW ENFORCEMENT AGENCIES FOR ALL STUDENT DISCIPLINE INCIDENTS

	(1)	(2)	(3)	(4)
	Non- White % (0-10)	Non- White % (11-50)	Non- White % (51-89)	Non- White % (90-100)
Num. of full- and pt.-time SRO/police	1.02 (0.01)	1.02* (0.01)	1.02 (0.04)	1.01 (0.02)
Sch. non-white student %	1.04 (0.04)	0.99 (0.00)	0.99 (0.01)	0.99 (0.03)
Sch. student:teacher ratio	0.99 (0.02)	0.99 (0.00)	0.99 (0.00)	1.03* (0.02)
Sch. student mobility % (in/out)	1.01 (0.01)	1.00 (0.00)	1.01* (0.01)	1.00 (0.01)
Sch. urban. scale (rural-to- urban)	1.21* (0.10)	0.99 (0.05)	1.12 (0.11)	0.79* (0.09)
Sch. disorder report rate	1.15** (0.02)	1.06** (0.01)	1.08** (0.02)	1.08** (0.02)
Sch. area crime scale (lo-to- hi)	1.04 (0.31)	0.88 (0.14)	1.05 (0.16)	1.51 (0.34)
Stud. home crime scale (lo- to-hi)	1.06 (0.32)	1.46* (0.22)	1.14 (0.14)	1.10 (0.29)
Sch. student enroll.	1.00 (0.00)	1.00** (0.00)	1.00 (0.00)	1.00 (0.00)
Elemen. school (1=yes)	0.31** (0.10)	0.15** (0.04)	0.08** (0.02)	0.13** (0.04)
Vio. incid. rep. req. (1=yes)	0.69 (0.23)	0.56** (0.09)	1.58 (0.51)	0.47 (0.21)
Non-vio incid. rep. req. (1=yes)	1.08 (0.20)	0.79* (0.09)	1.05 (0.25)	1.17 (0.29)
Sch. poverty %	1.01 (0.00)	1.00 (0.00)	1.01 (0.01)	1.00 (0.01)
Sch. male %	1.00 (0.01)	1.01 (0.01)	1.02 (0.01)	0.99 (0.01)

Sch. dist. mean per pupil spending (2018 \$s)	0.99* (0.00)	0.99** (0.00)	0.99 (0.00)	0.99 (0.00)
Constant	0.00** (0.00)	0.01** (0.00)	0.00** (0.00)	0.03 (0.08)
Pseudo R ²	0.06	0.09	0.14	0.15
<i>N</i> (unweighted)	410	1,160	570	340

NOTES: The dependent variable is the rate of school reports for all student disciplinary incidents to law enforcement agencies. Robust standard errors, clustered on school district, in parentheses. The models were estimated using the “fracreg logit” command in Stata (v.17.1) and used the odds ratio option and SSOCS weighted data. * $p < 0.05$; ** $p < 0.01$.

SOURCES: U.S. Dep’t Educ., Nat’l Ctr. Educ. Stat., 2017-2018 School Survey on Crime and Safety (SSOCS); U.S. Dep’t Com., Census Bureau, 2018 Public Elementary-Secondary Education Finance File (2018).

Comparing results in Table 3 and 4 underscores a potential anomaly. On the one hand, results in Tables 3 and 4 illustrate how the number of SRO/police in schools consistently matters for school law enforcement report rates for one particular school racial isolation level band (Model 2). On the other hand, results in Table 4 imply that the more granular variation in each individual school’s percentage of non-white students within each school racial isolation band (including Model 2) did not systematically influence a school’s law enforcement agency reporting rate.

How might one harmonize the results in Tables 3 and 4? That is, first, when it comes to the influence in the magnitude of a school’s SRO/police presence on school law enforcement agency report rates, why is it that the schools in Model 2 behaved differently than schools in the other three school racial isolation bands? Second, and similarly, why does the magnitude of a school’s SRO/police presence for a band of schools where student racial isolation that varies between 11% and 50% (Model 2) systematically influence school law enforcement report rates (Table 3) while individual school-level racial isolation variation within this band (as well as the three other bands) does not (Table 4)?

B. *The Possible Influence of School Racial Tipping Points*

While efforts to harmonize these results in Tables 3 and 4 may not, in the end, prove satisfactory, tipping point research from other, related fields supplies helpful insights. Especially so as, since the mid-twentieth century, much of the tipping point research focused on the housing and school contexts as various desegregation and integration policies were implemented.

