ARTICLES

"NOT SEPARATE BUT STILL UNEQUAL"

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Much of education law scholarship on school segregation has focused on majority-minority schools. Yet school segregation does not occur only in majority-minority schools, but also in so-called integrated schools: majority-white and Latine schools in which Black children are in the minority. What we know about segregation in these schools focuses on tracking, the practice of segregating Black students in classrooms according to ability, which has deleterious effects on Black children in schools where they are the minority. Outside of tracking, we have few firsthand accounts of integrated schools' effects on these students.

In this Article, I present data obtained from in-depth interviews with ninety-five Black students and fifty Black parents. These students and parents moved from majority-Black schools to schools in which they were in the minority seeking the perceived academic benefits of an integrated school. Yet, integration and achieving better educational outcomes concern more than simple racial demographics of schools. In these interviews, students identify another avenue of in-school segregation: school policing. Black students in these integrated schools experience pervasive surveillance and punishment by school police in collaboration with other school officials. Rather than feeling truly integrated, these students feel both marginalized and unsafe in ways that undermine the academic benefits that integration is supposed to produce.

This Article does not merely contend that Black students are policed irrespective of the racial demographics of their schools. It also argues that scholars, policymakers, and lawyers need to be more attentive to student experiences in order to explicate how formally integrated institutions can nonetheless serve as domains of racial segregation. Policing affects schools' institutional culture, reducing the benefits that were supposed to accompany racial integration. This reality suggests that the project of racial integration for Black students, a project that Brown v. Board of Education *launched more than seventy years ago, may be even more illusory than we generally understand.*

INTRODUCTION

When Kevin transferred from a majority-Black high school to a more racially integrated one (i.e., where Black students were in the minority), he immediately felt marginalized and unsafe. The problem was not that there was anything unexpected about the new school's racial demographics—majority-white and Latine. Rather, there was something unexpected about the school's governance structures. These structures had effectively transformed his racially integrated schooling experience into a segregative space for the few Black students in attendance. As Kevin describes:

> Policing was part of my everyday move in a way that separated those being questioned, stopped, searched, and arrested from others . . . [and] that same separation came with feeling unwelcome, like we didn't belong, like we wasn't a part of the school . . . . [C]onstantly watched by police [officers] and the teachers and staff . . . at times I felt like I couldn't move at all, physically and academically.[1]

Kevin's separation is characterized by constant surveillance and disciplinary actions by school police and other school officials. This led him to feel unsafe and view his school as a racially segregated space, rather than an integrated institution. Kevin's story reflects the gamble that many Black students experience when their parents exercise the right to transfer them from one less integrated—or majority-minority—school district to another, more integrated one.[2] Kevin's experience in a more integrated school reveals a domain of racial segregation produced through the racially constitutive effects of policing in the institutional culture of schools. This equates to a new form of racial segregation within integration—performing many of the same functions, and relying on some of the same mechanisms, as the old "separate but equal" regime.[3] Does school policing create intra-school segregation, that is, racial segregation by another name?

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[1] All student and parent interviews quoted throughout this paper were conducted in person by the author and his research team between 2018 and 2021 in Los Angeles, California, and remain on file with the author. Throughout this Article, all names of interview participants are pseudonyms used to protect the confidentiality of the data. Many of the interviews are intentionally reduced to just a few vignettes for purposes of this Article but are still representative of the interviewees' viewpoints and experiences.

[2] *See* Joshua E. Weishart, *Separate but Free*, 73 FLA. L. REV. 1139, 1183 (2021) (discussing school choice's search and opportunity costs for parents and their children).

[3] Brown v. Bd. of Educ., 347 U.S. 483, 495 (1954) ("[I]n the field of public education the doctrine of 'separate but equal' has no place."). I acknowledge that segregation within integrated schools is not a new observation—there's over half a century of scholarship showing how tracking reinforces these divisions. However, my emphasis on the role of

In the Supreme Court's landmark 1954 decision, *Brown v. Board of Education* held that "[s]eparate educational facilities are inherently unequal."[4] Today, over 70 years later, many Black students still experience within-school segregation in ways that undermine *Brown*'s integration mandate. Integration, in terms of racial diversity, is no longer a mere aspiration but a reality in today's educational environment. One prevalent institutional practice that maintains within-school segregation is academic tracking.[5] Under tracking systems, which separate students by perceived abilities and performance on standardized measures, the higher-level classes (e.g., gifted, honors, advanced placement) are predominantly composed of white students, while the lower-level classes are disproportionately filled with Black and other racially marginalized students.[6] This phenomenon is commonly referred to as "racialized tracking,"[7] representing a form of within-school segregation based on academic ability and academic achievement.[8] While arguments and rationalizations against tracking

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policing in these schools is both new and important, and it brings a necessary dimension to ongoing conversations in law and education.

   [4] *Id.*

   [5] *See generally* Jeannie Oakes, Keeping Track: How Schools Structure Inequality (2005) (describing academic tracking, a practice where schools separate students into different categories based on their previous academic achievements and/or potential for learning and academic success). *See also* Karolyn Tyson, Integration Interrupted: Tracking, Black Students, and Acting White After Brown 6–8 (2011) (arguing that the connection students make between race and achievement is not developed at home, but rather in school through practices like racialized tracking, which reinforce these perceptions).

   [6] *See* Tyson, *supra* note 5, at 6.

   [7] *See, e.g.*, Dania V. Francis & William A. Darity, Jr., *Separate and Unequal Under One Roof: How the Legacy of Racialized Tracking Perpetuates Within-School Segregation*, RSF: Russell Sage Found. J. Soc. Sci., Feb. 2021, at 187–88 (discussing schools that have both formal and informal racialized tracking policies and the detracking movement); John Diamond & Amanda Lewis, Despite the Best Intentions: How Racial Inequality Thrives in Good Schools 83 (2015) ("[R]acialized tracking . . . is the physical manifestation of what is otherwise often represented only in abstract statistics."); *id.* at 107 ("[R]acialized tracking can reinforce lower expectations for black students, trigger stereotype threat, and lead to them experienc[ing] racial microaggressions based on interactions with classmates and teachers as well as the structure of the classes themselves."); Simone Ispa-Landa & Jordan Conwell, *"Once You Go to a White School, You Kind of Adapt": Black Adolescents and the Racial Classification of Schools*, 88 Socio. of Educ. 1, 3 (2015) (noting how certain course tracks or programs are racialized, as, for example, when programs designed to improve academic achievement of low-income and minority students become known as "black programs").

   [8] Legal scholarship generally focuses on the harms inflicted on Black students in Black-majority schools and asks what generated it. *See, e.g.*, Charles L. Black, Jr., *The Lawfulness of the Segregation Decisions*, 69 Yale L.J. 421, 424–26 (1960) (describing dignitary harms of school segregation); Martha R. Mahoney, *Segregation, Whiteness, and Transformation*, 143 U. Pa. L. Rev. 1659, 1659 (1995) ("Segregation is the product of notions of black inferiority and white superiority, manifested geographically. . . ."); Reva B. Siegel, *Equality Talk: Antisubordination and Anticlassification Values in Constitutional Struggles Over* Brown, 117 Harv. L. Rev. 1470, 1533 (2004) (highlighting the antisubordination goals of *Brown*

have evolved to include special education tracks,[9] current literature does not consider policing within this context.[10] Instead, existing literature is primarily confined to concerns about how the law facilitates Black students' material and symbolic subordination by erecting barriers to a range of inter-school desegregation initiatives.[11] In this literature is an account of Black students' policing experiences within schools in which Black students are a minority.[12]

America's school policing history is marked by the pervasive surveillance and punishment of the Black student population in schools where they are in the majority.[13] Roughly 58% of U.S. public schools have some form of police presence, though this is heavily concentrated in Black-majority schools.[14] Black students in Black-majority schools are disproportionately cited and arrested compared to their white,

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and lamenting its replacement with an anticlassification perspective); Kimberly Jenkins Robinson, *The Constitutional Future of Race-Neutral Efforts to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*, 50 B.C. L. Rev. 277, 327–36 (2009) (documenting the harms of racially-isolated schools to minority students and noting that "racially isolated schools offer inferior educational opportunities and produce inferior outcomes"); James E. Ryan, *Schools, Race, and Money*, 109 Yale L.J. 249, 284 (1999) (describing socioeconomic costs of racial isolation in schools).

[9] *See* LaToya Baldwin Clark, *Beyond Bias: Cultural Capital in Anti-Discrimination Law*, 53 Harv. C.R.-C.L. L. Rev. 381, 395 (2018) (describing the history of "schools routinely segregat[ing] black children into low academic 'tracks,' and especially the special education track").

[10] Legal scholars have argued that multiculturalist school policies foster and sustain norms that monitor and sort students in schools. *See, e.g.*, Richard Thompson Ford, Brown*'s Ghost*, 117 Harv. L. Rev. 1305 (2004). I enhance this literature to argue that school policing policies and practices create various forms of group separatism and segregation.

[11] *See, e.g.*, Kimberly Jenkins Robinson, *The High Cost of Education Federalism*, 48 Wake Forest L. Rev. 287, 288–93 (2013). *See generally* Wendy Parker, *The Future of School Desegregation*, 94 Nw. U. L. Rev. 1157 (2000) (discussing the importance of desegregation for Black students); Erika K. Wilson, *The New White Flight*, 14 Duke J. Const. L. & Pub. Pol'y 233, 239 (2019) (examining parents' school choice as a means of entrenching racial segregation in schools).

[12] Recently, however, scholars have begun examining racial segregation from the perspective of white students in racially diverse schools. *See* Erika K. Wilson, *Monopolizing Whiteness*, 134 Harv. L. Rev. 2382, 2383 (2021) (arguing that white student segregation in high quality diverse schools creates a process of social closure, which allows white students to monopolize advantages intended for racial minority groups).

[13] *See* Barbara A. Fedders, *The End of School Policing*, 109 Calif. L. Rev. 1443, 1471–74 (2021) (describing the history of the 1960s school-policing programs in majority-Black schools with a mostly Black student population); *see also* Jason P. Nance, *Implicit Racial Bias and Students' Fourth Amendment Rights*, 94 Ind. L.J. 47, 52 (2019) (citing the "substantial empirical evidence [that] demonstrates that schools serving higher concentrations of students of color are more likely to rely on coercive surveillance measures than schools serving primarily white students").

[14] Lauren Musu-Gillette, Anlan Zhang, Ke Wang, Jizhi Zhang, Jana Kemp, Melissa Diliberti & Barbara A. Oudekerk, Nat'l Ctr. for Educ. Stat., Indicators of School Crime and Safety: 2017, 9–10 (2018), https://nces.ed.gov/pubs2018/2018036.pdf [https://perma.cc/VN2P-2EU3] (describing how "secondary schools with 20 to 50 percent minority students or more than 50 percent minority students reported the presence of any security

Latine, and Asian peers, often for minor infractions.[15] National data show that Black students represent 29% of K–12 students referred to law enforcement and 32% of students subjected to school-related arrests, yet they constitute only 15% of student enrollment.[16]

The harm of school policing lies not only in its direct consequences but also in its psychological impact, which create feelings of inferiority and alienation that undermine Black students' sense of belonging. Policing thus has segregative effects beyond majority-Black schools.[17] In much of the discourse on school policing, Black students' experiences in these less integrated schools are the focus.[18] But there is a lesser-known parallel

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staff at least once a week" more frequently than "secondary schools with less than 5 percent minority students or 5 to 20 percent minority students").

[15] *See* Terry Allen & Pedro Noguera, *A Web of Punishment: Examining Black Student Interactions with School Police in Los Angeles*, Educ. Researcher, Mar. 2023, at 1, 7 (noting that 24.58% of the students that were arrested by the Los Angeles School Police Department were Black despite Black students making up only 8.45% of the population in the Los Angeles Unified School District population and that, in comparison, 70.36% of those arrested were Latine and 2.87% of the students arrested were white students, aligning more closely with their 73.46% and 7.7% share of the student population, respectively); Carla Shedd, Unequal City: Race, Schools, and Perceptions of Injustice 149 (2015) (describing how the combined impact of aggressive policing and physical security constitute an inward turning "criminal gaze" that views Black students as suspicious); *see also* Jim Freeman, Daniel Kim & Zoe Rawson, Cmty. Rts. Campaign, Lab./Cmty. Strategy Ctr., Black, Brown, and Over-Policed in L.A. Schools: Structural Proposals to End the School-to-Prison Pipeline in the Los Angeles Unified School District and to Build a National Movement to Stop the Mass Incarceration of Black and Latino Communities 9–25 (2013), https://thestrategycenter.org/wp-content/uploads/2017/07/lcsc-overpoliced.web_.release.10.30.13_1.pdf [https://perma.cc/FJ3V-XCTS] (describing the civil rights violations against the Black youth of Los Angeles, which leads the country in criminalizing students of color).

[16] Off. for C. R., U.S. Dep't of Educ., Referrals to Law Enforcement and School-Related Arrests in U.S. Public Schools (2023) ("Black and American Indian or Alaska Native students represented larger percentages of students referred to law enforcement or who received a school-related arrest than their overall enrollment."). Comparing this data to other racial and ethnic students, for example, Latine students make up 26% of law enforcement referrals and school-based arrests, while accounting for 27% of student enrollment; white students make up 38% of law enforcement referrals and 34% of school-based arrests, while accounting for 47% of student enrollment. *Id.* The data on school policing inequalities across student populations, relative to their student population, tells a different story that scholars should take up in future research.

[17] I am careful not to describe school policing's effects as segregation. Segregation connotes separate whereas the policing I describe is discriminatory, subordinating, oppressive, and marginalizing, but it does not seem to be segregation. Policing thus has segregative effects that are just as bad, if not worse, than segregation.

[18] *See, e.g.*, Allen & Noguera, *supra* note 15, at 7 (documenting how caring and courtesy policing tactics are used to preemptively criminalize Black students in neighborhoods and schools with high concentrations of Black people); Shedd, *supra* note 15, at 99, 149 (describing the interplay of aggressive policing and physical security enforcement methods in low-income Black neighborhoods and schools that perceive entire student bodies as suspicious); *see also* Terry Allen, *Using Spatial and Qualitative Analysis to Rethink School Policing*, 112 Geo. L.J. 987, 995, 997, 1006 n.104 (2024) (discussing the importance of studying policing in more integrated spaces to better understand how racial incongruity takes form).

story. School policing, which disproportionately affects Black students in Black-majority schools, affects Black students to a different (and perhaps higher) degree in white- and Latine-majority schools.[19] Recent scholarship shows that arrested and cited Black students face higher rates of citations and arrests in white and Latine schools as compared to their counterparts in Black-majority schools.[20] This increases the risk of Black children being funneled into the criminal legal system,[21] also known as the school-to-prison pipeline[22] or school-prison nexus.[23] As school policing has grown substantially in size and power across more integrated schools within local communities, so too has its influence on the Black student experience at such schools. We have not ended the segregative effects of tracking in schools; policing represents another mechanism that interacts with tracking and compounds these inequalities.[24]

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[19] White- and Latine-majority school are schools with a certain percentage of white and Latine students. To learn about the thresholds used in this Article, see *infra* notes 128–30 and accompanying text.

[20] *See* Allen, *supra* note 18, at 991 n.14 (arguing that the lack of attention of policing in white- and Latine-majority schools is significant, especially considering recent scholarly attention on school policing injustices within them). There is growing concern about the policing of Black students in majority-white and Latine schools, where per-student rates may be higher; yet the overall scale of policing remains severe in segregated Black-majority schools, highlighting a broader systemic problem. *See id.* at 994.

[21] *See* Allen & Noguera, *supra* note 15, at 3 (discussing how "the racially concentrated nature of school policing likely increases the possibility of future generations' incarceration"); *see also* Robert J. Sampson & Charles Loeffler, *Punishment's Place: The Local Concentration of Mass Incarceration*, 139 Daedalus 20, 22–25 (2010); Devon W. Carbado, *Blue-on-Black Violence: A Provisional Model of Some of the Causes*, 104 Geo. L.J. 1479, 1491–95 (2016) (describing how racial disparities interact with particular geographic areas, or "war zones," that experience disproportionate enforcement).

[22] *See, e.g.*, Victor M. Rios, Punished: Policing The Lives of Black and Latino Boys 154–56, 158 (2011) (offering several accounts of individuals who went through the pipeline); Forrest Stuart, Down, Out, and Under Arrest: Policing and Everyday Life in Skid Row (2016); Jason P. Nance, *Students, Security, and Race*, 63 Emory L.J. 1, 1, 28, 41–42 (2013) (drawing on empirical data from the U.S. Department of Education to show that low-income students and students of color are much more likely to go to schools with "intense security conditions" than other students, even when controlling for neighborhood crime, school crime, and school disorder).

[23] *See, e.g.*, Erica R. Meiners, Right to Be Hostile: Schools, Prisons, and the Making of Public Enemies 31–32, 43 (2007) (describing how the linkage between schools and jails is more akin to a school-prison nexus rather than a pipeline).

[24] For a description of the historical process of "preservation-through-transformation," see Reva Siegel, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 Stan. L. Rev. 1111, 1113, 1116 (1997) (arguing that, in the nineteenth century, "the rise of liberal and capitalist systems of social organization did not result in the dismantlement of status relationships, but instead precipitated their evolution into new forms"). Preservation-through-transformation refers to the process by which "status hierarchies are preserved not in spite of 'transformation' efforts, but in part because of the justificatory rhetoric that explains and legitimates them." John O. Calmore, *Social Justice Advocacy in the Third Dimension: Addressing the Problem of "Preservation-Through-Transformation,"* 16 Fla. J. Int'l L. 616, 620 (2004).

This Article aims to fill the preceding gaps by centering Black students' experiences who attend schools where they are in the racial minority (e.g., majority-white and/or Latine schools).[25] I advance two broad claims. First, parents who transfer their children from majority-Black schools to majority-white and/or Latine schools[26] do so with the hope that their children will experience better educational outcomes and integrated institutional and cultural environments. Focusing on inter-school differences, especially in racial demographics across schools, Black parents assume that the less Black the school, the more resources that school will have and the less it will be policed.[27] However, this calculus misses the degree to which Black students are racially salient in majority non-Black schools. Thus, they are targeted for being "out of place." The repeated interactions Black students have with school police in more integrated schools circumscribes the space these students have to experience the benefits from racial integration, as scholars drawing on *Brown* suggest.[28]

This illuminates the second claim this Article advances: The policing of Black students in majority-white and Latine schools erects barriers to Black students' ability to obtain access to, and fully participate as equals in, the

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[25] A brief note: majority-white schools, majority-Latine schools, and majority-white and Latine schools potentially present different theoretical and normative challenges for Black students that are beyond the scope of this Article. However, Part II describes how Black students experience policing across schools with higher Latine students' proportions compared to higher white student proportions—all of which are schools where Black students are in the racial minority.

[26] Throughout this Article, more integrated schools refer to schools where Black students are in the minority. I also use the terms white- and Latine-majority schools and majority non-Black schools to refer to such schools. Less integrated schools refer to schools where Black students are in the racial majority. I also use majority-Black and Latine schools and Black-majority schools to refer to less integrated schools. In some regions like California, many schools are predominantly white and/or are increasingly Latine, leading to Black students being a "minority within a minority." GARY ORFIELD & RYAN PFLEGER, THE UNFINISHED BATTLE FOR INTEGRATION IN A MULTIRACIAL AMERICA—FROM BROWN TO NOW 77 (2024), https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/the-unfinished-battle-for-integration-in-a-multiracial-america-2013-from-brown-to-now/National-Segregation-041624-CORRECTED-for.pdf [https://perma.cc/RT7D-GHTY].

[27] *See infra* Part II.

[28] *See* Lani Guinier, *From Racial Liberalism to Racial Literacy: Brown v. Board of Education and the Interest-Divergence Dilemma*, J. AM. HIST., at 98–99 (June 2004) (highlighting the criticism of racial integration efforts as benefiting Black students). As Professor Guinier writes, "[i]ntegration was reduced to diversity, a benefit to be enjoyed by a critical mass, but not by the masses." *Id.* at 113. Contestations over whether Black students are realizing the promise of *Brown* focus primarily, though not entirely, on whether students are attending racially demographically integrated schools. An examination of the presence of policing in schools suggests that that framing may be too narrow. *See* Cara McClellan, *Challenging Legacy Discrimination: The Persistence of School Pushout as Racial Subordination*, 105 B.U. L. REV. 642, 653, 698–701 (2025) (arguing that resistance to desegregation no longer consciously influences school discipline decisions, its legacy persists through policies and attitudes that sustain racial disparities in exclusionary discipline).

education opportunites these schools offer. Central to this claim is the view that scholarly and policy discussions about integration should transcend concerns about the racial demographics of schools. Such discussions should also focus on the institutional culture of schools and within-school dynamics that shape student experiences. School policing practices are significant within school dynamics. They transform schools that are racially integrated into segregative spaces for Black students. To think about this another way, Black students are not only tracked with respect to their academic placement but also with respect to the policing they experience.[29]

To develop the preceding claims, I present data from a qualitative study of ninety-five Black students in California who moved to schools where they were in the racial minority. This data focuses on how they experienced integration—or the lack thereof—with an emphasis on the pervasive harms of school policing.[30] In addition, I interviewed fifty parents of these students who exercised their inter- or intra-district transfer rights to move from less racially integrated schools to more integrated schools.[31] By centering the voices of Black parents and students,[32] these in-depth, oral history interviews reveal the complex interplay between their perceptions of school policing and the broader legal framework at play in more integrated schools.[33] This approach is not merely complementary; it is essential for revealing the realities that drive and sustain inequalities such as the school-to-prison pipeline.[34]

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[29] This claim suggests that integration efforts must go beyond simply achieving racial balance and focus on creating inclusive and equitable environments that address the specific needs of students. This is evidence that simply changing the racial makeup of a school does not solve the underlying structural problems connected to persistent inequities.

[30] Although my data does not fully represent all the school actors involved in the integration process, it provides rich and candid insights not captured by previous research or quantitative data.