In the housing discrimination context, researchers consistently observed how the racial composition of residential areas can remain relatively stable over time despite distributional shifts at the margins. Once a residential area's racial compositional shift crosses a critical tipping point, however, the velocity of changes to an area's racial and ethnic composition can increase dramatically and quickly.⁹⁹ To illustrate how this dynamic can unfold, Professor James Ryan, for example, notes that if the percentage of minority residents in a predominately white neighborhood (or students, in the case of schools) rises to a certain critical level this will initiate white flight, which, in turn, can quickly gain momentum and increase in velocity until the neighborhood becomes, eventually, predominately non-white.¹⁰⁰

Education law scholars have been similarly aware of tipping points and their application in the school context incident to school desegregation and integration efforts. Indeed, academic attention to the tipping point phenomena has been described as "voluminous,"¹⁰¹ and this is especially

99. The seminal description of the tipping point phenomenon is largely attributed to Thomas Schelling. See Thomas Schelling, *A Process of Residential Segregation: Neighborhood Tipping*, in ANTHONY H. PASCAL (ed.), *RACIAL DISCRIMINATION IN ECONOMIC LIFE*, at 157–84 (1972).

100. See JAMES E. RYAN, *FIVE MILES AWAY, A WORLD APART* 291–92 (2010) [hereinafter RYAN, *FIVE MILES*].

101. See Pamela S. Karlan, *Undoing the Right Thing: Single-Member Officer and the Voting Rights Act*, 77 VA. L. REV. 1, 43 (1991).

the case for the school desegregation literature.¹⁰² More than two decades ago, for example, Professor Paul Gerwitz described tipping points in the school context in the following terms:

A tipping point has typically been estimated to occur when the proportion of blacks is between twenty-five and fifty percent, with the actual point and the extent of flight in any particular situation affected by such factors as the extent to which pupil reassignments shift white students to formerly black schools, the perceived disruptions of busing and changes in educational quality, the strength of whites' racial prejudice, the degree of official support for desegregation, the nature of media coverage, the financial and other costs of fleeing, and whites' ability to bear those costs.¹⁰³

While Professor Gerwitz wrote in the early-1980s, the passage of time has not materially modified how tipping points in the school desegregation context are described. For example, Professor Karlan notes “[t]he tipping point refers to the point at which the black presence within a particular setting prompts whites to leave.”¹⁰⁴ Similarly, and more recently, Professor Black describes it thusly: “[E]ven before a school becomes significantly imbalanced, it can reach a ‘tipping point’ where it rapidly goes from being relatively integrated to entirely imbalanced.”¹⁰⁵

While many different explanations have been offered to account for the tipping point phenomena, comparatively less attention dwells on specific tipping point thresholds in schools. Professor Black notes that when a school’s non-white

102. See generally Derek W. Black, *In Defense of Voluntary Desegregation Plans: All Things Are Not Equal*, 44 WAKE FOREST L. REV. 107 (2009) [hereinafter Black, *In Defense*]; Gary Orfield, *Metropolitan School Desegregation: Impacts on Metropolitan Society*, 80 MINN. L. REV. 825 (1996); DERRICK A. BELL, RACE, RACISM, AND AMERICAN LAW (3d ed. 1992).

103. Paul Gerwitz, *Remedies and Resistance*, 92 YALE L.J. 585, 630 (1983).

104. See Karlan, *supra* note 101, at 43 n.159.

105. See Black, *In Defense*, *supra* note 102, at 124–25.

enrolment approaches 45% or 50%, that might be enough for households to perceive such a school as “non-white.” Such perceptions can quickly transform into perceived realities and, in turn, propel further white flight in a matter of just a few years.¹⁰⁶ While experts may quibble over the precise location of a school’s “tipping point,”¹⁰⁷ the weight of existing research tends to loosely converge on the 50% non-white threshold as one approximation of an outer boundary for many schools.¹⁰⁸

1. Judicial Attention to Tipping Points

Focus on and attention to tipping points and their implications are not confined to academics and researchers. Judges and their judicial opinions also recognize the salience of tipping points, both in fair housing and school desegregation litigation.¹⁰⁹

One notable example involves the public housing setting and the New York City Housing Authority’s (“the Authority”)

106. *See id.*; *see also* Christine H. Rossell & Willis D. Hawley, *Understanding White Flight and Doing Something About It*, in *EFFECTIVE SCHOOL DESEGREGATION: EQUITY, QUALITY, AND FEASIBILITY* 157, 165–71 (Willis D. Hawley ed., 1981) (reviewing research finding the tipping point of massive departure of whites to be thirty-to forty-percent minority enrollment).