[31] *See supra* note 26.

[32] Here, I make a case for a child-centered approach, arguing against collapsing children's interests into parents' perceptions of what those interests should be. I intently highlight the voices of both parents and children, recognizing the importance of children as independent rights-holders within educational and legal frameworks. *See* Anne C. Dailey & Laura A. Rosenbury, *The New Law of the Child*, 127 Yale L.J. 1448, 1451 (2018) (detailing a "new paradigm for describing, understanding, and shaping children's relationship to the law," which "values the extraordinary richness and variety of children's lives").

[33] *See* Warren Nishimoto, *Introduction: Oral History in Educational Research*, 40 Educ. Persps. no. 2, at 3–5 (Fall 2007) (offering several accounts of scholars effectively using qualitative analysis to supplement quantitative findings). While quantitative studies provide valuable overviews of the school-to-prison pipeline more broadly, they often fail to illuminate the intricate on-the-ground causal mechanisms at play, particularly the lived experiences of students and parents within integrated school settings. This gap necessitates a qualitative approach, specifically oral history interviews, which offer unparalleled insight to the nuanced life narratives of those directly impacted.

[34] *See id.* at 5 ("The underlying premise of the collaborative nature of oral history was that interviewees, above everyone else, are the center of attention. Without them,

From the vantage point of students, segregative effects can occur within schools, not exclusively through outright exclusion but through policing practices. Such practices perpetuate forms of othering nondominant groups that undermine the intended benefits of integration. While parents focus on the positive effects of these transfers for their children's futures, the students experience significant harm in the present. One way to understand this difference is conceptual: While parents measure integration in terms of the school's demographic makeup, Black students' measure of integration also includes their racial experiences within schools. To the extent that those experiences undermine students' sense of belonging and diminish their educational experiences along the lines of race, students frame their schools as racially segregative. From the vantage point of students, segregative effects can occur within schools, not exclusively through outright exclusion but through policing practices. Such practices perpetuate forms of othering nondominant groups that undermine the intended benefits of integration. To put these points another way, policing practices produce racially constitutive effects within racially integrated schools. Those effects include transforming racially integrated schools into racially segregated institutional environments for Black students,[35] thwarting the perceived benefits that advance the goals of *Brown*.[36] This Article explains precisely how this occurs under much the same functions and mechanisms that the old separate but equal regime did. By doing so, the Article aims to broaden the terms on which we understand racial segregation in schools, expand our knowledge of how policing shapes educational institutions and student experiences, challenge the assumption that over-policing is a problem only for low-income, Black-majority schools, and expand our thinking about the obstacles to realizing the promise of *Brown*.

This Article proceeds as follows: Part I briefly discusses my methodology and reports the segregative effects of school policing. I

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researchers would have nothing to present or interpret."). For an example of oral history methodology applied to studying Black students' policing experiences in majority Black and Latine schools in Los Angeles, see also Allen, *supra* note 18, at 1009–13.

[35] I use "a" instead of "the" intentionally because there are many different ways in which students experience the dimensions of segregation within schools, academic ability tracking, and special education. Another way is through school policing, which has segregative effects. The justification for focusing on these effects is precisely the fact that the literature on academic tracking generally does not address school policing. Generally, tracking is understood to be a class and curricular placement problem, not a policing one.

[36] My intention is not to oversell these points by suggesting that white- and Latine-majority schools are categorically worse for Black students or students of color, or that the policing experienced in those schools is more harmful than what occurs in majority-minority, low-income schools. Both contexts are deeply harmful, though in distinct ways. Rather, my goal is to illuminate what is happening in white- and Latine-majority schools—spaces that have been comparatively underexamined in this discourse.

examine Black parents' motivations for moving their children to schools where they are in the minority and the five forms of policing experienced by their children: being selectively watched, being selectively questioned, being selectively handcuffed, being selectively searched, and experiencing physical violence. Each of these forms of policing undermines the opportunity for Black students to experience the benefits of integration.

Prompted by this direction, Part II looks to existing literature to deconstruct the commonly-touted attributes of school policing and racial integration held by the general public, including parents and scholars. The first assumption is that school policing occurs in only low-income, Black-majority schools. The second is that majority-white (and increasingly Latine) schools, regarded by the general public as better or good schools, can provide equal educational opportunities to all and do so without the interference of police. Debunking these widely-held assumptions is necessary to evaluate and effectuate integration's unrealized benefits while revealing policing's broader harms, including its impact on parent-child relationships. Part III suggests practical ways to reimagine our multiracial school governance systems[37] and offers future research directions.

I
RACIAL INTEGRATION REDEFINED

A.   *Reconstituting Equality*

A fundamental question that remains unaddressed for legal scholars studying constitutional law, race and law, and education law is how we ought to address the reality of parents' and students' different measures of racial integration. Specifically, many Black parents measure integration in terms of the school's racial demographic makeup while Black students measure integration according to their racial experiences in schools. How should we respond to the differences between parents' focus on the positive perception of racially integrated schools for their children's futures and students' significant segregative and othered experiences in the present?

According to U.S. Supreme Court jurisprudence, there is a highly salient approach to formal equality under the Constitution that we know for sure: a colorblind conception of equality. In many ways, this approach is in sync with the findings that I offer here about the focus on

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[37] Through this Article, I characterize the pervasive surveillance and punishment of Black students as a current approach to how public schools handle school safety and school discipline (as compared with other approaches). This approach is part of a larger school governance system that relies on carceral strategies that over-polices and targets Black students.

integration through simple racial demographics of schools rather than the on-the-ground experiences of Black students. Two key Supreme Court decisions, *Brown v. Board of Education*[38] and *Students for Fair Admissions (SFFA) v. President & Fellows of Harvard College*,[39] are illustrative. *Brown* is often thought of today as institutionalizing a categorical norm of formal equality vis-à-vis race. That is, separate schools both classified students differently on a racial basis and subordinated them by suggesting that Black people were inferior.[40]

Today, one can see how the landscape of schools has been radically reconfigured. We view racial integration of schools as positive. Why? Because we are tantalizingly close to achieving the integrationist goals of formal legal equality and Black students are thought to be reaping the academic benefits of integrated schools. These benefits—related to higher educational acceptance, persistence, and completion, and better economic outcomes—now, more than ever, seem within reach for many Black students and other historically underrepresented and racially minoritized students.[41] But in fact, *Brown*'s reasoning—focusing on the importance of education and the harm to minority children—represents an unsettled posture vis-à-vis formal equality.[42] *Brown* complicates this framework by its argument not solely in the illegitimacy of racial classification, but in the real-world effects of racial segregation—forming the very argument upon which the Equal Protection Clause turns. This perspective is particularly relevant today because it has significant practical consequences for assessing the constitutionality of affirmative action, which provides us additional insight into formal equality.

Second, scholars have argued that the *SFFA* case fundamentally stands for the proposition that racial equality under the Equal Protection Clause of the Fourteenth Amendment requires a colorblindness approach, or something as close to colorblindness as possible.[43] In *SFFA*,

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[38] 347 U.S. 483, 485–89 (1954).

[39] 143 S. Ct. 2141, 2156–57 (2023).

[40] Justin Driver, *The Strange Career of Antisubordination*, 91 U. Chi. L. Rev. 651, 653 (2024).

[41] *See* Gary Orfield & Danielle Jarvie, C.R. Project, Black Segregation Matters: School Resegregation and Black Educational Opportunity 35 (2020), https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/black-segregation-matters-school-resegregation-and-black-educational-opportunity/BLACK-SEGREGATION-MATTERS-final-121820.pdf [https://perma.cc/DK5L-B3PE] (emphasizing that eliminating "the large and persistent racial gaps in life success" requires that Black students be provided with fair access to schools that have better college outcomes).

[42] *See* Katie Eyer, Brown*, Not* Loving*: Obergefell and the Unfinished Business of Formal Equality*, 125 Yale L.J.F. 1, 1 n.3, 3–4 (2015) (defining formal equality as a "legal regime in which invidious use of a particular classification is deemed presumptively unlawful").

[43] *See, e.g.*, Guy-Uriel E. Charles & Luis Fuentes-Rohwer, *The Constitution of Difference*, 137 Harv. L. Rev. F. 133, 140, 158–68 (2024) (arguing that there is a "singular way to think

a group of plaintiffs calling themselves Students for Fair Admissions challenged the undergraduate affirmative action admissions programs at Harvard University and the University of North Carolina.[44] The Court stated that the Equal Protection Clause encompasses "transcendent aims."[45] These aims mean that "any 'law which operates upon one man [should] operate *equally* upon all.'"[46] It makes no exceptions, regardless of "'any differences of race, of color, or of nationality'—it is 'universal in [its] application.'"[47] As Chief Justice Roberts noted, quoting Justice Powell's opinion in *Regents of the University of California v. Bakke*, "[t]he guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color."[48] The story here is one of both a principle of colorblindness (or something close to it) and the limits of formal equality that applies to all under every circumstance.

That, however, is not the end of the story, especially in the context of racial integration. Integrationist visions of the Constitution have become an important feature of opinions written by Supreme Court Justices about *Brown*[49] (and the desegregation movement it inspired) and affirmative action. In the context of affirmative action, *Grutter v. Bollinger* justified race-conscious admissions practices as promoting a racially integrated nation.[50] Justice O'Connor connected affirmative action programs to citizenship. These programs were essential to maintaining our increasingly multiracial and racially integrated democracy. Failing to achieve racial integration in educational environments jeopardizes the health and vitality of our nation.[51] "In order to cultivate a set of leaders

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about equality under the Constitution [and] one approach to racial equality, and it is a colorblind conception of equality").

[44] 143 S. Ct. at 2156–57 (2023).

[45] *Id.* at 2159.

[46] *Id.* (alteration in original).

[47] *Id.* at 2162 (quoting Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886)).

[48] *Id.* at 2150 (alteration in original) (quoting Regents of Univ. of Cal. v. Bakke, 438 U.S. 265, 289–90 (1978)).

[49] *See* Brown v. Bd. of Educ., 347 U.S. 483 (1954) (holding segregation in public schools deprives the children of the minority group equal educational opportunities and, thus, violates the Equal Protection Clause). As I describe in this Section, examples of opinions post-*Brown* include *Keyes v. School District No. 1* and *Parents Involved in Community Schools v. Seattle School District No. 1*. In *Keyes v. School District No. 1* (1973), Justice Powell's concurring opinion emphasized that the Equal Protection Clause mandated active efforts by school boards to pursue racial integration, regardless of past segregation. 413 U.S. 189, 224 (1973) (Powell, J., concurring). In *Parents Involved in Community Schools v. Seattle School District No. 1*, Justice Breyer's dissent argued that the Equal Protection Clause sought to prevent racial exclusion and promote integration, highlighting that many parents desired racially diverse schools for their children. 551 U.S. 701, 803–68 (2007) (Breyer, J., dissenting).

[50] 539 U.S. 306 (2003).

[51] *See* Driver, *supra* note 40, at 730.

with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity," Justice O'Connor wrote.[52] "All members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training."[53]

In the context of school desegregation, Justice Powell's concurring opinion in *Keyes v. School District No. 1* unequivocally asserted that the Equal Protection Clause required local school boards to actively pursue racial integration, regardless of their history of segregation.[54] He stated that "school authorities, consistent with the generally accepted educational goal of attaining quality education for all pupils, must make and implement their customary decisions with a view toward enhancing integrated school opportunities."[55] These integrated opportunities, as Justice Powell instructed, were informed by the Equal Protection Clause's demand of racial integration not just across school districts, but also within them.[56] Justice Stephen Breyer's dissenting opinion in *Parents Involved in Community Schools v. Seattle School District No. 1* has a similar integrationist interpretation.[57] He argued that the Equal Protection Clause was intended to prohibit practices that result in racial

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[52] *Grutter*, 539 U.S. at 332.

[53] *Id*.

[54] Keyes v. Sch. Dist. No. 1, 413 U.S. 189, 224 (1973) (Powell, J., concurring).

[55] *Id.* at 226 (Powell, J., concurring).

[56] *See id.* at 225–27 (describing the Equal Protection Clause's requirements for integrated educational opportunities).

[57] *See generally* 551 U.S. 701, 803–68 (2007) (Breyer, J., dissenting). The Supreme Court's decision in *Parents Involved* intensified the consequences of racially isolated, segregated schools. The Court held that school districts voluntarily adopting race-conscious student placement to enhance integration or diminish racial isolation without a court mandate would be subject to strict scrutiny. *Id.* at 720. This complicated school districts' efforts to address racially isolated schools and unequal educational opportunities. The Court's 5-4 decision struck down race-based student assignment plans in Seattle and Louisville, limiting the strategies available for creating diverse, integrated environments. *Id.* at 747–48. Justice Kennedy's opinion, which provided the crucial fifth vote, endorsed race-neutral approaches for promoting diversity and addressing racial isolation. *Id.* at 782 (Kennedy, J., concurring). Over the past few decades, scholars have emphasized the Supreme Court's role in enabling the resurgence of separate and unequal schools. Some contend that the Court's capacity for enforcing desegregation was limited, while others argue that the Court withdrew from enforcing school desegregation despite unfinished goals and incomplete objectives. *See, e.g.*, Kimberly Jenkins Robinson, *Resurrecting the Promise of Brown: Understanding and Remedying How the Supreme Court Reconstitutionalized Segregated Schools*, 88 N.C. L. Rev. 787, 811 (2010) (criticizing the Court's withdrawal, arguing that its decisions effectively reinstated segregated schools by consistently approving outcomes that supported segregation). Robinson contends that a comprehensive assessment of the Court's major desegregation decisions reveals a pattern that effectively endorses either a failure to eliminate or a swift return to separate and unequal schools in districts previously segregated by design. Moreover, the *Parents Involved* ruling exacerbated this situation by significantly complicating school districts' efforts to rectify such disparities and fulfill

exclusion and contended that one of *Brown*'s intentions "sought one law, one Nation, one people, not simply as a matter of legal principle but in terms of how we actually live."[58] "Many parents, white and black alike, want their children to attend schools with children of different races. Indeed, the very school districts that once spurned integration now strive for it," Justice Breyer stated.[59]

As these Court opinions suggest, an on-the-ground approach to racial integration should consider within-school experiences and how people "actually live" in a multiracial democracy. Such an interpretation provides a forum for ongoing conversations and aspirations about formal equality. A new path towards fully effectuating the "aspirations of the framers of the Equal Protection Clause,"[60] or justifying race-conscious measures, is to look at how racial integration operates differently for Black students in so-called integrated schools who are differently situated on account of their experiences with school policing. The on-the-ground approach highlights schools' democratic experiment of allowing Black students, and perhaps other marginalized groups, to remain othered in ways that are as bad as segregation, if not worse. This othering effect within racially integrated educational institutions undermines the academic benefits that *Brown* is supposed to produce and prevents our nation from creating a multiracial democracy of educational opportunity for all.[61]

The benefits to integration's on-the-ground approach are endless. To know more about these benefits, we would need a full accounting that concerns greater methodological rigor of input from those parents and students who experience racial integration.[62] However, we cannot stop there because there are significant implementation questions that could trouble the on-the-ground integrationist justifications for school policing. That is, even if a commitment to integration were somehow to gain adherents in theory, questions abound regarding how that commitment would apply in practice.

In this Part, I take one step to understand the integration experiences of parents and their children. The two U.S. Supreme Court decisions,

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Brown's integrationist ideals. *Id.* at 837–39. Building on this, I argue that segregation was not only reconstitutionalized at the school level, but also within schools.

   58 *Parents Involved*, 551 U.S. at 867–68 (Breyer, J., dissenting).

   59 *Id.* at 868.

   60 *Id.* at 2159.

   61 *See, e.g.*, Elizabeth Anderson, The Imperative of Integration 136 (2010) (describing integration as vital to supporting democracy).

   62 I call for expanding data collection across populations and beyond Black students and parents to reflect an outward and forward-looking view rather than an insular view of formal equality in the context of racial integration. This approach could minimize the racial harms of school policing, highlighting that other student populations, stakeholders, and institutions across the spectrum of racially minoritized schools exist in our multiracial society.

Brown[63] and *SFFA*,[64] reaffirm the findings articulated in this Part: Parents' perceptions of demographically integrated schools do not fully align with the on-the-ground racial experiences of Black students in those schools. The Court's colorblind approach to formal equality is the greatest obstacle to realizing the promise of *Brown*.[65]

To begin, I ask why parents exercise their inter- or intra-district transfer rights to move their children from majority-Black schools to majority-white and Latine schools. How do these parents' children experience integration? What are the segregative effects of school policing in such schools?

Legal discussions about integration in U.S. public schools have concentrated on the harm[66] inflicted on Black students within poor, segregated Black and Latine[67] schools.[68] This Article takes a different approach in order to broaden the debate about school integration in two significant respects. First, the Article focuses on Black students'[69] experiences at predominantly white schools, an area often overlooked in previous literature.[70] Second, rather than confining the analysis

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[63] Brown v. Bd. of Educ., 347 U.S. 483 (1954).

[64] Students for Fair Admissions v. President & Fellows of Harvard Coll., 143 S. Ct. 2141 (2023).

[65] *See, e.g.*, ANDERSON, *supra* note 61, at 136 (describing integration as vital to supporting democracy).

[66] One pathway worth exploring is whether the data presented here can be part of a more radical equality of education debate. That is, the *only* solution for Black students and other students of color is to have equally good schools across the board because they cannot escape harm and racialized policing simply by transferring to a "better school." *See* Allen, *supra* note 18, at 994 n.37. However, this framing is a large project to take on. The fact that policing is also harmful for Black students in non-majority Black schools is just one small data point in the mountain of evidence and arguments for massive public education and school policing reform. Any racial solutions must be tied to data-driven approaches. I hope this Article paves the way for future directions in this area, while still charting a path for incremental reform that is tied to the data presented here.

[67] Emerging scholars have used Latinx or Latine as alternative and more inclusive language to include all genders.

[68] *See* ERICA FRANKENBERG, JONGYEON EE, JENNIFER B. AYSCUE & GARY ORFIELD, UCLA C.R. PROJECT, 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 [https://perma.cc/2CJ7-SAMW] (discussing the cost of double segregation by race and poverty, which has become the typical experience of Black and Latine students); *see also, e.g.*, RIOS, *supra* note 22, at 154–56.

[69] The students interviewed in this Article self-identified as Black/African American.

[70] *See, e.g.*, Allen, *supra* note 18 at 2–3 (examining policing of Black students in neighborhoods and schools with high concentrations of white and Latine students). Recently, scholars have begun examining racial segregation from the perspective of white students in racially diverse schools. *See* Wilson, *supra* note 12, at 2387 ("This Article takes on the task of critically examining the problem of white-student segregation in racially diverse metropolitan areas."). By looking beyond the traditional white-majority focus, this Article

to the ways by which the law facilitates the material and symbolic subordination of Black students[71] by erecting barriers to a range of interschool desegregation initiatives,[72] this Article delves into a crucial but often overlooked aspect of the intraschool educational environment: policing in schools where Black students are the minority.

Through a qualitative study of Black students and their parents, this Part describes the size and power of policing. Policing plays a significant role in othering Black students. It perpetuates forms of discrimination, subordination, marginalization, and hierarchy. It has segregative effects that mirror segregation and undermine the intended benefits of integration for Black students in such schools.

B.   *Parent Findings*

California law grants parents the right to transfer their children from one school or district to another.[73] For the Black parents of the students I interviewed, this means seeking more integrated schools. This Section shows those parents who transfer their children from majority-Black schools to schools where Black students are in the racial minority do so with the hope that their children will experience better educational outcomes and more integrated institutional environments. Black parents believe that the fewer Black students at a school, the more resources it will have and the less policing it will endure.

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offers a more nuanced and accurate reflection of the contemporary segregated school environment, especially in regions with rapidly changing demographics like Los Angeles.

    [71] This characterization was the clear motivation of the NAACP's school desegregation strategy. *See generally* Richard Kluger, Simple Justice (1976) (detailing the NAACP's strategy). For an excellent critique of this strategy that discusses some of the paradoxes that attend the simultaneous pursuit of integration and quality education, see Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 Yale L.J. 470, 471 (1976). For one historical example of the view that the real issue should be education, and not integration, see generally W. E. Burghardt Du Bois, *Does the Negro Need Separate Schools*, 4 J. Negro Educ. 328 (1935). For a description of symbolic and material subordination, see also Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, *reprinted in* Critical Race Theory: The Key Writings That Formed the Movement 114 (Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas, eds., 1995).

    [72] *See* Wilson, *supra* note 12.

    [73] Across the United States, a total of twenty-seven states, the District of Columbia, and Puerto Rico have state policies explicitly permitting interdistrict open enrollment, while forty-three states have state policies explicitly permitting interdistrict open enrollment. Additionally, nineteen states and the District of Columbia require intra-district open enrollment. It's also worth mentioning that a handful of states, including California and Colorado, prioritize students who qualify for free- or reduced-price lunch or students in low-performing schools for admission. *See* Ben Erwin, Bryan Kelley & Gerardo Silva-Padron, *50-State Comparison: Open Enrollment Policies*, Educ. Comm'n of the States (2022), https://www.ecs.org/50-state-comparison-open-enrollment-policies [https://perma.cc/K9GM-ZSGW].

However, this assumption overlooks the extent to which Black students stand out in predominantly non-Black schools. Those who transfer to white- and Latine-majority schools do not escape the racialized policing that negatively impacts their education and futures. They do not feel integrated because policing contributes to in-school segregative effects that shape their sense of belonging and equal learning opportunities.

While parents focus on the positive educational outcomes of these transfers for their children's futures, the students experience significant harm in the present. Parents thus inadvertently contribute to a system perpetuating the inequalities they hope to escape. Policing in white- and Latine-majority schools is deeply harmful, and parents—as well as lawyers, activists, and other school stakeholders—often fail to grasp just how harmful it really is.