107. *See, e.g.*, Eric J. Gouvin, *Rural Low-Income Housing and Massachusetts Chapter 40B: A Perspective from the Zoning Board of Appeals*, 23 *W. NEW ENG. L. REV.* 3, 57 (2001) (“[E]mpirical studies have not established a numerical value for the tipping point, the phenomenon has been widely observed.”).

108. *See, e.g.*, Gerwitz, *supra* note 103, at 630; Black, *In Defense, supra* note 102, at 124–25.

109. *See, e.g.*, *Parent Ass’n of Andrew Jackson High Sch. v. Ambach*, 598 F.2d 705, 718–20 (2d Cir. 1979) (observing that the tipping point in the public school context is a valid consideration in devising a desegregation plan); *Otero v. N.Y.C. Hous. Auth.*, 484 F.2d 1122, 1140 (2d Cir. 1973) (upholding use of racial access quota in public housing project to prevent neighborhood tipping); *Zuch v. Hussey*, 394 F. Supp. 1028, 1049 (E.D. Mich. 1975) (describing the course of resegregation in a residential neighborhood), *aff’d*, 547 F.2d 1168 (6th Cir. 1977).

policy in the 1970s to cap the percentage of non-white residents in a Lower East Side public housing development.¹¹⁰ The Authority's rationale for implementing its express racial caps flowed from a worry that, without racial caps, the housing development would quickly become "non-white" and that would, in turn, induce additional "white residents to take flight."¹¹¹

Incident to the inevitable litigation that the Authority's racial caps ignited, the Second Circuit approved the racial caps in *Otero v. New York City Housing Authority*, reasoning that the Authority's "obligation to act affirmatively to achieve integration" outweighed the harm of "prevent[ing] some members of a racial minority from residing in publicly assisted housing."¹¹² By approving the Authority's use of racial quotas, the Second Circuit's opinion implicitly—if not expressly—conveyed the court's recognition of the policy threats posed by tipping points.

Of course, judicial counterexamples also exist, and some of these counterexamples are found in the school desegregation context.¹¹³ On the heels of its 1954 *Brown v. Board of Education* decision, the Supreme Court encountered the prospect of white flight triggered by judicially imposed school desegregation orders.¹¹⁴ School districts defending against school desegregation lawsuits

110. See *Otero*, 484 F.2d at 1128 (describing actions taken by the Authority to achieve a 60% white, 40% non-white resident makeup at a development). These actions were not taken in response to Fair Housing Authority litigation; rather, the implementation of the racial cap was what prompted the (ultimately unsuccessful) litigation.

111. *Id.* at 1124.

112. See *Otero*, 484 F.2d at 1133–34.

113. See, e.g., Susheela Jayapal, *School Desegregation and White Flight: The Unconstitutionality of Integration Maintenance Plans*, 1987 U. CHI. LEGAL F. 389, 391 (1987) (arguing that courts "are divided" over whether and, if so, in what manner school districts may account for the prospect of white flight when crafting school desegregation plans).

114. *Brown v. Board of Education*, 347 U.S. 483 (1954).

warned the Court that blunt desegregation orders would prompt some percentage of white students to “flee the school system altogether” and, by so doing, degrade—if not thwart—school integration efforts.¹¹⁵ In *United States v. Scotland Neck City Board of Education*, the Court, when directly confronted by litigants about the prospect of white flight and its obvious implications for school integration goals, placed theory over reality when it asserted that while the prospect of white flight “may be cause for deep concern . . . , it cannot . . . be accepted as a reason for achieving anything less than complete uprooting of the dual public school system.”¹¹⁶

A separate school desegregation case decided that same year by the Court, however, signaled greater judicial sensitivity to how tipping points and white flight can impede school desegregation efforts. In *Swann v. Charlotte-Mecklenberg Board of Education*, the Court wrote that the object of school desegregation orders includes achieving “the greatest possible degree of actual desegregation.”¹¹⁷ Taking their cue from evolving—if conflicted—Supreme Court doctrine, subsequent lower federal court decisions understood that “[w]hile the fear of white flight cannot be accepted as a reason for not acting, the court may elect a constitutionally permissible plan calculated to minimize white boycotts.”¹¹⁸

115. *See, e.g.*, *Monroe v. Bd. of Comm'rs of Jackson*, 391 U.S. 450, 459 (1968).