These data become part of the broader campaign against the presence of police in schools. Scholars have long identified the problems of school policing and race, but their analytical frame remains largely focused on majority-minority student populations. Recognizing this emerging phenomenon—namely, that Black students in white- and Latine-majority schools also experience harmful police contact that is often underappreciated—might prompt a shift in how we critique school policing and the kinds of legal strategies we pursue in response.

Rather than positioning school choice as the ultimate solution, parents can be empowered with knowledge to fight the harmful policing practices in the schools their children currently attend. This approach reorients the focus from making different choices at the outset to challenging the policing structures causing harm in the present.[74]

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[74] I should mention that by foregrounding parental decision, this framing risks suggesting that parents are under a form of mistaken impression—that they believe their children will escape racist policing by transferring, and therefore are making the "wrong" choice. But that approach invites comparison (which is not the goal of this Article): Are the parents' decisions actually justified? And given that many of the students interviewed still believed the switch was worth it, a reader might reasonably ask: Why focus so much on critiquing the parents or school choice, if this outcome was arguably better? There is an underlying tension here, one that risks attempting to rehabilitate majority-minority schools in the eyes of Black parents—essentially saying: "This is the status quo, so make better choices within it." But in a binary world where both options—majority-minority schools and majority-white or white- and Latine-majority schools—subject students to harmful policing (albeit in different forms), the harder question becomes: What are the consequences of telling parents that white and/or Latine-majority schools may actually bring more harmful forms of policing for their children? Would that knowledge redirect them back to majority-minority schools? And would that, in practice, produce better outcomes for their children? These are difficult questions without easy answers. Though this Article does not take them on, it recognizes that

1. *Methods and Data*

In February 2019, I assembled ten focus groups of five parents each, totaling fifty parents. I also conducted two brief individual follow-up interviews with each parent in November 2019 and February 2020. The focus groups gave me a sense of the range of reasons and motivations for parents' intra-school transfer decisions. They helped to develop an approach to capturing this variation when speaking to their children. I led focus group interviews, then individual interviews, then follow-up interviews with parents. Focus groups (and the follow-up sessions) lasted 90–120 minutes, with one ten-minute break. The individual interviews were semi-structured and lasted roughly thirty minutes. I developed an interview protocol of four to six open-ended questions about parents' decisions to move schools, their underlying motivation, and their impact on their children.

My final analytic sample includes fifty parents from fifty separate households. Table 1 provides a descriptive summary. These parents had children attending seven majority-white and Latine high schools in the Los Angeles Unified School District (LAUSD). A total of twenty-five children were high school juniors, while the remaining twenty-five were high school seniors. The sample of fifty parents included thirty mothers and twenty fathers, all identifying as Black or African American. About 28% of parents (n=14) did not attend college, another 60% (n=29) had some college experience, and the remaining 14% (n=7) had a college or a graduate degree. The parents ranged in age from late thirties to sixties.[75] Table 2 shows that the final sample includes parents from all seven schools.

Using purposive and snowball sampling techniques, I worked with two community-based organizations that helped recruit and select parents and children for this study.[76] Only parents with children in my student sample were included in this study for overlapping purposes. All focus groups and interviews were audio recorded, transcribed, and analyzed using the same methods applied to the student interviews.

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any discussion centered on school choice and parental decisionmaking inevitably raises them as important future directions for research.

[75] Research has long documented how providing parents with choice through intra-district school options is a possible way to cross lines of racial divisions. *See* Luke Dauter & Bruce Fuller, *Student Movement in Social Context: The Influence of Time, Peers, and Place*, 53 Am. Educ. Rsch. J. 33, 34 (2016) (describing the link between the motivations that shape parents' intra-district transfers and improved educational outcomes).

[76] Recruitment of parents into this study began in November 2018, and the local community-based organizations shared my invitation email for the focus group session in February 2019. The email explained our plans for a pilot study of a large informal discussion to be held in December 2019 and that the study's goal was to explore a wide range of parent choice decisions about their children in the district.

TABLE 1. PARENT CHARACTERISTICS OF FINAL SAMPLE

TOTAL RESPONDENTS	50
Race/ethnicity	
African American, Black	40 (80%)
Multi-racial Black	10 (20%)
Gender	
Female	30 (60%)
Male	20 (40%)
Attended high school in LAUSD	
Yes	39 (78%)
No	11 (22%)
Education Level	
High school or less	14 (28%)
Some college	10 (20%)
College degree	19 (38%)
Master's degree	5 (10%)
Professional or Doctorate degree	2 (4%)
Mean years of age	45

TABLE 2. DISTRIBUTION OF PARENTS BY SCHOOLS

School	Total (%)
Century High School	7 (14%)
Green High School	6 (12%)
Hill Magnet School	10 (20%)
Gilroy Magnet School	8 (16%)
North High School	12 (24%)
Troy Magnet School	4 (8%)
Washington High School	3 (6%)

Overall, my findings reveal that expectations and values of integration in white- and Latine-majority schools shaped parents' motivations for intra-district transfers in ways that literature might predict. Parents motivated by the intra-district transfer process in elementary school tend to move their children to a majority-white and Latine school; conversely, those parents with less education tend not to move (see Table 3). The pattern for parents pursuing intra-district transfers in secondary schools (middle and high school) is reversed: Parents with less education tend to move, while those with more

education tend not to move.[77] I now turn to parents' motivations for intra-district transfers to understand the relationships between their class position and their underlying reasons for moving their children to white- and Latine-majority schools.[78]

TABLE 3. SUMMARY OF PARENTS' INTRA-DISTRICT TRANSFER DECISIONS BY PARENTS' EDUCATION

Parents' Education	Number of Transfers (and total%)
Elementary	
High school or less	12 (24%)
Some college	8 (16%)
College degree	7 (14%)
Master's degree	0 (0%)
Professional/Doctoral degree	0 (0%)
Secondary	
High school or less	2 (4%)
Some college	2 (4%)
College degree	12 (24%)
Master's degree	5 (10%)
Professional/Doctoral degree	2 (4%)

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[77] The idea that early entry into a school system, particularly at the elementary level, facilitates continued enrollment throughout subsequent grades aligns with the patterns observed by parents. For example, more educated parents, recognizing this "lock-in" effect, appear to be proactive in pursuing intra-district transfers to majority-white and Latine schools during their children's elementary years. This strategic move would secure their children's access to perceived high quality, more-integrated schools for the long term. Furthermore, the reversal observed in secondary school transfers, where less-educated parents are more likely to move, could also be connected to the same "lock-in" concept. Perhaps these parents, having not navigated the intra-district transfer system during elementary school, are now reacting to perceived or actual disadvantages their children face in middle or high school. This later-stage intervention is driven by a sense of urgency, connected to school policing, attempting to mitigate the cumulative impact of earlier and future educational inequities.

[78] Research has long documented how providing parents with choice through intra-district school options is a possible way to cross lines of racial divisions. *See* Chase M. Billingham & Matthew O. Hunt, *School Racial Composition and Parental Choice: New Evidence on the Preferences of White Parents in the United States*, 89 SOCIOL. EDUC. 99, 100–01 (2016) (describing a long-standing practice of school policing and how parents have been able to move their children from public school to other options, especially as school choice has expanded). *See generally*, Gary Orfield, Choice and Civil Rights: Forgetting History, Facing in Consequences, in *Educational Delusions? Why Choice Can Deepen Inequality and How to Make Schools Fair* 4–6, 3 (Gary Orfield & Erica Frankenberg eds., Univ. of Cal. Press 2013). *See also* Dauter & Fuller, *supra* note 75, at 34 (describing the link between the motivations that shape parents' intra-district transfers and improved educational outcomes).

Parents who move their children from majority-Black to majority-white and Latine schools do so hoping that their children will receive a better education and be part of more integrated communities. This finding supports, in a different way, the arguments of many scholars that integration is one of the most important conditions shaping the educational experiences of Black students in white- and Latine-majority schools. By looking at the differences between schools, particularly in terms of racial makeup, Black parents believe that schools with fewer Black students will have more resources and a decreased presence of law enforcement. However, these parents do not account for how racial composition shapes the student experience in majority non-Black schools. This perspective is in alignment with the California Department of Education's (CDE) definition of *integration between schools* in terms of the quantitative impact on minority enrollment.[79] It is part of achieving CDE's numerical demographic diversity concerning high proportions of white and Latine students.

Parents' measure of integration through racial composition also aligns with the literature's focus on school- and aggregate-level perspectives. The school focus typically compares levels of integration and assesses the extent to which numerical demographic diversity has changed across schools.[80] Research verifies the concentrated focus on the aggregate harms[81] inflicted on Black students in poor Black-majority

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[79] Cal. Dep't of Educ., School District Organization Handbook app. M at 6–7 (2019) (defining segregation as a school district's action or proposal which has a disproportionate effect on minority students).

[80] *See, e.g.*, Orfield & Jarvie, *supra* note 41, at 18 (describing percent changes of racial groups in school populations); Frankenberg, Ee, Ayscue & Orfield, *supra* note 68, at 23 (discussing the cost of double segregation by race and poverty, which has become the typical experience of Black and Latine students); Gary Orfield & Chungmei Lee, UCLA C.R. Project, Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies 3 (2007), https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/historic-reversals-accelerating-resegregation-and-the-need-for-new-integration-strategies-1 [https://perma.cc/2542-BW8J] ("The trends shown in this report are those of increasing isolation and profound inequality."); Goodwin Liu, *"History Will Be Heard": An Appraisal of the* Seattle/Louisville *Decision*, 2 Harv. L. & Pol'y Rev. 53, 73 (2008) ("Our public schools are still segregated, and they are still unequal."); Daniel J. Losen, *Challenging Racial Disparities: The Promise and Pitfalls of the No Child Left Behind Act's Race-Conscious Accountability*, 47 How. L.J. 243, 244 (2004) (describing ongoing segregation in public schools).

[81] *See* sources cited *supra* note 68. U.S. K–12 public schools have witnessed three consecutive decades of thwarted desegregation efforts, ultimately resulting in what can be considered resegregation. Schools are more racially segregated today than they have been in over fifty years. Despite an increase in racial and ethnic diversity in K–12 public school enrollment, racially isolated schools remain commonplace, and historically underrepresented and racially marginalized students (e.g., Black students) remain largely underserved. Some schools continue to operate based on race and social class separation and exclusion, reflecting neighborhood segregation. *See* Richard Rothstein, *The Racial Achievement Gap, Segregated*

schools.[82] However, less is known about the consequences of parents' decisions to integrate a child from Black and Latine-majority schools into white- and Latine-majority schools. The focus has been on between-school integration according to demographic diversity, but it is possible that a "critical mass" of Black students or a "tipping point" in demographic composition has not yet been reached, which may help explain why integrationists' vision has yet to be achieved.[83] The problem of studying students' intra-school experiences with policing deserves more attention. By focusing on the intraschool context of white- and Latine-majority schools, one may be able to detect other patterns of educational inequality that violate one of the spirits of *Brown*. One of the goals of this Section is to contribute to the literature by investigating the Black parents' motivations for transferring their children to white- and Latine-majority schools and the role that intra-school features such as school policing play on parents' visions of integration. It sets to add to the literature by examining if, and how, school policing serves as a motivating and contextual factor for parents, which, in turn, explains the well-established harms of policing in racially integrated educational environments for their children.

My objective is to understand from the parents' perspective why and how they decided to move their children from majority-Black schools to more integrated ones through the intra-district transfer process. I also aim to explore how they perceive and understand the impact of this decision on their children, and under what circumstances they included input from their children about the move. The focus group and individual interviews provided a clear window into how these decisions are formed, what factors are considered, how intra-district transfers operate, and most importantly, how helpful and useful their children's input is for moving to a more integrated schooling environment. I engaged these parents in a wide-ranging discussion of their pre- and post-experience reflections moving to a majority-white and Latine school.

Schools, and Segregated Neighborhoods—A Constitutional Insult, Econ. Pol'y. Inst. (Nov. 12, 2014), https://www.epi.org/publication/the-racial-achievement-gap-segregated-schools-and-segregated-neighborhoods-a-constitutional-insult [https://perma.cc/3479-3SPU]. *See also* Gary Orfield, John Kucsera & Genevieve Siegel-Hawley, UCLA C.R. Project, E Pluribus . . . Separation: Deepening Double Segregation for More Students 19 (2012), https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students [https://perma.cc/2E8F-4UVL] (describing the term "apartheid schools" as schools that are 99% one race, and specifically schools that are less than 1% white).

[82] *See supra* note 8.

[83] *See, e.g.*, Liu, *supra* note 80, at 73; Losen, *supra* note 80, at 244.

2. Parent Expectations

Conversations with parents reveal that they are not concerned with the "experience" of integration, but with the educational outcomes attached to the demographic composition of more integrated schools. Parents believed they were providing their children with alternatives to segregated educational experiences because they expected that more integrated schools would provide more equal educational outcomes for their children. Below, I use parents' narratives to describe their understanding of equal educational outcomes for integration purposes.

In one focus group, Allison, a parent of a child attending a majority-white and Latine public school due to the intra-district transfer process, made the following comment:

> What I mean by equalizing opportunity begins with the move to schools that are more diverse in the opposite way of our neighborhood school, that is, more white students. . . . [W]ith this comes opportunities. . . . These opportunities must be academic and learning, such as Advanced Placement offerings, academic enrichment programs, extracurricular activities, tutoring programs, and even informal discussions with counselors, teachers, and peers. Equalizing these opportunities does not come with my family remaining in our neighborhood school because there are not enough opportunities to equalize, and they are beyond anyone's control. Any opportunity that does exist is undermined by the heavy focus on discipline and policing our kids. So, this makes choice so important, which benefits everyone . . . to avoid the web of policing . . . especially when you think about what this web does to futures and what it means to attend a school without this web.

Allison first defines integration based on the school's demographic makeup; she explains how this access comes with equal educational outcomes. These include academic and extracurricular offerings, emphasizing the importance of access to these resources and outcomes. She suggests that their past neighborhood school lacked sufficient opportunities to provide their child with an equal education because of the pervasive surveillance and punishment. Allison advocates for school choice and access to schools with a broader range of opportunities and outcomes that are not attached to the web of punishment in majority-Black schools, the harms of which have been well-documented.[84] Allison later describes this web as connected to a sense of "freedom from physical and environmental and neighborhood security from [police] officers and their ability to freely navigate to get the outcomes they

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[84] See, e.g., Allen & Noguera, supra note 15, at 1.

deserve." During the individual interview, I asked Allison how this connected to choice and why choice benefits everyone. Allison states, "because choice helps with integrating kids, which benefits everyone, but not everyone truly benefits when you look at outcomes but what's the better option . . . [?]" This quote reflects Allison's desire to provide their child with the best possible education and a belief that school choice is a necessary tool to achieve this goal. However, it also raises questions about how school choice can truly equalize opportunities for all students, especially with the perceived notion that surveillance and punishment might be experienced differently in white and Latine schools.

Allison's exchange aligns with recent research documenting the benefits of integration to children. Research shows that integrated schools are associated with smaller gaps in test scores among students of different racial backgrounds, higher test scores, students' satisfaction and intellectual self-confidence, leadership skills, and more equitable access to resources to college and beyond.[85] These benefits are connected to parents' definitions of integration as a matter of equal educational outcomes. Allison's query, "What's the better option?," reflects a pattern among the parents I interviewed. These parents believe their children are likely "better off" in these more integrated schools than in less integrated neighborhood schools. Parents are right to think that more integrated schools might lead to better outcomes—at a "critical time where moving is not a privilege[86] but a simple fact of life. . . . [M]oving away from what could be versus what is," as one parent shared.[87]

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[85] *See* Halley Potter, Kimberly Quick & Elizabeth Davies, The Century Foundation, A New Wave of School Integration: Districts and Charters Pursuing Socioeconomic Diversity 4 (2016), https://production-tcf.imgix.net/app/uploads/2016/01/29103335/ANewWave_Potter.pdf [https://perma.cc/7W9K-DQKM]; Amy Stuart Wells, Lauren Fox & Diana Cordova-Cobo, The Century Foundation, How Racially Diverse Schools and Classrooms Can Benefit All Students 8 (2016), https://production-tcf.imgix.net/app/uploads/2016/02/09142501/HowRaciallyDiverse_AmyStuartWells-11.pdf [https://perma.cc/Y7SB-7SC5].

[86] One parent said that "moving is not just a flex of my agency or the fact that I know how to navigate the complex public school system, but it's about moving out of segregated environments and moving up to integrated ones that do not put limits of my child's future." This rationale holds true for many parents.

[87] The flight of Black families from inner-city public schools harms urban schools by decreasing enrollment and potentially contributing to residential flight. *See* Kfir Mordechay & Jennifer B. Ayscue, *Diversifying Neighborhoods, Diversifying Schools? The Relationship Between Neighborhood Racial Change and School Segregation in New York City*, 3, 16 Educ. & Urb. Soc'y 3 (2024). More research is needed to understand the impact of this phenomenon on neighborhood abandonment and other consequences. *Id.* at 25 (suggesting that future research should examine whether the benefits of integration are being evenly distributed in these schools, or are [diversifying and demographically stabilizing schools] schools saturated with inequities among parents and students?).

What did these equal educational outcomes entail for parents? I found equal educational outcomes primarily focused on future success elements such as career and college success. Secondarily, equal educational outcomes focus on basic quality of life, distinct from upward social mobility. Table 4 details the proportions and examples of these equal educational outcomes. It shows that most parents defined equal educational outcomes (68%) as college and career success, while the second largest share (28%) was basic quality of life. Parents described various college and career success examples, from access to Advanced Placement and honor courses and involvement in pre-college access programs to college career counseling and advising. Parents also described basic quality of life as an equal education outcome connected to their motivations for transferring their children. Examples are related to health, social, surveillance and punishment, and economic opportunities for their children. As described later, most parents mentioned their child being free from surveillance and punishment as one of the important factors for transferring schools, and most always connected this feature to their child being safer and having better prospects for future success in a more integrated school. The breakdown in Table 4 summarizes parents' definitions of equal educational outcomes, including parents' goal of their children being free from adverse policing environments.

TABLE 4. OVERALL PERCENTAGES AND EXAMPLES OF EQUAL EDUCATIONAL OUTCOMES DEFINED BY PARENTS

	Career and College Success	Basic Quality of Life
Percentage of Equal Educational Outcome	68%	28%
Examples	Advanced Placement and honor classes	Economic: Income, job security, debt-free
	Social justice, community support in pre-college extracurricular activities	Social: Social ties and connections
	Acceptance and matriculation from college	Surveillance and punishment: Physical and environmental safety and freedom from negative policing environments
	Non-traditional and creative career paths	Health: Physical and mental

Note. N = 145 instances of equal educational outcomes mentioned by parents. Some parents mentioned both outcomes as a motivation for their intra-district transfers. Both instances are reflected in the total count.

Social science literature on school choice illuminates how parents' motivations vary across local contexts and with respect to the class-based attributes of families or communities.[88] This account assumes that variances between majority-white and Latines (e.g., those with higher proportions of white students versus those with higher proportions of Latine students) and family attributes (e.g., educational background) may drive parents' intra-district decisions with some regard to proximal school options (e.g., qualities of nearby students or school options).[89]

With this account in mind, I aimed to understand how variances between white- and Latine-majority schools influenced parents' intra-district transfer decisions. Focus group and interview data with parents revealed two patterns that helped illuminate the relationship between these transfer decisions, equal educational outcomes, and integration.

The first pattern showed how concerns about equal educational outcomes varied between white- and Latine-majority schools. Parents' motivations to transfer their children to schools with higher proportions of Latine students focused more on a strong sense of social ties and community from social justice support organizations focused on pre-college access for being competitively eligible to be admitted to four-year colleges and universities (see Table 4 for combined features of career and college success and basic quality of life). The second demonstrated how heavily parents were motivated by access and availability of established social justice support organizations found in less integrated schools with a higher proportion of Latine students (but still a majority of white students). The goal of these organizations, such as pre-college access programs, aligned with parents' goal of sending their children to integrated schools: equal educational outcomes.

There is ample evidence showing several positive benefits of community-based social justice organizations for Black students. These include providing college preparatory resources[90] and support to students when schools fail to do so. These organizations also emphasize students' racialized schooling experiences (with respect to gender and social class) and provide supports for addressing various forms of

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88   *E.g.*, Dauter & Fuller, *supra* note 75, at 63.

89   *Id.* at 34.

90   *See generally* Roderick J. Watts, Nat Chioke Williams & Robert J. Jagers, *Sociopolitical Development*, 31 Am. J. Cmty. Psych. 185, 186 (2003) (describing importance of integrating indigenous and cultural perspectives into education); Expanding College Access for Urban Youth (Tyrone Howard, Jonli D. Tunstall & Terry K. Flennaugh eds., 2016) (examining the need for better college preparatory resources for Black and Brown students); Terry K. Flennaugh, Tyrone C. Howard, Mei-Ling Malone, Jonli Tunstall, Neshemah Keetin & Tanya Chirapuntu, *Authoring Student Voices on College Preparedness: A Case Study*, 50 Equity & Excellence Educ. 209 (2017) (same).

education inequality.[91] Research documents several other benefits of community-based social justice organizations, including but not limited to racial identity development, racial socialization (e.g., preparation for potentially biased school practices), academic self-efficacy and agency, and college-going behavior.[92] Given this literature, parents believe these organizations serve a protective mechanism in less integrated schools where parents are motivated by their equal educational outcomes.

Community-based social justice organizations might help children navigate disproportionate school policing practices. Parents are moving to white- and Latine-majority schools because they think policing in these schools is different from policing in Black-majority schools. A recent study on educational flight reported that parents' perceptions of exclusionary discipline was their primary motivation in withdrawing their children from a majority-Black high school and enrolling them in schools that are perceived to be less Black and, therefore, less punitive.[93] However, the study's author concluded that parents were less likely to change schools if their current school had "effective leadership, collaborative teachers, ambitious instruction, a supportive environment, and high rates of parental involvement."[94] In the study, exclusionary discipline, such as out-of-school suspensions, trumps these factors that often keep parents from changing schools.[95] However, very little is known about school policing, an obvious form of exclusionary discipline in schools, and the potential effects of citations and arrests of children.