116. *United States v. Scot. Neck City Bd. of Educ.*, 407 U.S. 484, 491 (1972).

117. *Swann v. Charlotte-Mecklenberg Bd. of Educ.*, 402 U.S. 1, 26 (1972).

118. *See, e.g.*, *Tasby v. Wright*, 713 F.2d 90, 99 (5th Cir. 1983) (citation omitted) (internal quotation marks omitted).

C. Tipping Points and the Student Disciplinary Reporting Context

Research on tipping points—and tipping points’ salience in the student disciplinary reporting context in schools—may provide some helpful clues for how best to interpret (and potentially harmonize) results in Tables 3 and 4. In both tables, Models 1 and 4 involve schools that are functionally (at least 90%) either “all white” (Model 1) or “all non-white” (Model 4). Schools in both of these bands are conventionally understood as racially isolated, just in opposite directions. And such acute racial isolation renders these schools as essentially racially homogenous. The comparative high levels of racial and ethnic homogeneity for schools in Models 1 and 4 may help reduce discord levels at those schools, all else equal. Comparatively lower discord levels, in turn, plausibly dampen the influence of a school’s SRO/police presence on a school’s propensity to report student discipline to law enforcement agencies.

If schools in Models 1 and 4 are distinguished by their racial isolation (and comparatively high levels of racial homogeneity), what remains are the more racially heterogeneous and diverse schools in Models 2 and 3. For schools in Models 2 and 3, the percentage of non-white students ranges from 11% to 50% and from 51% to 89%, respectively.

While mathematically Model 2 and 3 schools are “equally” heterogeneous (just in opposite directions), these otherwise similar schools differ—according to the tipping point literature—in one critical way. Specifically, unlike schools in Model 2, schools in Model 3 (where the percentage of non-white students ranges from 51% to 89%) have already “tipped” beyond the 50% non-white student threshold. What the tipping point literature generally suggests is that racial tension or school discord are comparatively higher in schools

as they approach the proverbial “tipping point.”¹¹⁹ Once a school “tips” and becomes a majority-minority (or majority non-white) school, what logically follows is that the assumed racial tensions or school discord incident to racial compositional shifts plausibly lessen. To the extent that the schools in Model 3 experience comparatively lower levels of racial tension or school discord than schools in Model 2, one might plausibly expect to find fewer reasons to anticipate that increases in a school’s SRO/police presence would correspond with increases in the school’s propensity to report student discipline to law enforcement agencies.

What remains, however, are schools in Model 2. Schools with a non-white student presence ranging from 11% to 50% are notable partly as they land within the general range of informed guesses in the research literature about possible school tipping point thresholds. For example, Gerwitz observed that tipping points typically emerge when the percentage of Black students ranges from 25% to 50%.¹²⁰ Professor Black places the outer boundary of white tolerance for non-white student presence at a school closer to the 45% to 50% threshold.¹²¹ Even though absolute precision is not possible in this context, importantly, both opinions fall within the racial isolation boundaries that define schools in Model 2.

119. The weight of scholarly attention focuses on the flight of white students from public K-12 schools where the percentage of white students decreases to fifty percent (or less). *See, e.g.*, Salvatore Saporito & Deenesh Sohoni, *Coloring Outside the Lines: Racial Segregation in Public Schools and Their Attendance Boundaries*, 79 SOCIO. EDUC. 81, 96 (2006) (“[G]reater [school] racial segregation results from white children leaving public schools at higher rates than minority children, particularly when school attendance boundaries are racially balanced.”). For a journalistic account from one city’s experience (Boston) with school desegregation and white flight, *see, e.g.*, J. ANTHONY LUKAS, *COMMON GROUND: A TURBULENT DECADE IN THE LIVES OF THREE AMERICAN FAMILIES* (1985).

120. *See* Gerwitz, *supra* note 103, at 630

121. *See* Black, *In Defense*, *supra* note 102, at 124–25.

Unlike the racially homogenous schools in Models 1 and 4, schools in Model 2 (and Model 3) are racially heterogeneous. Unlike the similarly racially heterogeneous schools in Model 3, however, schools in Model 2, by contrast, have *not* yet reached what research implies is an expected tipping point threshold for schools. The mean percentage of non-white students in schools in Model 2 is 27.4; for Model 3 schools the mean percentage of non-white students increases to 69.2. Thus, it is precisely in this way that one plausibly distinguishes Model 2 and Model 3 schools. While schools in Models 2 and 3 share racial heterogeneity, Model 2 schools, while racially heterogeneous, have not yet tipped as they remain majority-majority schools (that is, the percentage of non-white students remains at or below the 50% threshold).

Model 2 schools are thus distinctive partly because they are racially heterogeneous and, according to the weight of tipping point research, have not yet tipped. This distinction is important because tipping point research implies that strains on racial tensions and related or adjacent school discord are more common in schools where student racial compositions trend toward and approach a “tipping point.”¹²² And it is in these types of schools—where racial strain and school discord are comparatively higher—that one would expect to find, *ex ante*, comparatively greater evidence of a school-to-prison pipeline problem attributable, in part, to increases in a school’s SRO/police presence. Results for Model 2 in Tables 3 and 4 generally comport with or, at the very least, do not defeat this expectation.

122. See, e.g., RYAN, FIVE MILES, *supra* note 100, at 295 (“[A] [racially] diverse school creates more opportunities for a full education, but it also presents more challenges, academically and socially, than a school filled solely with white, middle-income students.”); Barbara A. Fedders, *The End of School Policing*, 109 CALIF. L. REV. 1443, 1465–66 (2021) (observing that for many white families increased school integration is “synonymous with a breakdown in school discipline”); Raymond Wolters, *Why School Reform Failed*, AM. RENAISSANCE (Aug. 26, 2015), <https://www.amren.com/news/2015/08/why-school-reform-failed/> [<https://perma.cc/P96H-B4AX>].

D. *Variation Across and Within School Racial Isolation Bands*

As hinted at previously, one additional interpretative wrinkle remains. Table 3 makes clear that when it comes to a school's propensity to report student discipline incidents to law enforcement agencies the magnitude of a school's SRO/police presence achieves statistical significance in only one school racial isolation band: where non-white student enrollment ranges from 11% to 50% (Model 2). At the same time, however, results from the alternative specification, reported in Table 4, suggest that *within* each school racial isolation band, including Model 2, actual school-level non-white enrollment variation does not systematically co-vary with schools' law enforcement report rates. These two sets of findings raise an intriguing question: How can the magnitude of a school's SRO/police presence for one school racial isolation band (Table 3, Model 2) matter for school law enforcement report rates while individual school-level racial isolation variation within each band not matter (Table 4, Model 2)?

As quick, obvious answers to this question elude, technical distinctions between the empirical specifications in Tables 3 and 4 will have to suffice. These results suggest that while more granular within band variation in the percentage of non-white students across schools may not matter, blunter (across band) school racial isolation variation does matter. To illustrate, at the individual school-level (Table 4), an increase in the percentage of non-white students from, for example, 23% to 24% does not correspond with any detectable, systematic increase in a school's rate of reporting to law enforcement. By contrast, however, when individual schools are aggregated into four separate school racial isolation level bands, the influence of schools' SRO/police on law enforcement reporting rates does achieve statistical significance, but only for the cluster of schools where the tipping point literature suggests that the threat of a school tipping is at its comparative highest (Table 3, Model 2).

What might be at work is that schools in Model 2—where the threats posed by school tipping points are presumably at their highest—may, as a group, behave systematically differently when it comes to how they deploy SRO/police at those schools. Evidence of this systematic behavior (Model 2 schools), however, emerges only after the schools are aggregated into one of four school racial isolation level bands (Table 3). Results for schools in Model 2, where increases in schools’ SRO/police presence correspond with increases in school law enforcement report rates, may in part reflect efforts by Model 2 schools to blunt, slow down, or better manage real-time changes to the schools’ racial and ethnic composition. To be even more particular—and blunter still—Model 2 schools may deploy their SRO/police in the student disciplinary space in ways that generate comparatively more school reports to law enforcement agencies as part of a broader strategy to help avoid (or delay) tipping into a school that is majority non-white.