Many interviews showed that many Black parents take flight from Black and Latine-majority schools to white- and Latine-majority schools. Black students then become part of the racial minority.[96] One motivation behind this move is to protect their children from negative interactions of school policing. More than half of the sample, 58% (n=28), said that police interactions carry much weight in their

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[91] Terry Allen & Kimberly Gomez, *Navigating Spatial Enclosures: Race, Place, and School Policing*, 72 Soc. Probs. 22, 37 (2025) (describing the critical features of social justice support organizations like college access programs).

[92] *See id.*

[93] Charles Bell, *"Maybe if They Let Us Tell the Story I Wouldn't Have Gotten Suspended": Understanding Black Students' and Parents' Perceptions of School Discipline*, 110 Child. & Youth Servs. Rev. 1, 9 (2020).

[94] *Id.*

[95] *Id.*

[96] The dynamic involving Latines on both sides of the equation for school population is complex, as Black families may move from predominantly Black or Latine schools to those with higher percentages of white and Latine students, but Latine-majority schools also attract Black families seeking a more racially integrated environment—and perhaps schools with lower populations of Black students.

decision-making process to move schools. About twenty-eight parents (29%) attached these concerns to equal educational opportunities, "being free from negative police interactions that get in the way of learning and important future outcomes," as one parent said.

In many majority Black and Latine schools, concerns about policing differ significantly, as "policing is synonymous with targeting Black and Latine children there," according to Que, a parent of a child attending a public school through the intra-district transfer process. "Kids being arrested, kids being cited, kids being handcuffed. We get the phone calls because these are Black babies being arrested and cited and handcuffed . . . for reasons that are because they did something harmful or violent or out of this world. I always ask myself if the school could have responded differently." Que highlighted the distressing incidents where Black children are arrested, cited, and handcuffed for behaviors that may not warrant such severe responses, prompting the question, "Could the school, the staff, and everyone else involved with these incidents respond differently?" Parents like Que voiced concerns about the need for police to protect children from serious incidents of violence and harm, while also acknowledging that excessive policing and criminalizing students for minor issues is harmful.

Yolanda, a parent whose child attended a nearby magnet school, shared similar concerns and explained her motivation for moving schools:

> Was I worried about policing in Black neighborhoods? The answer is yes. Policing is common where we live, but it's not always good, and my son has made policing part of his everyday life. He sees them on the way to school and is present at school. He has a relationship with the officer at school, which is for the better and worse. But this relationship with policing is different in schools where there are more white children. At the time I decided to move schools, I knew my son would be one of few Black students, but I knew that policing would take a different shape and form and wouldn't come with immediate repercussions or questioning.

Yolanda, like many other parents, acknowledges that policing is a pervasive presence in their neighborhood, but it's not always positive. Yolanda also recognizes that her children's daily exposure to police, including at school, has shaped their perception of law enforcement. She believes that the nature of police interactions in white- and Latine-majority schools is different than policing in Black-majority schools. Her decision to move to a school with fewer Black students was partly driven by the expectation of a different policing environment, one perceived

as less intrusive and less potentially harmful. Similar to Yolanda, many other parents even suspected that Black children in white- and Latine-majority schools would not "pose a threat in these 'good' schools. . . . [G]ood school, good student," as shared by Mark, a parent whose child attends a majority-white and Latine magnet school.

However, a handful of parents, such as Cara, whose child attends the same school as Mark, perceived these "good [majority-white and Latine] schools" as not "free from policing . . . [but responsible for] engaging in over-policing of Black children because they stick out and stand out." She said:

> I was worried because my child knew how to navigate the police. In a world where policing is everywhere, we had to choose a place where policing is attached to more opportunities and greater pathways of learning and growth and where safety isn't just a matter of police responding but knowing that the schools have funding and resources available to engage in other options. It's not the popular way to rationalize my choice to send my baby to a new school, but it's how we decided.

Cara expresses concern about her child's familiarity with navigating police interactions, suggesting a potentially negative impact on the child's learning and development. The decision to move to a different school is framed as a safety measure. The parent prefers an environment where opportunities for learning and growth are prioritized over the reliance on police presence and intervention. Like Cara, 52% of parents (n=26) mentioned school policing as a motivating factor for moving their child from a majority-Black and Latine school to a majority-white and Latine school. For parents, this included keeping kids safe from "being handcuffed, arrested and any violence for those behaviors we all know could be handled in other ways. . . . [S]ometimes these behaviors can be as simple as being the only Black person in the class and doing the same thing as other things but interpreted differently."

Cara's comments align with recent work showing Black students in white- and Latine-majority schools are more likely to be cited and arrested for public disturbance than any other racial and ethnic student group; they are more often being arrested and cited for classroom disruption, not violence, and minor public order offenses, not for committing or causing physical harm.[97] However, parents did reveal a significant contradiction and pattern that motivated their decision-making. On the one hand, policing is portrayed as and stated to be

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97 *See* Allen, *supra* note 18, at 1014.

a means of ensuring school and neighborhood safety by building relationships and making students feel safer from those "who do not belong, who sometimes include our Black children," as Cara mentioned. On the other hand, racialized beliefs are infused in the actual practices of policing, "no matter where [we] move schools," as Sarah, a parent whose child attends the same school as Cara's, shared. She said:

> These practices may begin with simple stops but can lead up to something serious like an informal arrest or handcuffing as my son experienced in his first year at [the majority-white and Latine magnet school] . . . which goes against this sense of safety that I knew would not be inevitable . . . but never could fathom that my son could be the one experiencing this. . . . He still got good grades despite this.

Sarah's comments highlight an important safety logic that became a pattern among parents with the handful of high-performing Black children in this study. The logic is reflected in the idea that (1) no school is truly safe from negative police interactions; (2) these interactions are more detrimental to equal learning opportunities instead of equal learning outcomes[98] in majority-Black and Latine schools compared to majority-white and Latine schools, reinforcing the value of protecting these integrated spaces as "good" public schools attached with a host of benefits; and (3) moving schools—despite the policing experiences—is still normatively good ("[H]e still got good grades despite this."). This logic spotlights how parents believe that their decision to move their children to white- and Latine-majority schools, according to Sarah,

> may come with both positive and negative school safety experiences because our schools are not perfect, they are not the perfect safe havens . . . but this does not get in the way of the main goal for why many of us chose to move our children. . . . [T]he student body which is setting them up for equal opportunities instead of trapping them in a cycle of punishment.

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[98] This comes with the exception of those students who become a part of the school-to-prison pipeline. *See, e.g.*, Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 Wash. U. L. Rev. 919, 946 & n.128 (2016) (describing movement towards criminalizing school discipline); Meiners, *supra* note 23, at 31–32 (2007) (noting how "[l]inkages between schools and jails are less a pipeline, more a persistent nexus or web of intertwined, punitive threads"); Damien M. Sojoyner, *Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline*, 4 Berkeley Rev. Educ. 241, 242, 252 (2013) (identifying school policing as a strategy to undermine Black organizing efforts); Damien M. Sojoyner, First Strike: Educational Enclosures in Black Los Angeles xiv (2016) ("[R]ather than a funneling or pipeline system that transfers students from schools to prisons, particular forms of enclosures have been developed with particular aims.").

Equal educational outcomes are attached to parents' larger vision of achieving better educational outcomes and integrated institutional environments, which parents believed they could not attain by remaining "trapped" in their neighborhood schools and vulnerable to oppressive policing regimes. However, these findings show that while parents emphasize the positive impacts of these transfers on their children's future, their students actually suffer significant harm in majority-white and Latine schools, as I will show next.[99] Part of this divergence is because parents tend to measure integration in terms of the school's demographic makeup while their children measure integration through their racialized experiences within schools.

In sum, this Section demonstrates that most of the parents interviewed who transfer their children from mostly Black schools to mostly white and/or Latine schools hope for better educational outcomes and a more integrated environment. Parents believe that schools with fewer Black students will have more resources and less policing. However, this overlooks the fact that Black students stand out in non-majority Black schools. It also overlooks that Black students have encounters with police in these schools that are disproportionate, targeted, and what many students described as "unfair." These encounters limit these students' ability to benefit from integration. To account for this experience, parents prioritize the role of community social justice organizations as a protective factor against the integration costs in white- and Latine-majority schools with higher proportions of Latine students.

Parents were empowered with knowledge to fight the harmful policing practices in the schools their children currently attend. This approach reorients the focus from a mere school choice problem to challenging the policing structures causing harm in the present.[100] This framing opens a different possibility: When parents become aware of the harms of policing in these majority-white and -Latine schools, they become part of the now-educated force that can push back against it. This moves away from the framing that "unaware" parents—or worse, stubborn parents—have blindly sent their children into a web of surveillance and policing.

C.   Student Findings

1.   Background and Context

To get purchase on the above questions, I focus on the Los Angeles Unified School District (LAUSD), the largest school district in

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[99] *See infra* Section I.D.
[100] *See supra* note 74.

California and the Western U.S.[101] LAUSD, like many other urban school districts, has allowed parents to choose schools outside their designated attendance boundary.[102] This has increased parents' options through access to various alternative public schools, such as charters and magnet programs. For instance, charter schools in LAUSD have grown significantly over the past few decades, from 58 in 2005 to 272 in 2024, making up more than one-third of all schools.[103] Demands among parents—rooted in dissatisfaction with overcrowded neighborhood public schools, enrollment plunges, and disproportionate labels of certain schools as disorderly or dangerous—have resulted in long waiting lists for seats in magnet programs as well.[104] Parents now confront the reality that students in LAUSD can attend schools outside their assigned attendance areas.[105]

Over the last two decades, LAUSD's student population has become increasingly diverse, with an expanding number of Latine students and a smaller proportion of white and Black students. In 2023, nearly three-fourths (73.13%) of LAUSD's 557,352 students were of Latine origin, compared to nearly 9.96% of white students, 7.12% of Black students, and 3.61% of Asian students.[106] In 2003, roughly 71.9% of students were of Latine origin, compared to nearly 9.4% of white students, 12.1% of Black students, and 3.9% of Asian students.[107] These demographics

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[101] *See* L.A. Unified Sch. Dist., Fingertip Facts 2024–2025, https://www.lausd.org/site/handlers/filedownload.ashx?moduleinstanceid=73040&dataid=178843&FileName=2024%20FingertipFacts.pdf [https://perma.cc/E36Q-QT2P].

[102] *See Permits and Student Transfers*, L.A. Unified Sch. Dist., https://www.lausd.org/Page/17470 [https://perma.cc/J6VD-XLYS].

[103] *See* Hannah Bowlus, *Citizens of the World Charter Educators Vote to Unionize with UTLA*, Westside Voice (June 17, 2024), https://westsidevoicela.com/2024/06/citizens-of-the-world-charter-educators-vote-to-unionize-with-utla [https://perma.cc/AZ44-3HDP]; *see also* Mallika Seshadri, *LAUSD Considering a Policy to Limit Charter Co-Locations, Prioritize Vulnerable Students*, EdSource (Sept. 25, 2023), https://edsource.org/2023/lausd-considering-a-policy-to-limit-charter-co-locations-prioritize-vulnerable-students/697704 [https://perma.cc/CA8Z-C9HV] (finding that the proliferation of charter schools has led to a decrease in public school enrollment in LAUSD).

[104] Take Porter Ranch Community School in LAUSD, for example. In 2024, the school had reached its capacity of 1,400 students and 70 neighborhood students had to be turned away. *See* Howard Blume, *As LAUSD Enrollment Plunges, Only One School Is Overcrowded. Proposed Fixes Panic Parents*, L.A. Times (Jan. 30, 2024, 3:00 AM), https://www.latimes.com/california/story/2024-01-30/as-lausd-enrollment-plunges-one-school-is-overcrowded-proposed-fixes-stir-panic [https://perma.cc/8WQZ-VDTP].

[105] Recent orders have suspended California state rules, making it easier for students in Los Angeles to attend schools outside their designated district boundaries. *See* Cal. Exec. Order No. N-6-25 (Jan. 14, 2025).

[106] *See* L.A. Unified Sch. Dist., *supra* note 101.

[107] *See Public School Enrollment, by Race/Ethnicity*, Kidsdata.org, https://www.kidsdata.org/topic/36/school-enrollmentrace/table#fmt=451&loc=2,127,347,1763,331,348,336,171,321,345,357,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,352,320,339,

reflect the district's high number of racially isolated schools, with over half of the students attending schools where more than 90% of the population is Black or Latine. The demographic dispersion of LAUSD schools reflects national trends, in which white students attend schools where 69% of the students are white, Latine students attend schools where 55% of the students are Latine,[108] and Asian students attend schools with 24% of fellow Asians.[109]

The available school choice options for students are not evenly distributed across the district; they are concentrated in specific neighborhoods based on racial demographics.[110] As education scholar and historian Richard Rothstein argues, integration efforts like inter- and intra-district transfer programs into magnet schools—intended to bring privileged children into underprivileged schools—may be steps in the right direction, but they remain "marginal" steps.[111] "Unless we desegregate neighborhoods so that families can live in high-opportunity areas," he writes, "we're not going to have integrated schools."[112] The clusters of school options within LAUSD, characterized in part by racial and class separation at the neighborhood level, underscore the importance of studying parents' motivations for intra-district transfers and their children's integration experiences in these more integrated schools.[113]

According to the California Department of Education (CDE), an integrated educational experience is defined as:

> the process of education in a racially and ethnically diverse school that has as its goal equal opportunities for participation and achievement among all racial and ethnic groups in the academic program and other activities of the school, together with the development of attitudes, behavior, and friendship based on the recognition of dignity and value in differences as well as similarities.[114]

334,365,343,330,367,344,355,366,368,265,349,361,4,273,59,370,326,333,322,341,338,350, 342,329,325,359,351,363,340,335&tf=141,7,6&ch=7,11,70,85,10,72,9,73&sortColumnId= 0&sortType=asc [https://perma.cc/P7EY-3BV7].

[108] *See id.* at 4.

[109] *Id.*

[110] *See* Kyle Stokes, *The California Schools Where the Kids Are All the Same Race, All in One Map*, LAɪsᴛ (Dec. 3, 2017, 3:01 AM), https://laist.com/news/kpcc-archive/the-california-schools-where-the-kids-are-all-the [https://perma.cc/5D8L-D79E].

[111] *Id.*

[112] *Id.*

[113] *See supra* note 26 (defining what is considered a more integrated school).

[114] Cᴀʟ. Dᴇᴘ'ᴛ ᴏꜰ Eᴅᴜᴄ., *supra* note 79, at 8 (providing educators and school administrators with information about the logistics of redrawing school district lines).

The CDE formulated this definition in response to the California Supreme Court's definition of segregated schools in the Los Angeles and San Bernardino desegregation cases.[115] California's federal courts were among the first to recognize and rule against the harms of school segregation for minority students, particularly Latine students, in the 1946 *Mendez v. Westminster School District* decision,[116] which preceded *Brown*.

The history of racial segregation in Los Angeles is marked by decades of delayed action. In the 1960s, it was well known that Black students faced more intense segregation in schools than their racial and ethnic counterparts, but data tracking racial segregation was scarce.[117] Civil rights groups challenged the district's discriminatory segregationist practices, prompting the California State Board of Education to require districts throughout the state to "exert all effort to avoid and eliminate segregation."[118]

Despite this, a legal and political battle for desegregated schools in Los Angeles took shape in the early 1960s. Data collected[119] revealed that Black students attended ninety-three highly segregated primary and secondary schools, while few were enrolled in the 400 predominantly white schools throughout the district.[120] A court order to desegregate and eliminate majority-minority schools by 1972 was appealed, delaying desegregation.[121] By 1976, the California Supreme Court

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[115] *See id.*

[116] 64 F. Supp. 544, 547–58 (S.D. Cal. 1946), *aff'd sub nom.*, Westminster Sch. Dist. v. Mendez, 161 F.2d 774, 781 (9th Cir. 1947).

[117] The dilemma of systematically tracking racial segregation followed the *Jackson v. Pasadena City School District* decision, in which the state conducted a survey to assess racial segregation—an action that educators had previously resisted and claimed to be "colorblind." 382 P.2d 878 (Cal. 1963) (finding the city of Pasadena guilty of intentional segregation and ordering a remedy, while ruling that the state constitution required action even in the absence of proof of intent: "The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as is reasonably feasible, to alleviate racial imbalance in schools regardless of its cause.").

[118] 5 Cal. Admin. Code § 2010 provides: "STATE BOARD POLICY: It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color."

[119] *See id.*

[120] Gary Orfield & Jongyeon Ee, Segregating California's Future: Inequality and Its Alternative 60 Years After Brown v. Board of Education 15 (2014), https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/segregating-california2019s-future-inequality-and-its-alternative-60-years-after-brown-v.-board-of-education/orfield-ee-segregating-california-future-brown-at.pdf [https://perma.cc/78T3-BSLY].

[121] *Id.*; *see* Crawford v. Bd. of Educ., 551 P.2d 28 (Cal. 1976) (affirming the trial court order for Los Angeles School District to desegregate).

intervened, but at the time, over 154,000 racial minority students attended majority-minority segregated schools, and another 91,000 were in segregated schools.[122]

In 1979, Proposition I ended the state's desegregation efforts,[123] leading to a limited, voluntary school integration plan in Los Angeles, but without court oversight.[124] Los Angeles became the first major city and one of the largest school districts to abandon its court-mandated desegregation plan, leaving its large Latine and Black students' populations without meaningful reform and integration plans.[125] The district's failure to address segregation remains a lasting testament to the challenges of achieving racial justice in education.[126]

2. *Methods and Data*

Ninety-five in-depth oral history interviews of Black high school students were conducted to document their experiences with school policing in white- and Latine-majority schools where they are a racial minority.[127] The final interview sample included fifty-three females (56%) and forty-two males (44%). Forty-six students (51%) were rising high school seniors, and the remaining forty-four (49%) were rising juniors across seven schools. Table 5 details the student composition.[128] Two sampling techniques were explored. First, a purposeful snowball sampling was used to recruit many Black high school students. Second, a longstanding technique, sampling for range, was also applied to identify

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[122] Gary Orfield & Jongyeon Ee, *supra* note 120, at 15.

[123] *Id.*

[124] *Id.*

[125] *Id.*

[126] During the 1980s came the *Larry P. by Lucille P. v. Riles* case that disallowed the over-identification of Black children in special education tracks in California. 793 F.2d 969 (9th Cir. 1984).

[127] *But see* Mario Luis Small & Jessica McCrory Calarco, Qualitative Literacy: A Guide to Evaluating Ethnographic and Interview Research 15–16 (2022) (arguing that a large sample is beneficial, but not essential, to conducting a quality interview study). Data saturation for this study could have been achieved with fewer interviews. However, due to the collaborative nature of our research team, some interviews were redacted and excluded from the analysis. This decision was made to ensure ethical standards, as certain interview content contained sensitive or potentially incriminating information. In cases where any questions posed by our team may have led to such content, all subsequent material in the transcript was carefully excluded from the coding process to maintain the integrity and confidentiality of the data.

[128] All students were recruited for this study through two community-based organizations. The first is a university-based, pre-college access program designed to support and help predominantly Black students become competitively eligible for selective universities. The second is a nonprofit organization providing social justice programming to historically marginalized and underrepresented youth.

sub-categories of Black students according to gender, high school grade level, first-generation status, social class, and school police experiences, among others.

Table 6 shows the final sample across these seven schools. Throughout this Article, I reference schools with a high Latine student proportion and a high white student proportion. A high Latine student proportion school includes those with a 35% or greater population of Latine students.[129] For purposes of this study, a school with a high white student proportion includes those with a 45% or greater population of white students.[130] Appendix A provides school profiles before the intra-district transfer to provide insight into the study context.

TABLE 5. SUMMARY OF BLACK STUDENT CHARACTERISTICS

Total Students	Gender Breakdown / Percent of total students	High School Grade Level / Percent of total students	Number of High Schools Attended by Students	First-Generation Status / Percent of total students	Number of Neighborhoods Resided in by Students
95	53 females (56%) 42 males (44%)	46 Juniors (51%) 44 Seniors (49%)	7	46 (48%)	15

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[129] This cutoff was calculated based on the district's 70% Latine student population. A school is considered to have a high Latine student population if Latine students make up more than half of the total student body (equal to or greater than 35%). This threshold allows for a meaningful categorization of schools where Latine students are not just a minority but a substantial portion of the student body, impacting the overall educational experience and dynamics.

[130] The cutoff was based on the racial and ethnic diversity of the district's schools. Schools with greater than 45% white students generally had a lower Black student population. The cutoff is not a perfect measure but represents one way to capture groups of schools based on racial and ethnic demographics as captured by the district. This higher threshold is used to distinguish schools where white students constitute a dominant or majority presence, ensuring that the categorization reflects schools where white students significantly influence the racial composition and resources available within the institution.

Table 6. Summary of Current School Characteristics and Total Number of Students by High School[131]

High School Name	Enrollment	Black	Asian	Latine	White	Black students (n, %)
Century	Large	14%	8%	19%	57%	7 (7.4%)
Green	Large	5%	9%	28%	58%	9 (9.5%)
Hill	Large	6%	9%	26%	59%	14 (14.7%)
Gilroy	Large	10%	5%	29%	56%	20 (21.1%)
North	Large	9%	6%	37%	48%	21 (22.1%)
Troy	Large	4%	13%	35%	48%	18 (18.9%)
Washington	Medium	6%	13%	35%	46%	6 (6.3%)

Note: I use pseudonyms for students, parents, and schools in this Article. Additionally, small, medium, and large enrollment scales for the high schools are used to protect the school locations of the minors who agreed to participate in this research study. A school labeled "small" has an enrollment number of ≤700 students; medium: 701–1500 students; and large: ≥1501 students. All percentages, except total students, are rounded to the nearest whole number. The percentage of total students may not equal 100% due to rounding.