As the precise roles, responsibilities, and day-to-day work of SRO/police officers vary considerably across the nation and from school to school, it is perhaps inevitable that different schools deploy their SRO/police in different ways. Scholars who study how schools engage SRO/police officer programs observe a great variety and breadth of services that SRO/police provide to schools throughout the country.¹²³ In many ways, such variation across individual schools and clusters of schools should surprise few. After all, as Ben Brown notes, the American law enforcement apparatus itself is “decentralized and fragmented,” composed of various

123. See F. CHRIS CURRAN, BENJAMIN W. FISHER, SAMANTHA L. VIANO & AARON KUPCHIK, UNDERSTANDING SCHOOL SAFETY AND THE USE OF SCHOOL RESOURCE OFFICERS IN UNDERSTUDIED SETTINGS 16–20 (2020); PETER FINN, MICHAEL SHIVELY, JACK MCDEVITT, WILLIAM LASSITER & TOM RICH, COMPARISON OF PROGRAM ACTIVITIES AND LESSONS LEARNED AMONG 19 SCHOOL RESOURCE OFFICER (SRO) PROGRAMS 14–18 (2005); AARON KUPCHIK, HOMEROOM SECURITY: SCHOOL DISCIPLINE IN AN AGE OF FEAR 82–95 (2010); TRAVIS III & COON, *supra* note 88, at 37–39.

federal, state, and local agencies that report to various constituencies and have differing responsibilities, authorities, and funding sources.¹²⁴ Embedding a relatively small group of SRO/police officers into this fragmented apparatus and having them work for a range of law enforcement agencies that include county sheriff departments, municipal police departments, and school district police departments almost guarantees variation across different schools and districts in what SRO/police do in schools.¹²⁵

Despite considerable variation in SRO/police work across schools and districts, one common and unsurprising SRO/police task consistently identified by scholars and commentators involves such “law enforcement-related activities” as including investigating complaints, minimizing disruptions, patrolling school grounds, and maintaining order.¹²⁶ Insofar as states commonly criminalize actions such as assault, disorderly conduct, larceny, and disturbing the peace, it follows that SRO/police embedded in schools appear to have the legal authority to intervene in an astonishing array of student disciplinary matters.¹²⁷ SRO/police may also

124. See Ben Brown, *Evaluations of School Policing Programs*, in THE PALGRAVE INTERNATIONAL HANDBOOK OF SCHOOL DISCIPLINE, SURVEILLANCE, AND SOCIAL CONTROL 328–29 (Jo Deakin, Emmeline Taylor & Aaron Kupchik eds., 2018).

125. *Id.* at 329.

126. See NATHAN JAMES & GAIL MCCALLION, CONG. RSCH. SERV., R43126, SCHOOL RESOURCE OFFICERS: LAW ENFORCEMENT OFFICERS IN SCHOOLS (2013), <https://fas.org/sgp/crs/misc/R43126.pdf>; AARON KUPCHIK, HOMEROOM SECURITY: SCHOOL DISCIPLINE IN AN AGE OF FEAR 83–89 (2010); Josh Gupta-Kagan, *Reevaluating School Searches Following School-to-Prison Pipeline Reforms*, 87 FORDHAM L. REV. 2013, 2039 (2019); Theriot, *supra* note 8, at 281. According to the COPS program, one of the primary duties of SROs is to “address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school.” 34 U.S.C. § 10389 (4)(A).

127. See CAL. PENAL CODE § 241 (West 2017) (criminalizing assault); FLA. STAT. § 877.03 (2022) (criminalizing acts that breach the peace and

enforce various so-called “disturbing school” statutes discussed above.¹²⁸

Consequently, scholars increasingly worry about the blurred lines that have emerged between “administering law enforcement” and “disciplining adolescent misbehavior.”¹²⁹ One scholar observes that SRO/police have become the “new authoritative agents” of school discipline, as “the introduction of law enforcement officers into schools has transformed student misconduct into a matter to be dealt with by the criminal justice system.”¹³⁰ An adjacent point that warrants emphasis, however, is that even where SRO/police possess the necessary legal authority to intervene in student disciplinary matters, how SRO/police exercise their discretion within the scope of their authority will also likely vary across schools and districts.¹³¹

Indeed, the distribution of how SRO/police exercise their

disorderly conduct); N.Y. PENAL LAW § 155.05 (McKinney 2021) (criminalizing larceny); VA. CODE ANN. § 18.2-415 (2020) (criminalizing disorderly conduct).