All ninety-five interviews were conducted in person and lasted approximately two hours. A semi-structured interview protocol was created to help guide the discussion of all interviews, allowing students to engage in related dialogue as questions and topics emerged.

I used a multi-step thematic analysis to examine student interviews and informal police discussions.[132] After reviewing interview transcripts, I identified key themes and patterns using open coding. I developed a coding dictionary based on specific domains, and research assistants applied codes, ensuring inter-rater reliability.[133] During data collection

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[131] *See* Beaumont Unified School District, School Accountability Report Card (SARC) (2023), https://www.doc-tracking.com/screenshots/Serve/1287 [https://perma.cc/J3E8-RNTW].

[132] *See* Allen, *supra* note 18, at 1011–13, for a full discussion of the multi-step thematic analysis.

[133] *Id.*

and analysis, I established trustworthiness and validity in four ways: triangulation,[134] extended engagement in the field during interviews,[135] constant searching for disconfirming evidence in each interview,[136] and participant checking.[137]

I use single vignettes or frequencies among different subsets of students to illuminate specific themes and patterns, which are representative of the entire data sample. My goal was not to assert the relationship between school policing and integration quantitatively, but to present broader implications and directions for future research toward generalizability.[138] Based on the analytical strategy of socio-legal scholarship, the study and sampling strategy aims to illuminate and understand rather than predict or determine causation.[139]

A note about the study's sample selection and interview limitations: I sampled parents with a diverse range of education levels,

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[134] John W. Creswell & Dana L. Miller, *Determining Validity in Qualitative Inquiry*, 39 Theory into Prac. 124, 126–27 (2000) (discussing cross-checking data from different sources). *See generally* Louis Cohen, Lawrence Manion & Keith Morrison, Research Methods in Education 141–44 (6th ed. 2007) (defining triangulation as "the use of two or more methods of data collection in the study of some aspect of human behaviour").

[135] *See* Howard S. Becker, Sociological Work: Method and Substance 54 (1970) (suggesting that students are unlikely to uphold any fabricated constructions of their experiences and responses to school policing if interviewed and observed on more than one occasion).

[136] *See* Barney G. Glaser & Anselm L. Strauss, The Discovery of Grounded Theory: Strategies for Qualitative Research 101 (1967) (noting engagement in a continual comparison process, or what researchers refer to as the "constant comparison method"). *See generally* Gery W. Ryan & H. Russell Bernard, *Techniques to Identify Themes*, 15 Field Methods 85, 93 (2003) (discussing how "[s]earching for missing information is not easy" and the importance of checking all interviews against interview notes, notes against interview observations, observations against primary sources, and so forth, until researchers reduce redundancy and the data represents its appropriate domains and themes).

[137] This process involved asking many students about the accuracy of our understanding of Black students' experiences and responses to school policing. We returned to each community-based organization after data collection and throughout several phases of data analysis to share our more prominent interview themes with students, staff, and community members. We also presented the findings to the school police department. This process also involved asking about ways our understanding of the data might be incorrect. Participant checking served as a methodological approach to requesting disconfirming evidence.

[138] A brief note about generalizability and sample representativeness: Qualitative research aims to gain insights into the underlying nature and dynamics of a phenomenon rather than providing precise estimates that can be generalized to a larger population. This approach, known as "analytic generalization," focuses on attaching meaning to the phenomena rather than measurements.

[139] *See* Juliet Corbin & Anselm Strauss, Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory 8 (3d ed. 2008) ("We realize that, to understand experience, that experience must be located within and can't be divorced from the larger events in a social, political, cultural, racial, gender-related, informational, and technological framework and therefore these are essential aspects of our analyses.").

with a higher proportion of more advantaged parents compared to those of the majority of parents involved with the two community organizations from which I drew my sample (38% college degree, 10% master's degree, and 4% professional or doctoral degree). The goal was to observe their motivations for intra-district transfers and the risk of movement. One possible theory I am exploring is that the motivation for movement may differ based on parental educational background.

Research studies show that the risk of movement is higher for secondary school students at schools with higher mean levels of parental education (e.g., a college degree).[140] At the same time, research also shows that the risk effect is heightened for students whose parents have less education.[141] This creates an interesting paradox, where wealthier, more educated parents may be more likely to initiate school moves, while those with less education may also push for transfers, albeit for different reasons. My sample includes a nearly fifty-fifty split between parents who graduated from college and those with some college education or less.

For more educated parents, the move may be driven by a desire to provide greater opportunities for their children, perhaps motivated by their own educational values and expectations. For parents with less education, the drive to move may stem from different concerns, such as seeking better resources, addressing perceived inequalities in their child's current school, and even input and preferences from their child. In both cases, parental influence, informed by their education level and personal experiences, plays a significant role in the decisionmaking process. This theory helps us further understand the intersection of race, parental education levels, and the dynamics of intra-district transfers.

Another limitation addresses a common misunderstanding about generalizability in qualitative research. The findings are not necessarily meant to be generalizable, but the data still aspires to have some relevance beyond just the specifics of a given study. I recognize that these reports could be influenced by various factors, including parents' early schooling experiences, previous exposure to police, the relationship between where a student resides and where they attend school, and any host of a student's associated school and neighborhood conditions. Therefore, the study's results provide incredibly important insight from the perspective of the Black students and parents I interviewed, highlighting how school policing functions as a key mechanism that influences integration in both white- and Latine-majority schools. In doing so, it provides a series

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[140] Dauter & Fuller, *supra* note 75, at 63.
[141] *Id.*

of narratives from parents and students documenting their experiences, some of which may appear contradictory but represent the interview sample. I acknowledge the need for broader research comparing Black student and parent experiences across different community and school contexts.

The specific focus on LAUSD also limits the generalizability of these findings. LAUSD is home to one of the largest school police departments in the country,[142] and Black students make up a disproportionate 25% of arrests and citations by those school police, despite being less than 9% of the student population.[143] This disparity is pronounced in white- and Latine-majority schools, where Black students remain overrepresented in negative school police interactions, even as the share of Black students in these schools remains consistently low.[144] No other racial or ethnic student population experiences such disproportionately high rates of arrest and citation in white- and Latine-majority schools as Black students.[145]

Moreover, the district's unique size, diverse school options, and complex political and legal environment make it a distinctive case. However, LAUSD's growing Latine population, the decline in white enrollment, and the expansion of alternative school options mirror trends in many districts.[146] In addition, Los Angeles geography includes widely varying local and intra-district contexts, resembling both suburban districts and their urban counterparts. My focus on the intra-school context of white- and Latine-majority schools within LAUSD rather than LAUSD as a whole is an advantage from this perspective. Nonetheless, the local and intra-school dynamics I uncover should be tested in other contexts to assess how applicable the results are outside the highly diverse setting of LAUSD.

D. Five Forms of Policing

Today's public schools exhibit the same level of racial segregation as they did in the 1960s,[147] highlighting the persistence between

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[142] *See* Allen, *supra* note 18, at 1024; Allen & Noguera, *supra* note 15, at 2; *Los Angeles School Police Department*, L.A. Unified Sch. Dist., https://www.lausd.org/laspd [https://perma.cc/6HD4-D489].

[143] Terry Allen, Isaac Bryan, Andrew Guererro, Alvin Teng & Kelly Lytle-Hernández, *Policing Our Students: An Analysis of L.A. School Police Department Data (2014–2017)*, Million Dollar Hoods Project (2018), https://milliondollarhoods.org/wp-content/uploads/2018/10/Policing-Our-Students-MDH-Report-Final.pdf [https://perma.cc/BB89-CH8W].

[144] Allen, *supra* note 18, at 1005–07.

[145] Allen, *supra* note 18.

[146] *See supra* notes 103–13 and accompanying text.

[147] Orfield & Jarvie, *supra* note 41, at 11.

stratification and out limited understanding of students' experiences with school policing within white- and Latine-majority schools. The students in this study moved from Black-majority schools to white- and Latine-majority schools and uniformly reported that they do not experience racial integration despite attending these schools. Many Black students described their experiences at white- and Latine-majority schools as similar to the racialized policing often found in Black-majority schools. Ant, an eleventh-grade student, said:

> I feel policed inside the school walls and inside the classrooms . . . . [I]t starts with the school police officer, the surveillance from him and what he passes down to the teachers and principals and vice versa . . . but it leads to other things like being treated differently by teachers and other school people to being singled out for and grilled for whatever the incident that occurred on that day . . . to my coach[] now raising [his] eyebrows about who I'm hanging with based on conversations with the police. This all makes me feel like I'm in school but not a part of it . . . that I don't belong.

Ant's experience with policing at his white- and Latine-majority school is not an isolated experience. Many students reported pervasive surveillance and punishment by school police and other school officials. These students felt marginalized within schools and unsafe in ways that led to them being "in school but not a part of it."

Students described a variety of ways in which the policing they experience creates within-school segregative effects that undermine the goals of integration. Those effects are not necessarily tied to the racial demographics of the school. As one student described, "the fact that I'm Black and no other student is Black in my classroom or the fact that it takes me four periods to see another Black person at my school." They include the complex ways in which policing is woven into the governance structures of schools. One student described this as "the culture of schooling versus education. For schooling, these walls were built to police and manage students, but with true education, policing was never needed. We've moved away from that, as my parents reminded me."

Most students I interviewed report experiencing five forms of policing, as discussed further in the sections below. Table 8 shows that approximately 89% of my sample of ninety-five students reported being stopped and questioned by school police on or outside school grounds.[148] Of those encounters, 53% of students were searched, and 38% were stopped and frisked by a school police officer. A total of

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[148] These calculations are based on self-reported information in oral history interviews. For example, most "arrests" reported by students meet the constitutional definition

67% of the students who were stopped and questioned (n=85) had that situation result in an arrest, and 33% resulted in a citation by a school police officer. In addition, 75% (n=64) of the students who were stopped and questioned reported school officers using force. The elements of force include physical restraint, handcuffs, and extreme forms of verbal communication (e.g., threats, shouting, or cursing).[149]

TABLE 7. SAMPLE OF BLACK STUDENTS' REPORTED ENCOUNTERS WITH THE LOS ANGELES SCHOOL POLICE DEPARTMENT

Total Students	% of Stops and Questionings	% of Stops Resulting in Search	% of Stops Resulting in Frisk	% of Stops Resulting in Citation	% of Stops Resulting in an Arrest	% of Stops with Force (Any)
95	89% (85)	53% (45)	38% (32)	33% (28)	67% (57)	75% (85)

These policing practices reinforce the belief that Black students are "out of place" and do not belong. The imposition of a holistic policing system within schools by both school police officers and bystanders—including other school personnel whose job it is to teach and support Black student learning and belonging—disproportionately criminalizes, surveils, and polices Black students. These practices disrupt Black students' equal learning opportunities and sense of belonging, undermining the integration experience. Importantly, some students do find ways to manage school policing, reduce its negative impacts, and better their integration experience. I report these findings below.

1. Being Selectively Watched

I asked students what it meant to move to a school where they are in the minority and how they had experienced integration—or lack thereof. While none expressed a desire to return to majority-Black

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(handcuffing and brief detention) but did not involve formal booking or criminal charges; separate booking data exist but are not included here.

[149] "Extreme forms of verbal communication" is included in the use of force because "aggressive language," as described by many students—such as threats, shouting, or cursing—can be coercive, intimidating, and "have the same or even greater effect as physical contact with police." Even without physical contact, these interactions can create fear and exert control, making them a meaningful part of how students experience elements of force.

schools, they universally shared concerns about the pervasive surveillance and punishment present in their school experience at white- and Latine-majority schools. Nearly every student I interviewed reported being watched by the school police officer. Most students said they experienced being watched across two dimensions: seen and unseen surveillance that affected their everyday school experience. They described these dimensions as integral to the institutional policing culture of schools that undermines their opportunities to experience the benefits of integration.

First, many students viewed being watched by the police and other school actors as a form of surveillance that can be seen. Charles, a twelfth-grade student, explains:

> It never stops, but [the surveillance] always starts once I step foot on campus. I can feel the eyes on me when I'm hanging out with my friends, leaving class to go to the bathroom, or standing at the corner waiting for the bus . . . and don't let me do anything that can be interpreted as suspicious . . . walking too fast down the hall, or hands in my pocket, hoodie on, congregating for too long . . the watch goes from zero to ten real quick, with zero meaning being watched at a distance.

Charles described how policing is a significant within-school dynamic. It transformed the schooling experience in majority non-Black educational environments into segregative spaces of "always feeling watched and surveilled" for Black students. Nia, a twelfth-grade student, described:

> [These feelings] confirm what we already know . . . how there are certain tracks for certain students, just like how not everyone can get into the [Advanced Placement] courses . . . . [N]ot every student is being watched, stared down, and checked the same . . . it's the name of the game and part of transferring to a [majority non-Black] school.

Nia's comments explained a common experience for Black students attending white- and Latine-majority schools; they are tracked not only with respect to the courses they are assigned but also with respect to the policing they experience. The experiences of being watched or

> policed from afar around the clock don't help with feeling like I belong here or that the school wants me here. On paper, I'm supposed to be here, but the "all eyes on me" energy makes me wonder if part of my transfer came with the "watchman" of tracking every little thing I do, even when I'm not even noticing, or maybe I'm just overreacting.

Nia asked: "Do other students from other backgrounds feel the same?" Nia described the second dimension of being watched as an unseen policing feature. Many students, like Nia, who moved from majority-Black schools to majority non-Black schools, had not experienced racial integration because of the "around the clock" culture of policing that watches students without them "noticing they are being watched."

In my interview with Felicia, an eleventh-grade student, she described the strategic surveillance of seen policing disguised as unseen policing:

> I'm forced to greet and fellowship with police in my school daily . . . . It's a norm: They come up to you, ask you questions, follow you as if they are some school monitors, turn around and try to be your friend, ask you about family, then ask you about other kids in school. I'm one of the lucky ones who haven't had to pay a fine or be arrested . . . . They say we supposed to make it out of our hood to get away from the police. . . . We must make it out of these "good schools" with the same stuff as our neighborhoods . . . the police are still the same and even when they are not policing, they are still policing you. I know this to be true but they begin sentences with "I've been watching you . . . what is in your pocket" or "I noticed you walked up and down the hall four times." I suppose I'm supposed to feel safe knowing I'm being watched but I think it has the opposite effect.

Felicia described a normalized and intrusive level of police presence marked by power imbalance, surveillance, and a sense of being under constant scrutiny, both seen and unseen. The implicit comparison to the experiences of other students, particularly those in white- and Latine-majority schools, highlighted how policing is still a problem even at "good schools." The logic is reflected in the assumption that (1) Black- and Latine-majority schools are not safe from policing—that is, they are heavily and routinely surveilled and policed, often in ways that are intrusive or harmful;[150] (2) without safety, historically underrepresented and racially marginalized student populations (e.g., Black students) cannot learn; (3) policing Black students makes the majority-student population safer, reinforcing the value of schools where Black students are a racial minority at "good" public schools; and (4) policing Black students across racially integrated schools is normatively good, though it undermines their opportunities to experience the benefits of integration.[151]

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[150] Several students I interviewed described experiencing policing in Black- and Latine-majority schools as a "threat," rather than a source of "safety and protection."

[151] See *infra* Part II for a fuller discussion of this logic and these assumptions.

Victor, a twelfth grader, offered similar sentiments about the role of being watched and its detrimental effect on his and other Black students' educational experiences:

> Here, at my current [majority non-Black] school, I'm one of one in my classes and one of a few Black students in my grade [level] and a handful of the total amount within the entire school. What all of this does is makes [Black students] more visible and a target for police interactions, whether negative or positive . . . and this target can be best described by one of the most unbelievable encounters I had with the office at my school . . . come to find out [the police officer] had a notebook of notes about me, my brothers and my family. I legit caught him referencing this book before he walked up on me. Oh, the things we don't see when we are under surveillance at schools. Now I try to escape being seen, even though I'm always being watched. It's a game that me and friends play to make us feel a little more free to do school on our own terms.

Here, Victor described the degree to which he is a target of unseen surveillance for being one of few Black students in a white- and Latine-majority school. This increases Victor's visibility and makes him more likely to be watched. As Victor explained, this included safety and autonomy to learn, which are connected to experiencing better educational outcomes. Overall, most students I interviewed reported negative experiences of being watched. While a small number of students perceived some benefits in terms of increased school safety and reputation, these views were often coupled with concerns about Black students' access to integration. Those students agreed with the majority that discussions about integration should focus on policing as an important "within-school" dynamic and its negative impacts on their safety and overall educational experiences connected to opportunities to experience the benefits of integration.

2. *Being Selectively Questioned*

Previous studies on school policing in majority-Black schools report that officers often adopt a paternalistic approach when questioning Black students.[152] This questioning frequently involves punitive social control tactics despite officers initially adopting a friendly and cordial approach called "soft coercion."[153] However, this soft coercion often

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[152] *See* Allen & Noguera, *supra* note 15, at 7.

[153] *Id.* at 6–7. Findings indicate that school police officers frequently shift tactics to legitimize their presence in concentrated, majority-Black, and Latine schools. *Id.*

precedes negative consequences for students perceived to have violated school rules.

This study enhances school policing literature by centering Black students' experiences in majority-white and/or Latine schools. Here, I explore whether students experienced soft coercion when questioned by school police officers in majority-white and/or Latine schools. Similar to prior findings, most of our students said they did experience this approach,[154] with one caveat distinct from majority-Black schools: Students expressed an awareness of police using soft coercion approaches in questioning to track them and, possibly, to uncover code of conduct violations and prevent future criminal activity. The use of soft coercion approaches created a within-school segregation effect that undermined feelings of safety and belonging as a result of officers' trust-building efforts. It also had a negative impact on Black students' learning experiences, as reported below. This was because students developed an understanding of school police as adversaries or as "out to get them, basically like a protective enemy," as described by one student. These perceptions often developed after students experienced an officer's ulterior motive of collecting information regarding criminal activity. Black students reported that they did not escape racialized policing in majority non-Black schools when questioned, and as I articulate in this Article, nor did their experience in these schools satisfy the goals of integration.

The selective questioning of Black students in white- and Latine-majority schools presents a pressing need to understand its impact on their learning outcomes. Analyzing this impact on learning is critical to understanding the ways students experience forms of in-school racial integration. Among the ninety-five students interviewed in the study, 89% (n=85) of the sample reported having school police encounters that caused some form of a delay in arriving to class, interruption to classroom learning, or exclusion from attending school. Every single one of these encounters involved some form of questioning.

Table 8 shows that the majority of the 389 school policing encounters reported by Black students, in white- and Latine-majority schools combined, resulted in delays in arriving to class (29%) and interruption to classroom learning (29%), followed by exclusion (21%). Examining the content of the 389 interactions, I document the depth and complexity of the reported impacts of school policing on Black students' learning experiences across these white- and Latine-majority schools.

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154 *Id.* at 6.

Table 8. Percentage Distribution of School Policing's Impact on Black Students' Learning Experiences by Category and School Context

Impact of School Policing Encounter	Context of School Policing Encounter	
	High White Student Proportion	High Latine Student Proportion
Delay	7%	22%
Interruption	16%	13%
Exclusion	18%	3%
No Impact	1%	7%

Note. N = 389 interactions with school police during Black students' secondary school experiences in white- and Latine-majority schools. Some students reported multiple categories for one police interaction. The final results reflect each interaction's most impactful student-reported learning outcome (ranging from 0=no impact to 5=exclusion).

In short, even among white- and Latine-majority schools, I found that the Black students at schools with higher white student proportions disproportionately experienced police interactions that excluded them from class and school. In contrast, Black students attending schools with higher Latine student proportions experienced disproportionate classroom arrival delays and police interactions.

These learning interruptions, irrespective of school context, began with police selectively questioning Black students. Black students reported how police officers utilized racialized questioning techniques to gain intimate familiarity with them. These techniques were generally disproportionately utilized against both Black and Latine students. As Christopher, an eleventh grader, said:

We shared the policing that went around, and that policing was tough . . . many of us were kicked out schools in many ways, which we didn't see coming based on the fact that they would ask questions and treat us so kind then quickly switch up. . . . [Y]ou would think we would be on guard for this, but every new interaction gave me hope for something different.

Christopher described one of the main takeaways of selective questioning: More exclusion occurred in the schools with higher white student proportions than Latine students because Latine students are also racialized and thus taking some of the brunt of scrutiny from school police.

As Christopher described, many of the interactions in which Black students were selectively questioned were typically characterized by cordial interactions between the police and the student. As Ryan, an eleventh grader attending a school with higher Latine student proportions, said:

> Let me run down what typically happens. The police officer stops me to check up on how I am doing. This check-up can be before school, during school, and after school. The time of the day doesn't really matter. What seems like a relaxed Q&A usually leads to other things, like more questioning in the form of a "walk and talk with me" or a proposal to meet later, which all doesn't really revolve around when I'm actually available [and] delays things. . . . I remember one time, the officer asked me questions like, "What's your Instagram handle?" I don't know if he was playing or not, but then he said, "You can trust me. Plus, why you hiding, anyways? I want to see how you market yourself to your peers and to the public." And what did I do . . . I gave him my [Instagram] name, even though I think he probably already knew it . . . because he pulled it up so fast.

Students like Ryan, who experienced both seen and unseen forms of policing, often felt obligated to provide school police officers or other school actors with their personal information, such as social media account information. Usually this is to demonstrate that "I'm not a liar or not guilty of any crime. I don't have nothing to hide no way," as noted by Gerald, a twelfth-grade student attending a school with higher Latine student proportions.

Gerald described how this demonstration of innocence is often attached to the idea that officers use this information:

> [They] track us, track our [social media] stories, track where we are and what we post and who we hang out with . . . . I only think this is true because a teacher told me . . . . Oh, and one of my friends was questioned by the police [officer] and principal based on something he posted, and his account was private. . . . [H]e was pulled aside minutes before lunch was over, making him very late to our class[.][155]

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155 *See* Jeffrey Lane, *The Digital Street: An Ethnographic Study of Networked Street Life in Harlem*, 60 Am. Behav. Sci. 43, 55–56 (2016) (documenting an account of how social media is used to criminalize historically underrepresented and racially marginalized youth).

Gerald believed that police officers used this form of tracking to collect markers of vulnerability that were transformed into data points to expand racialized policing. In one comment, Gerald shared how he experienced,

> [t]he same style policing focused on Black students in [majority] Black schools. The only difference is there are more questionings with Black students in [majority non-Black schools] because there are only a few of us . . . so it's more opportunities to stop and question us and shake up our day to day . . . but this means there are also more opportunities to follow up and just keep track of us and our norms. It's like I'm on house arrest or school arrest, but haven't committed any crime. They know where I'm at and can stop me whenever [despite] whatever school plans I have. . . . I'm supposed to be flexible because of school safety . . . when I'm the one that's unsafe.

Gerald's experiences show that Black students who moved from majority-Black schools to majority non-Black schools with higher proportions of Latine students did not escape racialized policing in the form of police questioning. Students attending schools with a high proportion of white students told a similar story; however, differences were observed based on the impact of police interruptions and how these two groups of students managed police questioning. For instance, twelfth grader Sean detailed his experience of being pulled out of the classroom by a school police officer in a school with a high proportion of white students:

> It was my Algebra 2 math class during my 10th grade year . . . . It was a typical day; I woke up, got dropped off at school, arrived to first period on time, and said "what's up" to the school police when I saw him in the hallways . . . when two periods later, he came storming into the class and pull me out of the class, asking me to bring my bag. He started asking me all these questions about drugs, asking me where I was before school . . . . I ended up missing my quiz, and when I asked my teacher to retake it, she said I couldn't because she was worried that other students would share the answer. . . . I never wanted to leave, but I didn't have any other options. . . . [T]his is a norm in our school . . . and the school police are after the wrong people.

The police officer's actions significantly disrupted Sean's learning experience. He expressed being treated as "usual suspects" rather than learners, and the statement that this is a "norm" indicates a systematic issue of over-policing. Several other students also expressed concerns about being subjected to unnecessary classroom removals due to contact with school police. While some students in higher white

proportion schools told stories about the school police entering their classrooms to disrupt their learning, others in schools with higher proportions of Latine students discussed encounters that led to them being marked as tardy or simply preventing them from making it to class. Paul described students' interactions with the school police after their school's lunch period:

> It's typical at my school for students to be huddled or separated in groups by race, sports, or even a club, but whenever there are too many Black students, and by too many I mean too many of the few that attend the school, "lingering" around after the first bell, the same thing also happens. If it's not a school security guard approaching us, it's the school police . . . and the first thing they ask is "What's that smell" . . . or if you do decide to leave for class before he arrives, he decides to follow the same two students out of our group . . . either Tony or me. . . . [S]o whenever I walk too fast, or being seen running, or looking for my friends to walk to class with when the bell rings, I'm always stopped. . . . "How are you doing? What's been going on? How's the family?" Sometimes I'm even asked about other student[s] . . . and to me these stops don't be about anything. . . . [T]hey just are snooping, looking for something to do, someone to police. I do my best to be short, but nine times out of ten, they are why I am late to class.

Paul described how school police disproportionately target groups of Black students. The constant surveillance, following, and questioning create a hostile and intimidating school environment. Paul's frequent interactions with the police led to tardiness and missed instructional time, where he felt powerless to challenge the authority of the police and was forced to comply with their demands. He also noted the impact of police engaging in their multiple social roles, displaying courtesy and respect to gather information and get to know the student. Like Paul, many other students offered their reflections on how school police interrupted their academic experiences, ranging from delays due to direct encounters with school police to various indirect police encounters. Expressing their views on this matter, eleventh grader Robert shared:

> Our school police officer has never arrested me. Still, he sure does paint a picture about our school and our neighborhood, about how supposedly unsafe it is, and the need to say things in a demeaning tone that is unhealthy for any learning environment. We don't come to school for that. We come to school to learn and reap the benefits of this, but most of the Black students here also come to school [and are] smothered by a school police officer during passing periods, at lunch,

and after school. He's everywhere, and I don't need that energy in my school life. . . . I had different expectations here. . . . [M]y family did too, one of the reasons we moved away.

Beyond the excessive presence of the school police, seen as intrusive and necessary, Robert and his family had higher expectations for their new school environment. Robert desired a positive and supportive learning environment. He assumed that the policing of Black students in majority non-Black schools was different from policing in Black-majority schools. Similarly, Winter, an eleventh-grade student, pointed out:

> In my school, I don't see the school police as much . . . but when we do, it's for something serious . . . and the entire campus knows about it, and guess who is left feeling all types of way? The Black students. Why do I have to come to school to see my people get handcuffed and tossed around . . . . I get enough of that in my neighborhood . . . and it's the reason why I attend a school elsewhere. . . . [T]he school police stuff stays with me . . . and sometimes it's hard to go back to doing school when the reality is that I could be next.

Additionally, the expectation that policing of Black students in white- and Latine-majority schools is different than policing in Black- and Latine-majority schools was a pressing concern for many Black students. As well, returning to class after police encounters was especially a concern for many students who reported being excluded from the classroom.

Some students in high-proportion white schools shared that they were not always immediately suspended or expelled if school personnel were unaware of their past school police encounters. In other words, the school police did not always report student incidents to the students' respective schools. There can be a host of reasons why this is the case—one in particular is that some incidents happen after school. In some cases, if the incident occurred on school grounds and during school hours or instruction time, they usually returned to school after serving their school police disciplinary infraction and the school's infraction, which could last for several days (but no more than ten days, according to the students I interviewed).[156] If arrested and booked into juvenile hall, this was not the case.[157] Frank shared, "I didn't return to school until a few

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[156] Students who faced incidents during school hours typically served both school and school police punishments, which could include suspension for up to ten days.

[157] Of the fifty-seven students who reported being arrested, only one student shared being booked into juvenile hall. Part of my interview protocol was not to inquire about

weeks after the judge decided that probation was the next step." When handcuffed only, one Black student explained, "[T]he school decided to suspend me even though the school police didn't find anything on me." While the consequences of an arrest or citation were a considerable concern for many students, the transition back to school was even more problematic. This view was shared by almost all of the students who were arrested or cited in schools with high proportions of white students. Twelfth grader Yonathan shared the following experience:

> I'm used to what goes down in these schools and the neighborhoods. It's all the same to me. I get swooped up. I go to court. I pay the fine and maybe even do some community service. I see my [probation officer] and all that. . . . [T]hat's easy. . . . [T]he biggest challenge is going back to school. I love school, but the school doesn't love me, especially once you've been handcuffed or arrested or you have to leave class to see your [probation officer] . . . . All this comes with negative perceptions that I'm on the wrong path for good . . . so everybody starts to treat you differently. The teacher doesn't care. Admin doesn't care . . . and everybody who doesn't know me is afraid of me. It's weird. I mean, this didn't all happen because of my history with school police; it started way earlier based on where I was from. . . . I wish I weren't judged so much by being from the hood. They put expectations on you at school when the expectation should be about bettering everyone's education instead of hindering it. It's backwards . . . because I chose this school with the expectation that my experience would be different.

Again, as Yonathan noted, Black students did not expect to be criminalized or over-policed when they transferred to white- and Latine-majority schools. Importantly, some Black students found ways to manage police encounters, reduce the negative learning impacts of such encounters, and improve their integration experience. This can be observed predominantly by Black students in schools with higher Latine student proportions. It turns out that these schools triggered the protective mechanism of community-based extracurricular involvement focused on educational outcomes. Increased student involvement helped students view in-school policing as less damaging. Still, it had no impact on remedying students' sense of belonging and diminishing segregative educational experiences along the lines of race within these less integrated environments.

Students were consistently involved in extracurriculars associated with community-based social justice organizations rooted in career

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what happened after an arrest to avoid incrimination. If the student mentioned any criminal proceeding that occurred after an arrest, I engaged in further questioning.

and college access. These organizations reduce the negative impact of school policing and increase integration for Black students, primarily in schools with a high proportion of Latine students.[158] This may explain the variance in disparities reported in Table 8 across school contexts.

Of the forty-six students attending high Latine proportion schools, students' involvement in community-based social justice organizations appears to be connected to positive racial identity development and social action, which fuel students' responses to police questionings. It is important to note that these students were not completely shielded from the consequences of school policing. However, they report having the knowledge, navigational skills, and structural understanding of policing as important features for "protecting their educational experience," as Ben, a student attending a high Latine proportion school, shared. He further commented:

> With the knowledge that I have now after [my involvement with the social justice community organization], I would have approached my experiences with school police a little differently. . . . [B]ack then, like my motto was to prove them, the naysayers, wrong. . . . But like if something happened, like being stopped and questioned by an officer . . . that could lead them to calling the police on me. . . . I would look at myself and where I had come from . . . and I would think I was wrong. Maybe "I should not have been there," or "hung out with those people," or "said what I said in that tone." Now I see the larger problem, and it's not me . . . not me to be fixed. It's not my race. It's not where I'm from, and it's not even the people that inflict oppression on me. I know there are larger structural things at play that guide my personal experiences with the police in my schools. . . . [I]t is this [understanding] that allows me [to] feel better about my experience, and my place here, and I can really enjoy the benefits and resources to learn that come with moving schools at an early age.

Ben's involvement in a social justice organization facilitated a shift in understanding from individual blame of police as good or bad to systemic critique. Developing a critical understanding of systemic inequalities and holding positive beliefs about his identity was crucial in navigating less integrated environments with higher proportions of Latine students.[159] However, this does not mean that these Black

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[158] *See* Allen & Gomez, *supra* note 91, at 23–24 (noting how Black students actively engage in social justice networks to protect and safeguard their education, equipping them with culturally sustaining knowledge and strategies to navigate the harms posed by various forms of racial discrimination in schools).

[159] Community-based, social justice organizations may play an important role in buffering against some of the harmful effects associated with school policing for Black students.

students experienced racial integration. Black students in schools with higher proportions of either Latine or white students reported how police questioning impacted their learning, undermining the goal of integration.

Disproportionate policing in integrated white- and Latine-majority schools is a problem, not because of the integration itself, but because Black students are policed regardless of the racial demographics of their schools. Black students also experience formally integrated institutions as domains of racial segregation because of the racially constitutive effects of policing, even in schooling environments with higher proportions of Latine student populations. These effects produce different conditions and experiences for Black students concerning school policing. This reality undermines their opportunities to experience the benefits of integration. It suggests that the project of racial integration for Black students may be connected to a sense of belonging and increased learning opportunities.

3. Being Selectively Handcuffed

About 65% of the students interviewed reported being selectively handcuffed[160] as an essential feature of their integrated experience at majority non-Black schools. Students identified two reasons for the salience of being handcuffed and how they perceive their racially integrated experience. First, handcuffing underscored the punitive nature of their school environment. As one student explained, "while [students] know [they are] not arrested, [it] proves my point that [police] are there to punish me, and they are not there to help or keep them safe. . . . [I]t's part of the culture of what we should expect." Second, students said this institutional culture of schools and the within-school dynamics of policing made them feel like they did not

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See id. at 14–16. To my knowledge, few community-based social justice organizations engage with Black students at the intersection of the school-university community, and few studies have examined how students' involvement in such organizations impacts the relationship to school policing. There is also limited scholarship exploring the relationship between racial identity development and responses to school policing (or school-based racial discrimination more broadly). Furthermore, existing studies have not documented the programmatic components that take a holistic view of social problems to reduce educational inequality. *See id.* at 17 (emphasizing the need for future research on the programmatic features of support networks in communities and schools for students' civic and political capacity in navigating various forms of inequality).

[160] Students defined various forms of being handcuffed. In 25% of the cases, students described how they were placed in handcuffed positions (e.g., hands behind their back or above their head, kneeling and standing) where the use of chain handcuffs were not used. If handcuffed is defined by the use of chained handcuffs, the percentage of students reported being selectively handcuffed would decrease to 40%.

belong. Thus, they engaged in additional strategies to increase their ability to access and fully participate in equal learning opportunities. For example, students "worked their identity" to disconfirm negative assumptions that they were criminals and prone to misbehavior; several students overly identified with their academic identity.[161] I argue that this identity negotiation is often missed in literature about the Black student experience in more integrated schools.

As twelfth grader Kevin said:

> [S]ome students even had the privilege to move up the ladder; . . . you know, what was expected to happen from attending the "good schools." But for others . . . they couldn't move at all . . . and even those who are able to climb up to learn and go after their futures. I always wonder if they can truly say that they belong.

Kevin's comments about how some students are not free to move up at all is not just about a lack of opportunities experienced by Black students in more integrated schools. Many Black students are plagued by pervasive surveillance and punishment by school police officers and other school staff members, which sometimes bar them from "moving up." Another twelfth grader, June, said:

> It's not that I was handcuffed for being at the scene of a fight after school; it's what happened afterward. I was basically put on a watch and tracked after school; something even prevented me from walking down certain blocks. But here's the thing, the officer now became even more part of my every day. It was as if I was still locked up and chained . . . and the welcoming that I felt was gone, let alone feeling safe.

For June, being handcuffed impacted her physical mobility around schooling, but also her ability to access aspects of belonging and safety. To put this differently, being handcuffed functioned more as a permanent lock and chain that sorted and separated her from integration benefits.

Twelfth grader Jendalyn summarized these processes in detailing the ongoing interactions with school police that led to her being handcuffed:

> A neighbor called the police for trespassing during my first week of school and it took this new officer seconds to put me in handcuffs once I walked through the front doors of the school. Imagine that to start

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[161] Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 Cornell L. Rev. 1259, 1262 (2000) (explaining that "outsider groups, such as women and minorities . . . are often likely to perceive themselves as subject to negative stereotypes [and] are also likely to feel the need to do significant amounts of 'extra' identity work to counter those stereotypes").

the school year as one of the top students at the school . . . . He didn't know. . . . I mean, now he does, and I get treated a little differently, but the impact is done. I was forced to go into protective mode to protect my success and matters connected to fitting in. . . . [B]ut to think that all this happened because I stepped on a [resident's] grass to toss a piece a trash in her garbage can . . . and the first question I got was, "What were you doing over there?" Now when I see the officer, he reminds me to "don't go to places you don't belong," followed by, "we're counting on you and your future."

Jendalyn's experience demonstrated the pervasive nature of being subject to constant questioning and scrutiny by police, creating a climate of fear and intimidation. Her presence was seen as suspicious and highlighted how race is used to determine who belongs and who does not. Jendalyn's story, alongside others, illustrates how Black students are particularly conscious of their race, the power imbalance with law enforcement, and how it has affected their contacts both with the police and other authorities in white- and Latine-majority schools and neighborhoods. Jendalyn's story also represented what she described as "a situation that is hard to swallow . . . . [T]he fact that a top student can still suffer being handcuffed and policed in a school that is supposed to be about protecting and serving us . . . and maybe the us does include Black students." Jendalyn's comments are fair reflections. But for many students I interviewed, there was no inconsistency between the lack of Black success in more integrated schools and the existence of pervasive surveillance and punishment such as being handcuffed. The current governance of schools "go hand in hand with capital letters P.O.L.I.C.I.N.G.," Jendalyn shared. This system of governance often relies on policing Black students, despite many of them being high achievers. Sam, another student, further emphasized this point, stating that Black students are not seen as "exceptions to whatever tactic [the police] throw our way." Jendalyn and Sam expressed concerns about the institutional practices within schools, highlighting that school governance norms that rely on carceral strategies often equates to an over-policing of Black students. Despite their achievements, these students face systemic biases that do not allow them to be treated as exceptions to the standard methods of discipline, control, and punishment.

Building on previous legal scholarship on working identity, many students, especially those in schools with higher Latine student proportions, believe that to keep away from encounters with the police, they had to play down their racial identity.[162] They draw on different

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[162] On the theory of working identity or intentionally signaling certain traits or identities to "disconfirm assumptions," see *id.*

strategies to manage how their race is perceived, with varying success, and to mitigate the negative effects of school policing, connecting to findings that exposure to such schools reduces policing's impact and enhances the educational experience.[163] These efforts impose psychological and personal costs, undermining Black students' sense of self as shaped by their racial identity. While related to the psychological inferiority central to *Brown*, the harm reveals the hidden burden of managing identity under disproportionate school policing.

Consider an encounter Raven, an eleventh-grade Black student attending a majority-white and Latine school with a high Latine student proportion, had with school police. Raven is one of the few Black students in her school and is aware that "police officers sometimes do not treat all students the same. Sometimes, the officer is more friendly with certain students, stricter with others, and strategically places themselves at certain spots around campus to await the presence of certain groups of students." One of Raven's friends sent her a text message after school informing her that the school police officer was patrolling behind the school, near a corner where she and her Black friends usually meet to walk to the bus stop. Raven was cautious because the officer likes to "play games, make jokes, reference the latest songs, . . . relate with Black students, but it's not always genuine. This information is sometimes used to implicate us in whatever bad happens around the school. It's used to interrogate us and those other Black students we associate with."

Raven walked behind the school to meet her friend and was shortly met by the school police officer. The officer referenced a popular rap song, engaging in a friendly game of finishing the lyrics. Although Raven enjoyed rap music and was aware of the lyrics to these songs, she did not think the lyrics were appropriate to repeat. "The lyrics were about . . . crime, and violence . . . my friend Henry was . . . handcuffed for linking a [similar] song to his social media post [and later] suspended . . . which the school connected to his post [and the lyrics]." Raven quickly denied knowing the lyrics. She escaped the game by saying: "That sounds like an interesting song, but we're not a fan of rap music."

For Raven, her reaction was not just a protective mechanism,[164] but also a moment of identity performance, "moments in which a person's performance of identity contradicts some political or social image that person has of herself."[165] To respond otherwise might have resulted in the risk that the officer would consider her a potential troublemaker or

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[163] *See supra* Section I.D.2.

[164] *See* Allen & Gomez, *supra* note 91 (discussing how protective mechanisms help students navigate racialized school policing).

[165] Carbado & Gulati, *supra* note 161, at 1289.

knowledgeable of the trouble that happens at the school. "I didn't want to end up handcuffed . . . marked as a target as the Black troubled girl and her troubled crew. . . . It's only so few of us, so this target would be hard to battle for the rest of my time [in school]." Raven might have finished the song lyrics if she had not been concerned about the race and place-based costs of playing the officer's game. These concerns, however, resulted in her performing her identity in a way intended to make the officer feel less suspicious and more comfortable about her presence. This is not to say that this strategy helped eliminate the officer's stereotypes, but it temporarily diminished the likelihood of harsh or punitive policing tactics toward Raven and her friends.[166]

Unfortunately for Raven and many other Black students attending white- and Latine-majority schools, this identity performance strategy involved two types of additional risks. As legal scholars Devon Carbado and Mitu Gulati document, the first "risk exists that others will identify the performative element of [a Black student's] behavior as strategic and manipulative. . . . Therefore, [Black students] not only [have] to perform, but [they have] to perform well."[167] As Raven shared, "It is very likely that the police officer did not believe me when I said that we didn't know the lyrics to the songs."

The second risk involves Black students taking steps to negate one kind of stereotype that ultimately activates some other negative stereotype. After Raven and her friends had not engaged in the lyrics game, the officer inquired about Henry. "The officer said, 'You follow Henry on Instagram, right? You like his [social media] posts, right? Didn't he post you on his story yesterday? Where was y'all at?'" During this exchange, Raven is aware that negative stereotypes about her exist because of her association with Henry, who was suspended and interrogated, as well as because of her race. Raven goes to lengths to answer these questions and disassociate herself from Henry. Still, that strategy creates a burden of "representing race"[168] and the risks of being considered manipulative and untrustworthy to officers (and possibly her peers).[169]

Raven's story represents many Black students who carry the burden of representing race and proving innocence. These experiences show how Black students bear the costs of diminishing their capacity to find community, build supportive and caring networks, and feel safe in majority-white and Latine schools. The burdens of working identity

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166   *See, e.g.*, *id.* at 1290 (outlining a similar scenario amongst coworkers at a law firm).

167   *Id.* at 1291.

168   *Id.* at 1282 n.58.

169   *Id.* at 1291.

shaped how students experienced a lack of belonging, contributing to a lack of opportunities to experience the benefits of integration.

4. *Being Selectively Searched*

Nearly 53% of Black students interviewed experienced being searched. Among these students, most were not afforded the opportunity to decline police searches, let alone police questioning. Any resistance to submit to these policing practices, whether justified or not, led to more intrusive and aggressive police behavior.

Students identified two ways in which police searches create a within-school segregation effect. First, school-police "partnership" gives police officers the authority to intervene in how school administrators and teachers handle student misconduct as a "shifting continuum by which officers deploy strategies to appear caring and legitimate in the public eye while continuing the legacy programs of racialized punitive social control and surveillance."[170] This partnership, embodying both caring and punitive strategies, can create governance issues in the school, shaping students' safety and belonging and undermining the goals of integration. Second, having school police perform teaching, mentoring, and counseling tasks contributes to the criminalization of students during student searches.[171] This is because officers may not only take advantage of students' limited legal rights but also circumvent students' constitutional protections in order to gather information to interrogate, search, arrest, and charge students.[172] The blurred lines also enable officers to question students while evading *Miranda* rights[173] and allow for searches under the lower reasonable suspicion standard.[174]

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[170] *See* Victor M. Rios, Greg Prieto & Jonathan M. Ibarra, *Mano Suave–Mano Dura: Legitimacy Policing and Latino Stop-and-Frisk*, 85 Am. Socio. Rev. 58, 67 (2020) (discussing how police surveillance criminalizes targets in both a caring and punitive manner); Allen & Noguera, *supra* note 15, at 6–7 (describing how "[c]are and courtesy often involve officers' voicing or conveying a positive intention at the onset of contact with policed individuals, whereas punitive social control is the negative outcome that may result when students are perceived as violating rules or engaging in some form of infraction"); *see also* Nicole L. Bracy, *Circumventing the Law: Students' Rights in Schools With Police*, 26 J. Contemp. Crim. Just. 294, 303 (2010) (explaining that police partnerships contribute to the evasion of laws that protect students' rights).