128. See ARIZ. REV. STAT. ANN. § 13-2911 (2022); CAL. PENAL CODE § 415.5 (West 2022); FLA. STAT. § 871.01 (2022); WASH. REV. CODE § 28A.635.030 (2023); see also Josh Gupta-Kagan, *The School-to-Prison Pipeline’s Legal Architecture: Lessons from the Spring Valley Incident and Its Aftermath*, 45 FORDHAM URB. L.J. 83, 103 (2017); Kerrin C. Wolf, *Arrest Decision Making by School Resource Officers*, 12 YOUTH VIOLENCE & JUV. JUST. 137, 147 (2014).

129. See Gupta-Kagan, *supra* note 126, at 102–07; Kerrin C. Wolf, *Assessing Students’ Civil Rights Claims Against School Resource Officers*, 38 PACE L. REV. 215, 222–25 (2018); Barbara Fedders, *The Anti-Pipeline Collaborative*, 51 WAKE FOREST L. REV. 565, 573–74 (2016); Joseph B. Ryan, Antonis Katsiyannis, Jennifer M. Counts & Jill C. Shelnut, *The Growing Concerns Regarding School Resources Officers*, 53 INTERVENTION SCH. & CLINIC 188, 188 (2018).

130. Ben Brown, *Understanding and Assessing School Police Officers: A Conceptual and Methodological Comment*, 34 J. CRIM. JUST. 591, 591, 596 (2006).

131. For an empirical study of when schools exercise discretion and decide to *not* report otherwise reportable student misconduct, see generally Heise & Nance, *To Report*, *supra* note 4.

legal authority as well as professional discretion and judgment in the student disciplinary space across schools is almost assuredly non-random. And results from this study imply that school racial isolation levels may inform these distributions in at least one important way. Specifically, for schools in Model 2—schools that are racially heterogeneous yet predominately white—increases in the magnitude of a school's SRO/police presence systematically correspond with increases in school report rates to law enforcement agencies. And schools' SRO/police presence is salient only in this particular school racial isolation band (Model 2).

The magnitude of a school's SRO/police presence, in terms of school law enforcement reporting rates, is only statistically salient in the band of schools where the non-white student presence ranges from 11% to 50%. This finding is, at the very least, not inconsistent with what the tipping point literature broadly implies. Racially heterogeneous though majority-white schools actively trending toward majority-non-white status likely confront comparably higher racial tension and school discord levels. That schools experiencing such racial tensions and discord may elect to deploy their SRO/police in ways that assist with confronting such challenges to a school's desired climate will likely surprise few. For those schools with a SRO/police presence, one clear and consistent finding in the research literature is that increases in the magnitude of a school's SRO/police presence correspond with increases in the school's rate of law enforcement referrals for student misconduct. To the extent that school reports to law enforcement help fuel a "school-to-prison" pipeline, results from this study imply that students in schools trending toward a racial tipping point are unusually exposed to negative spillover effects attributable to a SRO/police presence.

Of course, even for those schools that might aggressively deploy SRO/police, whether a school decides to formally refer any particular student's disciplinary matter to law

enforcement is not obvious.¹³² The complicated incentive terrain includes institutional- and individual-level dimensions which potentially cut in different directions simultaneously. On the one hand, to better contain (and control) potentially negative information, school administrators may be incentivized to decline to report student disciplinary matters to law enforcement agencies and, instead, handle such matters “in-house.”¹³³ On the other hand, these same public perception concerns may also propel school administrators to formally report to law enforcement agencies, as such reporting may help fuel a schools’ reputation for “security” and “order.” Such reporting may shore up a school’s reputation and send signals to various school constituencies that the schools is “tough on [student] crime.”

Additional factors arise at the individual school-level. Some school administrators may feel comparatively better-positioned than law enforcement officers to mete out student discipline in a nuanced, granular, and fair manner. Similarly, school professionals, especially experienced ones as well as those sensitive to the potentially significant negative spillover effects attaching to any student thrust into the criminal justice system, may be especially reluctant to formally report student misconduct to law enforcement agencies.