[171] Terry Allen, *Auxiliary Police in Schools*, 72 UCLA L. Rev. 2, 4, 32–33, 41–48 (2025) (describing how alternative school police work in collaboration with law enforcement to undermine students' Fourth and Fifth Amendment rights in school settings).

[172] *See, e.g.*, Bracy, *supra* note 170, at 303–04; Allen, *supra* note 171, at 42.

[173] Miranda v. Arizona, 384 U.S. 436, 444 (1966).

[174] Several lower courts have determined that school police officers stationed in schools need only reasonable suspicion to search, a standard exemplified by the leading case, People v. Dilworth, 661 N.E.2d 310, 317 (Ill. 1996) (noting how reasonable suspicion searches are done "to maintain a proper educational environment").

Black students do not experience racial integration as a result of these practices.

Consider the story of Darla, a twelfth-grade Black student who grew up in a racially mixed, middle-class community and attended white- and Latine-majority schools in Los Angeles for her entire life. Darla is one of the few Black students in her school. By the time of her interview, she had lost count of the number of negative encounters she endured with school police officers. Darla earned stellar grades and is active in many school clubs, including the debate team.

On the debate team, Darla was known for making sound arguments with well-practiced articulation backed by research. She generally performed well and applied these skills in the classroom. Recently, when discussing U.S. history and the ongoing forms of racism she experienced with classmates, she corrected a few of her white peers about the fundamental distinctions between impoverished white and Black people. As the teacher chimed in, informing the students that there were legitimate arguments for both sides, tensions between Darla and another white student spiraled into a verbal and physical conflict. After the white student made her closing statement that "poor white people encounter the same disadvantages and advantages as Black people" followed by, "[a]nd I'm sure you know a lot of what it means to be poor," Darla stood up from her seat and yelled, "Shut up. You sound really stupid right now." Darla responded to the white student's derogatory insult that being poor is synonymous with being Black. The white student murmured "bye" under her breath, tossed pieces of crumpled paper toward Darla, and turned her back away.

As Darla recounts:

> The room became loud, then suddenly silent, and every student in the room focused on me and what I was going to do. I was angry. I was humiliated. And I felt alone because the teacher supposedly didn't see who threw the paper ball. I stood there for a moment, shook my head, and asked her if she was going to turn around. She did not, and I grabbed my bag, opened it, and walked outside.

Moments later, the school police officer arrived, shaking his head while saying, "disrupting the class again," so the entire classroom could hear. Darla was humiliated. He asked Darla for her book bag, which she gave him, and asked her to follow him. Darla responded, "For what? I didn't do anything. I'm going back to class." Darla walked towards the classroom, ignoring the officer's request not to open the door. The teacher attempted to step in by asking if Darla wanted to chat and handle the incident in a different way, but Darla shook her

head and denied the request. The teacher shared this information with the officer. Moments later, she was placed in handcuffs outside of the classroom. The teacher poked her head out the door and began to talk to the officer. Darla could not hear much of the exchange, but she was able to pick up a few incriminating words and gestures at the beginning of their exchange. After yelling loudly, the teacher told the officer that she and other students were scared of what Darla could do. The teacher also pointed to Darla's book bag.

Moments later, the teacher told Darla they would look in her bag. With the officer present and Darla now handcuffed, the high school senior shared how she did not have the option to say no, especially since they already had her purse in their hands. "Without my consent, the officer held the purse while the teacher looked through it. . . . I asked if this was legal and to be read my rights," Darla shared. "They found nothing, and I received no response." The officer later asked Darla why she stood up from her seat after the other girl insulted her and then proceeded to reach into her bag "while staring her down."

At the moment the police officer asked this question, Darla knew precisely what had occurred. From Darla's perspective, "The teacher let [the white student] . . . assault me, and I was expected just to take it and not do anything, say anything, or react in any type of way . . . and then I had to suffer unfair abuse from the officer." For unknown reasons, the teacher managed her classroom by calling the school police to "fix" the problem. Darla continued to express her frustration verbally. She was formally arrested and eventually suspended for disrupting the classroom and having disorderly conduct.

Several issues arise in Darla's story. For example, the search of Darla's backpack by both the school police officer and teacher raises critical questions about the potential use of *Miranda* warnings and protections afforded to custodial interrogations on school campuses.[175] For the purposes of this article, I address the partnership between the teacher and school police before and during the search.[176] In this

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[175] *Compare* State v. J.T.D., 851 So. 2d 793, 796 (Fla. Dist. Ct. App. 2003) (finding no custodial interrogation when the student was questioned by the principal and assistant principal in the presence of the school resource officer, who did not ask any questions), *with In re* K.D.L., 700 S.E.2d 766, 772 (N.C. Ct. App. 2010) (finding that a twelve-year-old student was in custody when questioned at school by a principal in the presence of a police officer because of the interrogation's other highly coercive factors including length of questioning and fact that the student was frisked and transported in a police car). For research examining Black student interactions with school police officers during interrogations, see Allen, *supra* note 171, at 48.

[176] *See* Bracy, *supra* note 170, at 303 (discussing the ways in which the partnership between school police officers and teachers contributes to the evasion of some of the legal protections students enjoy).

instance, the teacher seemingly attempted to create and foster a care-first environment for Darla as a refuge from criminalization.[177] This was done by asking Darla if she wanted to handle the situation differently and without the police. However, Darla assumed it was too late for any restorative alternative by this time. Once the police were involved, the collaboration between the teacher and the police officer led to Darla being handcuffed and then searched.

Darla perceived this collaboration as abusive. The intrusive and aggressive behavior by the police officer appeared to escalate based on Darla's resistance, even when that resistance was enacted through protocols such as demanding *Miranda* rights or explanations about search procedures. Similar to Darla's experience, many other students reported their stories of being searched. These students discussed how the consistent threat of force to resolve conflict in majority non-Black schools allowed school police officers a sense of control and discretion alongside teachers and school staff, which fueled resentment from Black students. In any instance of unresponsiveness or non-compliance by students, officers turned to intrusive and aggressive police behavior to improve the outcome of the interactions. These slippages set the stage for Black students' resentment toward police. Darla shared that "any avenue for hope or restorative justice or resolving the full conflict story was not at play." For many Black students, being searched became centered around officers utilizing intrusive and aggressive police behavior. This behavior, initiated through partnership with teachers and school staff, threatened their Fourth and Fifth Amendment rights.[178] Consequently, Black students face disproportionate rates of questioning and searches,[179] diminishing rights and creating a school environment where they do not feel safe or integrated.

5.   *Experiencing Excessive Force*

Consider the stories of Omar and Tory. These two Black eleventh-grade students grew up in high-poverty Black neighborhoods within South-Central Los Angeles but attended high school in the majority-white neighborhood of Pacific Palisades; they are two of the very few Black students who attend the school. Omar is a football team member

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[177] *See* Allen & Noguera, *supra* note 15, at 6–7 ("Care and courtesy often involve officers' voicing or conveying a positive intention at the onset of contact with policed individuals, whereas punitive social control is the negative outcome that may result when students are perceived as violating rules or engaging in some form of infraction.").

[178] For a full discussion of how school police partnerships shape students' Fourth and Fifth Amendment rights, see Allen, *supra* note 171, at 41–48.

[179] *Id.* at 47.

involved in a social justice community pre-college access program. Tory is enrolled in several Advanced Placement (AP) classes and involved in several campus clubs.

Although Omar and Tory did not know each other before starting high school, they bonded over their mutual childhood friends. In maintaining their cordial friendship, two features best represent their engagement: "giving dap" and "head nods" while passing each other on campus during events such as home sporting games and pep rallies. During these activities, Omar and Tory usually sit on opposing sides of the bleachers with their respective and very different social circles of friends. One day after school, Omar was waiting in the school parking lot for the doors to open to attend the final home basketball game of the season. Tory was waiting in front of the school to catch his bus to go home. As they both waited, they noticed several students running toward the back of the school, next to local homes in the surrounding white neighborhood. A fight had broken out between Omar's three white football teammates and white students from the school of the opposing basketball team. Omar was one of several students who formed a circle around the altercation and watched the six kids fight. He ensured no one entered the circle to join the fight. Tory watched the fight from afar at the bus stop.

As Tory recounted, the fight lasted approximately three minutes before he heard police sirens. Students then began to disperse. Omar's teammates continued to throw punches at the other group of boys. Most students ran through the local neighborhood toward the front of the school and bus stop. Tory ran toward the gym entrance via the parking lot to avoid the chaos. The three football players who were fighting, and Omar who was not, ran in the same direction from behind the school. A school police officer encountered them, reaching for his holster and drawing his gun. Omar had a history with the campus's school police officer from other school encounters that did not result in any formal infractions. However, Omar became "a target, always out of place at the school but never out of sight by frequent stops and questioning about things that happened around the school."

Undisturbed by the school police, two of Omar's teammates who had been involved in the fight ran in the opposite direction as the officer aimed his gun in the direction of Tory and Omar, ordering them not to move and to put their hands in the air. As Omar stated, "The officer never laid his eyes, directed his voice, or pointed his gun in the direction of Drew," Omar's white teammate (and one of the actual participants in the fight). The officer then directed all three students to place their hands against the school building and not move. He immediately handcuffed and frisked Tory and Omar. Drew was left to

keep his hands on the wall. As Tory's school books were dumped out of his school bag, another student—a white female student Tory knew, who had also been waiting for the bus—yelled to the officer that Tory was not fighting and was at the bus stop with her. The officer ignored the student.

Tory asked what was happening and explained that he was waiting for the bus to go home. Omar explained that he had not been fighting. Drew was silent. By this point, approximately two more police cars had arrived in the school's parking lot. Omar and Tory were ordered to face the wall with their heads down. At the same time, students, teachers, and basketball game attendees began to form a crowd near the front entrance. Some students were part of the crowd watching the fight and said nothing to vouch for the innocence of Omar or Tory; others were friends. Omar shared, "[m]y [white] friends told me that we're taught not to speak up and let the police do their job." Not long after, Drew's mother arrived on the scene and explained that her son did not have "anything to do with what's going on" and that he was a football player at the school. Drew was quickly allowed to leave after denying his involvement in the fight. Omar and Tory said nothing.

Omar raised his head multiple times, turning to the officers and looking for an explanation for the mismatch between the officer's behavior and his innocence. The police raised their voices at Omar, pushing him against the wall and ordering him to stop resisting. Two officers forced their bodies against Omar to prevent him from moving, showing no respect for him as a law-abiding student. Tory began to cry, as this was his first negative encounter with school police officers.

Tory explained to the officer that he was an AP student and referred to all the books that the police had just dumped out of his backpack. The officer uncuffed Tory and ordered him to take a seat, as he was still under their policing powers. The officer finally shared that Tory and Omar fit partial descriptions of the students who had instigated and engaged in a fight in the neighborhood: "a young, Black male student, 5'7", wearing a hoodie, and another Black male running with a book bag." He added, "[w]e get lots of these calls about bad kids from bad neighborhoods entering this [majority-white] area to engage in all kinds of activities." Omar and Tory would later learn that a local white resident in the neighborhood called the police and provided them with Omar's description. A guest of the basketball game, another white resident of the neighborhood, saw Tory running and called the police on him. Omar heard this guest say to one of the police officers, "[t]hat's the guy I saw running; it's him; he caused the [ruckus] and disturbed our community," as she pointed at Tory. She also asked if she could say something to Tory.

Luckily, a white teacher arrived on the scene moments later with two of Omar's teammates. They had run to a teacher's room for protection and to tell her that the police were unfairly holding Omar. The teacher watched the fight from her classroom and identified all the students involved, including the two teammates. After hearing from the teacher, the police removed Omar's handcuffs. What surprised Omar the most was not how the police handled the situation but what they said to him afterward: "Things like this happen all the time. Stay out of trouble, boy." The school police officer then attempted to engage in small talk with Tory about his classes, but Tory kept the exchange short. He felt humiliated, furious, and saddened at the apparent racial profiling and harassment he had just endured.

In this instance, the presence of Black students in white- and Latine-majority schools was marked by perceived criminality. From Omar and Tory's story, as with 57% (n=68) of the other students interviewed, what we learn is that not only are school police officers ready, willing, and able to discredit Black students' innocence through association with crime; civilians in majority-white and Latine spaces have the privilege, if they choose, to police Black students in these spaces. What we observe through the exchange between the police officer and the female resident who called the police on Tory is how running while being Black in majority-white and Latine environments was immediately associated with being a suspect. As Omar notes, "[w]e are Black first, no matter what we do or where we are at, and the color of our skin says one thing: that I'm from the ghetto and am therefore ghetto, which is code for ratchet, a criminal, and poor." Evidence supports Omar's sentiments, suggesting that navigating the majority-white and Latine space while being Black can produce a unique form of social and physical vulnerability to negative police interactions.[180] Here, Omar and Tory were handcuffed, frisked, and arrested. As reported by the students, the resident's rationale for calling the police on Tory was possibly tied to not only negative stereotypes but also protecting the majority-white and Latine space. Put differently, even if there were no law enforcement officers in white- and Latine-majority schools, would Black students still be subject to hyper-surveillance, stricter interpretation of school rules, and punishment? In this case, Tory and Omar's story illustrates that it's not just white- and Latine-majority schools or even Black presence in any space perceived by others as white that drive these disparities. Rather, the reality is that students experience formally integrated institutions as domains of racial segregation because of the racially constitutive effects

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180 *See* Allen & Noguera, *supra* note 15, at 7 (describing school police officers' interactions with Black students as a form of soft coercion).

of policing. This policing, which includes police officers and bystanders, is part of the institutional culture of schools.

While undoubtedly not valid for all bystanders, residents, and authority figures in every majority-white and Latine space, Tory argues that "it's about protecting the larger systems and culture at play." And it's quite possible that some bystanders, residents, and authority figures may protest and mobilize in collaboration to "protect" a more integrated space that Black people must navigate as a condition of their existence—a space where Black people are in the racial minority and are readily reminded that they do not belong.

Research shows that in majority non-Black spaces where Black people are typically absent, not expected, or marginalized when present, the effects of the majority population's status or property value are far-reaching.[181] In other words, real property, or the majority non-Black space, has a value.[182] These spaces can often undermine the value of being Black or Blackness as a result of governance structures, which are equated with a racialized caste-like system that supersedes Black identities as ordinary and law-abiding citizens compared to others in the space.[183]

The school police officer's decision to handcuff and frisk the only two Black students he encountered can serve to protect majority-white and increasingly Latine space through the value of "good" public schools[184] and undermine the students' law-abiding status. As observed, the officer immediately attached both students to blameworthy and negative associations tied to the urban ghetto: "bad kids from bad neighborhoods entering this [majority-white and Latine] area to do all kinds of activities." In these respects, race is unmentioned beyond physical descriptions reported to police by the two residents, but

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[181] *See* I. Bennett Capers, *Policing, Place, and Race*, 44 Harv. C.R.-C.L. L. Rev. 43, 60–72 (2009) (noting that who is stopped in predominantly non-minority neighborhoods is too often based on a notion of "racial incongruity").

[182] *See id.* at 66 (suggesting that police officers view race through their conceptions of place).

[183] *See* Elijah Anderson, *"The White Space,"* 1 Socio. Race & Ethnicity 10, 12 (2015) (noting the ways in which the general public often treats Blackness as a factor that supersedes the ordinary law-abiding nature of members of the Black middle class).

[184] Legal scholar and Professor Daria Roithmayr argues that both during and after slavery, white people engaged in cartel behavior that "anti-competitively exclude[d] certain communities of color." As a result, white people in good neighborhoods with good schools generated a "monopoly surplus" in opportunities and resources. *See* Daria Roithmayr, *Them That Has, Gets*, 27 Miss. Coll. L. Rev. 373, 380 (2008). Legal scholar Erika Wilson built upon that foundation to describe how even with *Brown*'s ending of de jure racial segregation in schools and the end of both court enforcement of racial covenants in housing and federal housing mortgage discrimination through redlining, school districts remain segregated by race and class. *See* Wilson, *supra* note 12, at 2396–97.

associations of Blackness with criminality and danger (e.g., being and doing something bad) connected to place are wielded as acceptable placeholders for "racism without racists."[185] The catastrophic catch is that neither the residents nor the school police officer noticed the shortcomings of perpetuating racial inequality and racism: The resident requested to say something to Tory, and the school police officer attempted to shift his role as law enforcement to confidante[186] and model the mentor role by manifesting less punitive and more "caring" tactics. Previous research has shown that school police officers often report that students trust them and confide in them during interactions.[187] These officers are seen by some students as "advocates, confidantes, counselor-liaisons, mentor/role models and surrogate parents."[188] This is explained by the scope and complexity of the roles and responsibilities of school police officers.

Tory tried to distance himself from associations of criminality with his comment about being an AP student. Tory was signaling that he recognized the officer's low opinion of Blackness[189] and identified himself as having characteristics associated with whiteness. Tory engaged in self-fixing his presumed behavior and criminality. He minimized credibility through what scholars refer to as a "dance"— Black people demonstrating that negative stereotypes do not apply to them.[190] This represented a version of Black students navigating and negotiating other non-racialized aspects of identity to mitigate the harms of policing. Here, Tory's performance refers to his AP student status, as evidenced by the several books in his book bag. In this case, Tory "passes inspection." The police officer removes Tory's handcuffs and then allows him to be seated, suggesting a degree of established or

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185 *See generally* Eduardo Bonilla-Silva, Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America (2021) (arguing that although few whites claim to be racist today, whites engage in exclusionary practices accounting for Black peoples' inferior social status).

186 Many school police officers reported that students trust them and share private matters with them during interactions.

187 Negin Ghavami, Bryan E. Thornton & Sandra Graham, *School Police Officers' Roles: The Influence of Social, Developmental and Historical Contexts*, J. Crim. Just. 1, 6 (2021).

188 *Id.*

189 *See* Anderson, *supra* note 183, at 13 (describing the ways in which white people and others often stigmatize Black people through negative associations). *See generally* Michael Omi & Howard Winant, Racial Formation in the United States (3d ed. 2014) (arguing that the construction of race is not fixed but is rather a social product that occurs when people classify others on the basis of real or imagined attributes); Howard Winant, *Where Culture Meets Structure: Race in the 1990s*, *in* Racial Conditions: Politics, Theory, Comparisons 22, 30–32 (Univ. of Minn. Press ed. 2002) (1994) (exploring how race serves as a key cultural marker in the expression of identity, collectivity, and agency).

190 *See* Anderson, *supra* note 183, at 13 (describing the "dance" in which Black people engage to show that negative stereotypes do not apply to them).

restored credibility. This incident illustrates how identity harms function as a form of segregative harm. Just as formal segregation limits access to educational and social benefits, disproportionate policing mediates interactions, the broader pattern of identity-based segregation persists. While Tory's academic status allowed him a degree of reprieve, many other students experienced harsher treatment. Notably, Tory's experience of being permitted to sit down without being released diverged from other stories shared by many students I interviewed who experienced excessive force. For example, twelfth grader Rocky explained,

> I live with a target on my back, and that's the same all around [for Black students] . . . no matter whether you're a good student, a 4.0 student, an AP student or the complete opposite . . . none of that matters because of what it means to be Black in [majority-white and Latine] spaces where white is the norm . . . and anything else is looked at as suspect. . . . I mean, anything that happens that requires police in our school is usually blamed on Black students first. Other measures take place. . . . [W]e get questioned and pulled out of the classroom. . . . [W]e get stared down or followed after school . . . and the supposedly random searches, they always somehow pick me. . . . I'm the only Black student in the class. I'm unsure if they're doing that to make the job easier because they know that I don't have anything or if they're suspecting me. I'm not sure, but I know that I would always end up being picked. . . . [I]t's always an invasion, too much, and physical.

Although Rocky's and Tory's experiences with school policing differ, they both highlighted the importance of Black students' performance and negotiation of their Blackness in white- and Latine-majority schools. Rocky and Tory also emphasized that providing additional proof of law-abiding status or developing other ways in which they can be perceived as counter to negative stereotypes may not help them avoid negative police interactions involving excessive force. Rocky, like Omar, appeared to treat school police interactions that are both invasive and physical as a fact of life. Several other students added to this discussion. Faith, a twelfth-grade Black student attending a majority-white and Latine school, stated:

> I make sure that I don't look or speak or run too "Black" or else I'll really confirm the norm as a suspect . . . . [B]ut if I act white my suspect label starts to erase . . . which typically doesn't involve the handcuffs, the pushing, the force and the harm to any [of] their bodies.

Similar to Tory, Faith engaged in another version of the "dance," through which she avoids stereotypical racial behavior. This dance is

done to "'pass inspection,' gaining provisional acceptance" in majority-white and Latine spaces.[191] Faith described this dance by saying:

> I know which streets to walk through before and after school because if I hang out for too long or walk too slow, someone in the area will call the cops on me. What's crazy is that the school police officer once said to me, 'You know how people are; just get to where you're going to avoid unnecessary escalation,' as a response to one of my encounters with them because of a call made by a resident. This was after school, and I ran in the area for cross-country practice.

Conforming to norms in white- and Latine-majority schools and neighborhoods, however, did not always protect Black students from experiencing excessive force interactions with the school police officers. Similar to Tory's experience, King, an eleventh grader attending school and residing in a majority-white and Latine school observed:

> Oh well, look at me. I'm not your typical "Black kid." I don't wear baggy jeans. I'm not in a gang . . . I mean, these are the things they put on us, and I'm trying to say that I don't fit these stereotypes. But in their eyes, I'm always Black, no matter what I wear or do. I don't know. It's not a gray area but like a light black area that I can't escape. . . . I know this because there are things my white friends get away with, things that I dare not try to do, such as speaking back to the police or the teacher and even just wearing a hoodie at school. The last time I did that, I was stopped and questioned by the school police officer . . . for looking suspicious and being present on the sidewalk across the street from my school. As they said, "I was up to something" . . . and being up to something led to being shoved to the ground for resisting to stand straight on the wall. . . . I have to constantly be aware of what I'm doing and saying, and it's not just the police. The lady in our neighborhood is known for making these calls to the school and police. If it were up to me, I wouldn't have transferred from [a majority-Black and Latine school] if I knew this would be my experience. I'm hoping my baby brother chooses a different route.