Finally, even if the tipping point hypothesis in this context is persuasive, any support for it from this study is only correlative and indirect rather than causal. Data and research design limitations preclude stronger causal claims. In a laboratory setting, one would, for example, randomly assign SRO/police to otherwise identical schools (as it relates to the dependent variable) to assess possible causal relations between a school’s rate of reporting student discipline incidents to law enforcement agencies and the magnitude of

132. *Id.*

133. *Id.*

a school's SRO/police presence. The absence of such random assignment precludes assessing casual direction with precision. For example, the number of SRO/police at a particular school may be a product of and reflect pre-existing student disruption, crime levels, student disciplinary incidents, or a school's racial composition. Similarly, it is also plausible that the presence of SRO/police at a school itself may inform the school's rate of incident reporting to law enforcement agencies. Put slightly differently, a larger presence of SRO/police at a school may prevent student disciplinary incidents that otherwise would have emerged. While these important data and research design factors preclude strong causal claims, results from this study nonetheless contribute to the existing knowledge base on school crime and safety and, in particular, how school racial isolation levels may contribute.¹³⁴

CONCLUSION

The nation's public K-12 schools continue to trend toward increased racial and economic isolation. Many school desegregation advocates point to various educational ills and diminished opportunities exacerbated in racially isolated schools, especially for schools that are overwhelmingly non-white. Costs to students are often compounded when a school's racial isolation interacts with a concentration of students from low-income households.

Concurrent with public K-12 schools becoming increasingly racially and economically isolated is a growing SRO/police presence in public schools. For example, during the 2009-10 school year, 36% of public schools reported a regular SRO/police presence in their schools.¹³⁵ By the 2017-

134. As well, the data and empirical strategy factors that limit the force of the claims in this study are similar to limitations that attach to prior studies on this topic. *See, e.g.*, Nance, *supra* note 43, at 971.

135. *See* Nance & Heise, *Law Enforcement Officers*, *supra* note 8, at 564 tbl.2.

18 school year, more than half (54%) of schools reported a regular SRO/police presence.¹³⁶ This ever-increasing SRO/police presence in schools is important as research has consistently found that a SRO/police presence in schools and the magnitude of that presence correspond with the school's propensity to report student discipline matters to law enforcement agencies.¹³⁷ And increased school reporting of student disciplinary matters to law enforcement agencies, in turn, helps fuel a school-to-prison-pipeline. The individual-, familial-, and community-level costs generated by students' increased exposure to the criminal justice system are obvious.

Far less obvious, however, and largely ignored in the academic literatures, is whether school racial isolation level variation itself informs how a school's SRO/police presence functions. Results from this study point in two slightly divergent directions. On one hand, the weight of results in Tables 3 and 4 can be plausibly understood to suggest that variation in the magnitude of schools' SRO/police presence, on balance, does not systematically inform schools' law enforcement report rates across the four models. If so, then among the array of educational ills that school desegregation advocates suggest flow from school racial isolation, the negative consequences attributable to a school's SRO/police presence do not generally appear to be among the list of ills attributable to school racial isolation.

On the other hand, however, results for Model 2 hint at something systematically different for those schools where the non-white student percentage ranges from 11% to 50%, as increases in a school's SRO/police presence correspond with concurrent increases in the school's law enforcement report rate. Thus, for this particular school racial isolation band, the magnitude of a school's SRO/police presence matters as it bears on a school's likelihood of reporting

136. *Id.*

137. *See id.* at 568, 570 tbls.3 & 4.

student misconduct incidents to law enforcement agencies. To be clear, results from this study do not necessarily imply that this cost can be properly ascribed to an increase in any particular school's racial isolation level. Rather, the results suggest that for only this particular school racial isolation band did the magnitude of a school's SRO/police presence systematically matter for school law enforcement reporting.

Why did schools where the non-white student presence ranged from 11% to 50% behave differently when it came to their SRO/police presence? One possible explanation levers school tipping point research. The school tipping point literature implies that one would expect to find comparatively higher levels of racial tension and school-level discord in a school where the non-white student percentage trends toward or hovers somewhere near—though just below—the school's tipping point. To better manage such tensions and discord and, concurrently, to help dampen school demographic changes trending toward a school's tipping point, these schools, with assistance from their SRO/police, were comparatively more inclined to engage law enforcement agencies in student discipline matters. Results from Tables 3 and 4 are not inconsistent with this explanation and identify one additional cost attributable to the ever-changing racial composition of the nation's K-12 public schools. While results from this study suggest that variation in school racial isolation does not fuel a school-to-prison pipeline problem in general, the one important exception—plausibly attributable to concerns about tipping points—identifies another way in which a school's racial composition can matter.