King grappled with social stereotypes about being Black and the pressures to conform to these expectations. His experiences with school police limited his ability to feel safe from interactions involving excessive force and demonstrate how stereotypes about Blackness contribute to his feeling of being under constant scrutiny. These biases shaped how he navigated school to avoid negative consequences. King's comments, like those of 24% (n=29) of the other students interviewed, indicated

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191 *Id. See generally* OMI & WINANT, *supra* note 189.

his efforts to escape the assumptions, norms, and consequences of what being Black in majority-white and Latine spaces means for his potential association with misbehavior, criminality, and excessive police interactions.

These findings on experiencing excessive force demonstrate why shedding light on policing in more integrated schools is essential. First, Black students are often monitored with suspicion and are considered "out of place" by bystanders and authorities in white- and Latine-majority schools who work in concert with school police officers.[192] This constitutes a form of usual-suspect policing where Black students in majority-white and Latine neighborhoods are punished due to their perceived status as outsiders, troublemakers, and criminals.[193] This punishment can come in the form of excessive force. Second, bystanders and residents sometimes involve law enforcement in their surveillance efforts, a practice known as "profiling by proxy."[194] Their power stems from their relationship with the police, perpetuating racial hierarchies in white- and Latine-majority schools, discouraging Black students, like King, from attending integrated schools, and creating an unequal within-school learning experience. All of this undermines Black students' opportunities to experience the benefits of integration.

Interestingly, the effect of these interactions extends beyond Black students' high school experiences and affects their college choices. I followed all the students interviewed until they enrolled in college and asked them how their high school integration experiences informed their decisions about college. More than a third of students opted out of attending majority-white colleges or universities because of their actual punitive experience of attending a high school where they

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[192] *See* Angela Onwuachi-Willig, *Policing the Boundaries of Whiteness: The Tragedy of Being "Out of Place" from Emmett Till to Trayvon Martin*, 102 Iowa L. Rev. 1113, 1119 (2017) (analyzing the role of criminal law in how the policing of Black people is rooted in policing whiteness and "regulating the presence and movement of Blacks in what sociologist Elijah Anderson has defined as 'the white space'").

[193] Capers, *supra* note 181, at 66 ("'[Who is stopped] is inextricably tied not only to race, but to officers' conception[s] of place, of what *should* typically occur in an area and *who belongs*, as well as *where they belong*.' Such 'commonsense geography' informs their decisions about whom to deem 'out of place,' which in turn send expressive messages about who belongs and who does not." (emphasis in original) (quoting Albert J. Meehan & Michael C. Ponder, *Race and Place: The Ecology of Racial Profiling of African American Motorists*, 19 Justice Q. 399, 402 (2002))). Recent research describes these processes as a form of "racialized coveillance" of people of color in majority-white neighborhoods. *See generally* Maria R. Lowe, Luis A. Romero & Madeline Carrola, *"Racism Masked as Safety Concerns": The Experiences of Residents of Color with Racialized Coveillance in a Predominantly White Neighborhood*, 10 Socio. of Race & Ethnicity 389 (2024).

[194] David A. Harris, *Racial Profiling: Past, Present, and Future?*, 34 Crim. Just. 10, 16–17 (2020).

were in the racial minority. The difference between students wanting to attend a predominantly white college or university and the much smaller percentage who actually opted to do so was the surveillance and policing they experienced. Of the study's 95 student participants, 66% (n=63) chose to attend historically Black colleges and universities after graduating high school despite being accepted to majority-white and Latine or higher-ranked colleges or universities. 22% (n=21) chose to attend a majority-white and higher-ranked college or university, 7% (n=7) decided to participate in a local community college, and the remaining 4% (n=4) attended a Hispanic serving institution (HSI). As a result, school policing influenced Black students to be more selective about college choice. Most of the students interviewed appeared motivated by the policing practices they faced in majority-white and Latine schools, and these experiences led them to reject what they perceived as repeating that experience.

This leads me to question what scholars, policymakers, and lawyers should make of the differences between students' and parents' experiences of integration. One answer is that we should listen to parents and families with the understanding that this awareness sometimes amounts to good educational insights but bad practice. This is not because parents are wrong in some fundamental sense about the way to approach school choice through intra-district school options, nor is it because parents should not pay attention to educational outcomes nor believe that attending white- and Latine-majority schools are inherently better schools. Rather, the point is that achieving integration is not the same as experiencing integration. Even when integration is nominally achieved in majority-white and Latine schools, attention must continue to be paid to the disproportionate targeting, unfair surveillance, and over-policing of Black students, and action must be taken to eradicate it.

II

Deconstructing Segregative Attributes

This Part contextualizes the findings in Part I within existing scholarship and the two core assumptions about school policing and integration. The first assumption is that school policing occurs only in low-income, Black-majority schools. The second is that majority-white (and increasingly Latine) schools, regarded by the general public as better or "good schools," can provide equal educational opportunities to all without the interference of police. This Part challenges both assumptions. It demonstrates how laws and policies around surveillance and punishment in schools create a modern-day

form of segregation within schools, where Black students experience various forms of policing, as described in the previous Part. I develop the argument that our knowledge of school policing does not turn on the racial demographics of schools alone but also on the other meanings of integration that scholars attribute to *Brown*. Contestations over whether Black students are receiving the promise of *Brown* focus primarily, though not entirely, on whether students are attending racially integrated schools.[195] Examining the presence of policing in schools suggests this framing may be too narrow. Policing produces racially constituted effects in schools regardless of their racial demographics. Those effects include transforming racially integrated schools into "separate but unequal" educational environments. Over-policing and targeted negative surveillance of Black students is thus a crucial feature that violates one of *Brown*'s many spirits. As scholars might think, numerous aspects of educational inequality within the school environment may violate the spirit of *Brown*. Still, these aspects tend to be high on theory and abstraction and low on concreteness and practical consequences. Detailed illustrations of the history and on-the-ground material experiences of racially marginalized students are generally absent from the literature, and I hope to provide that here.

That school policing and its negative encounters with Black students occur in only low-income, Black-majority schools is one of the most commonly touted assumptions in legal accounts of school policing, appearing typically in traditional social science literature. As of the 2015–16 school year, 57% of U.S. public schools have a police presence, up from 1% in the 1970s.[196] Police are most likely to be present in low-income, majority-Black schools,[197] and they are a persistent source of educational injustice for Black students.[198] Legal scholars show that

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[195] This raises important questions about whether educators and school leaders bear the primary responsibility for realizing this promise for students, or whether students should be expected to take the initiative in assessing or receiving this promise.

[196] Musu-Gillette et al., *supra* note 14, at iv. As noted by several authors, the exact numbers are difficult to discern because there is no centralized database for SRO hiring. *See Frequently Asked Questions*, Pa. Ass'n of Sch. Res. Officers, https://www.pasro.org/faq.php [https://perma.cc/WNZ9-FRP2] (explaining that 42% of public schools surveyed by the National Center for Education Statistics "reported that they had at least one SRO present at least one day a week during the 2015–2016 academic year").

[197] Musu-Gillette et al., *supra* note 14, at 9–10; *see also* Allen & Noguera, *supra* note 15, at 10 (reviewing findings that indicate that school police officers "frequently shift tactics to legitimize their presence" in concentrated, majority-Black and Latine schools); Allen, *supra* note 18, at 1002 (2024) ("Black students are over-represented in school arrests and citations in Los Angeles, just as they are in national data.").

[198] School policing has had racial and ethnic overtones that disproportionately affect Black students. In some districts, the percentage that Black students make up of total

Black children, in particular, are disproportionately stopped, given citations, and arrested by school police officers.[199] Many of these stops and intrusions are for minor behavioral infractions, pose little to no risk to school safety, and yet function as a gateway for funneling children into the juvenile and criminal justice systems.[200] Heavy reliance on stops, citations, and arrests to address everyday misbehaviors only encourages these injustices.[201]

Constitutional and statutory interventions that attempt to regulate the harms that arise from school policing are insufficient to address systemic injustices.[202] Legal scholars claim that these injustices necessitate structural policy reform, reversals of current legal doctrine, and a fundamental rethinking of the role that police should (and could) play in schools.[203]

A.   Assumption One

School governance is a central feature behind the assumption that policing occurs only in low-income, Black-majority schools. On the one hand, police take on social welfare and traditional law enforcement roles that often "supplement or supplant school police."[204] Scholars and commentators argue that society places too much responsibility on school police and vests too much discretion and power in their engagement with students in these multiple roles.[205] This would explain why many find it hard to imagine a world without police in schools. In the growing movement to defund and reform the police, the common

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youth arrests, citations, and diversions far outweighs the percentage that they make up of the student population. *See* Allen, Bryan, Guererro, Teng & Lytle-Hernández, *supra* note 143.

[199] *See id.*

[200] Allen, *supra* note 18, at 1014 (2024)

[201] Nicole Tuchinda, *Disproportionate School Brutality upon Black Children*, 112 Ky. L.J. 113, 146 (2024) ("[R]acism persists in American public schools and structures the disproportionate school brutality of Black children.").

[202] Legal scholars document how criminal procedure doctrine has been ineffective in reining in the power of school police to criminalize students. Cases focusing on students' Fourth and Fifth Amendment rights, which have dominated legal discussions on school policing, highlight how the distinctive role of police in schools undermines students' constitutional safeguards. *See* Fedders, *supra* note 13, at 1491.

[203] For a helpful description of these claims, see *id.* at 1491–1506.

[204] *See id.* at 1451 n.41 (citing The Council of State Gov'ts Just. Ctr., Officers in Schools: A Snapshot of Legislative Action (2014), https://csgjusticecenter.org/wp-content/uploads/2020/02/NCSL-School-Police-Brief.pdf [https://perma.cc/PZ4A-MUMG]).

[205] *See id.* at 1476 (noting how school police officers' triad roles as teachers, counselors, and mentors, in addition to law enforcement, lay the foundation for applying community policing critiques to school policing).

criticism illustrates this: Who would enforce laws, the student code of conduct, and everyday behavior that could potentially escalate into a serious incident? Advocates emphasize that long-term police reform efforts would not only entail reducing police budgets and removing police entirely from schools, but would also require reevaluating what exactly police do.[206]

On the other hand, when the time arrives to act on this reevaluation, we see schools that initially removed police officers and replaced them with alternatives, later reversed their decisions and reintroduced police, or established new school police departments.[207] Given the reintegration of police into schools, some view this as a watershed moment as defunding and reform movements continue to gain momentum. This momentum highlights new forms of educational injustices, especially against Black children, mainly in Black-majority schools. However, this momentum has not led scholars to reevaluate increased police presence and involvement in more racially integrated settings—settings we know less about.

As is evident in schools where Black students are in the racial minority, what we do not know is (1) the degree to which school policing shapes white- and Latine-majority schools, (2) the material experiences of students attending these schools, and (3) why families would opt to send their children to these schools if such disparities are well known. Recent research reveals that in at least one municipality, Black students in white- and Latine-majority schools face a greater risk of police involvement, namely arrests and citations, compared to Black students in Black-majority schools.[208] This finding complicates prior scholarship that has largely confined disproportionate policing of Black children in Black-majority schools, uncovering the disproportionate negative encounters Black students face in these schools compared to their racial and ethnic counterparts.[209] This emerging research illuminates an

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[206] *Id.* at 1498–1506 (making a case for school police removal); Ghavami et al., *supra* note 187, at 14 (noting the importance to "better understand the multiple formal and informal roles enacted by school police officers and whether a more narrowly defined law enforcement role can successfully be decoupled from other more contextualized roles" in balancing the concern over excessive use of force by the police with maintaining safe schools and neighborhoods).

[207] *See* Maya Riser-Kositsky, Stephen Sawchuk & Holly Peele, *School Police: Which Districts Cut Them? Which Brought Them Back?*, Educ. Wk. (June 29, 2022), https://www.edweek.org/leadership/which-districts-have-cut-school-policing-programs/2021/06 [https://perma.cc/8KVK-CGBF] (citing recent examples where schools have implemented non-sworn individuals to replace police officers).

[208] *See generally* Allen, *supra* note 18.

[209] *See, e.g.*, Allen & Noguera, *supra* note 15, at 1; Allen, Bryan, Guererro, Teng & Lytle-Hernández, *supra* note 143.

unexplored aspect of race and policing in schools, adding complexity to our understanding of the issue.

These findings not only expose a gap in our understanding of students' lived experiences but also raise pressing normative questions about how law and policy sustain those conditions. As a normative matter, legal scholarship on race and school policing has always been subject to further substantiation, given access to data. As a predictive matter, the future of policing in schools is far from clear. What is clear, however, is that white- and Latine-majority schools have a lot to teach us. How the law facilitates the material and symbolic subordination of Black students[210] by erecting barriers to a range of within-school desegregation initiatives[211] is a critical part of the policing conversations. The point here is to articulate how policing has segregative effects across schools, affecting majority-Black schools, and also within schools, affecting majority-white and Latine schools. The justification for focusing on these segregative effects is precisely the fact that the literature on tracking generally does not address policing. Commonly, tracking is understood to be a class or curricular placement, not a policing one.[212]

B.   *Assumption Two*

This brings me to the second assumption that majority-white schools, regarded by many of the parents interviewed as better or "good schools," can provide equal educational opportunities to all and do so without the interference of police. The extensive presence of

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[210] For one historical example of the view that the real issue should be education, and not integration, see Du Bois, *supra* note 71, at 335. This characterization was the clear motivation of the NAACP's school desegregation strategy. *See generally* Kluger, *supra* note 71 (detailing the NAACP's strategy to pursue identical school facilities for equal protection to prevail). For an excellent critique of this strategy that discusses some of the paradoxes that attend the simultaneous pursuit of integration and quality education, see generally Bell, Jr., *supra* note 71. For a description of symbolic and material subordination, see generally Crenshaw, Gotanda, Peller & Thomas, *supra* note 71.

[211] *See, e.g.*, Kimberly Jenkins Robinson, *The High Cost of Education Federalism*, 48 Wake Forest L. Rev. 287, 288–93 (2013) (discussing the way in which education federalism hinders school desegregation efforts). *See generally* Wendy Parker, *The Future of School Desegregation*, 94 Nw. U. L. Rev. 1157 (2000) (advocating for an "Active Oversight" model in which the judiciary plays an increasingly active role in school desegregation cases); Erika K. Wilson, *The New White Flight*, 14 Duke J. Const. L. & Pub. Pol'y 233 (2019) (describing the ways in which school choice policies perpetuated segregation in the aftermath of *Brown*).

[212] *See, e.g.*, Oakes, *supra* note 5, at 3 (describing tracking as a practice where schools separate students into different categories based on their previous academic achievements and/or potential for learning and academic success); Tyson, *supra* note 5, at 6 (focusing on tracking as a phenomenon in which higher-level classes in schools are disproportionately white).

police officers in schools and their reliance on enforcing laws and the student code of conduct increases the risk of students being stopped, even for minor infractions. Minor misbehavior, often categorized under the subjective charge of "disorderly conduct,"[213] can lead to citations or arrests. Research shows Black students are disproportionately subject to such charges, even for seemingly harmless actions, like public disturbance and classroom disruption.[214] These interactions can ultimately lead to suspensions and expulsions from schools, effectively pushing students out of the educational environment. Black students experience higher rates of arrests and citations for these minor infractions in majority-white and Latine schools compared to Black students in majority-Black schools.[215]

Despite empirical research showing that Black students do not break school rules or violate the law more often than their racial and ethnic counterparts,[216] they face a higher risk of being stopped,[217] cited, and arrested.[218] This discrepancy stems from how rules and school codes are enforced and written. These codes include subjective and objective charges. The subjective charges are open to interpretation (e.g., disorderly conduct and public disturbance) and allow for officer and school staff judgments. The objective charges are clearer violations of the law and school conduct (e.g., battery and drug possession). The vague and broad nature of school rules and codes makes it easier for

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[213] Scholars have long documented the highly "subjective, situational, and circumstantial" nature of disorderly conduct charges. *See* Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. Crim. Just. 280, 285 (2009).

[214] Legal scholars have been more alert to the role of disorderly conduct in the Fourth Amendment context. *See, e.g.*, Jamelia N. Morgan, *Policing Marginality in Public Space*, 81 Ohio State L.J. 1045, 1047–55 (2020) (arguing that private citizens have wide discretion to decide which quality-of-life offenses to report to law enforcement and that law enforcement in turn has wide discretion to cite and arrest individuals for these offenses). I build on their important work.

[215] *See* Allen, *supra* note 18, at 1008–23.

[216] *See* Sean Darling-Hammond & Eric Ho, *No Matter How You Slice It, Black Students Are Punished More: The Persistence and Pervasiveness of Discipline Disparities*, 10 AERA Open 1, 2 (highlighting how "researchers have found that Black students receive more, and harsher, punishment than non-Black peers even . . . when they are engaged in the same incident of misbehavior [], when the students have similar prior behavioral histories, and when the students are in schools with similar racial compositions").

[217] *See* Daniel J. Losen, Shuchi Goyal, Mahreen Alam & Rogelio Salazar, UCLA Ctr. for C.R. Remedies, Unmasking School Discipline Disparities in California: What the 2019-2020 Data Can Tell Us About Problems and Progress, 24 (2022), https://civilrightsproject. ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/ summary-reports/unmasking-school-discipline-disparities-in-california/Unmasking_School_ Discipline_Disparities_CA_Report.pdf [https://perma.cc/3R2N-7TXX].

[218] *See* Allen, Bryan, Guererro, Teng & Lytle-Hernández, *supra* note 143; Allen & Noguera, *supra* note 15, at 6.

school police officers to justify stopping students, and that lack of clarity paves the way for arbitrary enforcement of the law.

More interestingly, school police officers, especially officers from police departments, fill what legal scholars call a "triad role" in schools.[219] They act not just as law enforcers but also as teachers, counselors, and mentors, shaping students' daily lives.[220] However, legal research primarily focuses almost exclusively on their law enforcement role, neglecting their broader influence as teachers, counselors, and mentors, among other roles.[221] This limited perspective hinders efforts to understand and improve school policing.

Adding to the problem is the broad discretion officers have in schools. They can decide when to question students, initiate formal stops, and take action during interactions. This discretion can lead to both under- and over-policing. Some students may face less scrutiny for misbehavior, while others may be unfairly targeted and receive differential treatment. Race, gender, social class, and geography often determine who receives less or more police attention in schools. Waiting for local or state law and policy changes does not effectively address this problem. Even regulatory proposals, like specified training for police, voluntary police and district agreements, and changes to the standards for evaluating students' claims of constitutional rights violations, are slow and potentially insufficient solutions.[222]

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[219] *See* Fedders, *supra* note 13, at 1476.

[220] At times, school-policing organizations refer to a mentoring role, or use the two terms interchangeably. Police Found., A Toolkit for California's Law Enforcement: Policing Today's Youth 2, https://www.policinginstitute.org/wp-content/uploads/2016/10/PF_IssueBriefs_Defining-the-Role-of-School-Based-Police-Officers_FINAL.pdf [https://perma.cc/5T3J-S8XM] (subsuming each of the components of the triad under the "mentor" heading).

[221] *See* Negin Ghavami, Bryan E. Thornton & Sandra Graham, *School Police Officers' Roles: The Influence of Social, Developmental and Historical Contexts*, 72 J. Crim. Just. 1, 5 (2021) (describing two broad categories of school police officers' roles as formal and informal). "Formal roles encompass duties and responsibilities listed by the department as part of their official job description" whereas "[i]nformal roles are a set of activities that, while not listed as a formal duty, are brought on by the unique demands of the school and community contexts." *Id.* at 5–6. These two broad categories encompass "maintaining discipline, mentoring, teaching, educating." *See* Allen & Noguera, *supra* note 15, at 7 (documenting how school police officers' caring and courtesy enforcement tactics are a product of their triad roles). *See generally* Nathan James & Gail McCallion, Cong. Rsch. Ser., R43126, School Resource Officers: Law Enforcement Officers in Schools 2 (2013) (classifying the roles school resource officers play as safety experts and law enforcers, problem solvers and liaisons to community resources, and educators); Aaron Kupchik with Nicole L. Bracy, *A Blue Line on the Chalkboard: Police Presence in Schools*, *in* Homeroom Security: School Discipline in an Age of Fear 78, 78–95 (2010) (analyzing the degree to which school police officers play roles like watching the halls, conducting investigations, doing other police work, teaching, counseling, and helping with school discipline).

[222] *See* Fedders, *supra* note 13, at 1476.

Current legal protections for students in schools are failing. Legal scholars suggest that constitutional protections are inadequate to address school policing problems—and do as much or as little to enable them.[223] For instance, the Fourth Amendment that safeguards against unreasonable searches and seizures offers students very little protection in the context of schools. The justification for the diminished protections students receive, as criticized by scholars, is that police officers in schools are there to enforce the caretaking function of schools, not to enforce criminal codes.[224] This idea does not turn on whether the law enforcement officers are staff members of the school. Courts have said that an officer's function and the special nature of a public school is what matters, not who pays their salary.[225] Courts have refused to hold that school police officers have more or less authority than other policing figures, noting the inability of schools to finance the assignment of "certificated or classified personnel" to take the place of school police officers.[226] As the court in *In re William V.* further asserted: "We too see no reason to distinguish for this purpose between a non-law-enforcement security officer and a police officer on assignment to a school as a resource officer."[227]

Critics, however, argue that courts ignore the breadth and depth of independent school police departments.[228] These departments allow school police to work with school staff to conduct searches without probable cause (complying with Fourth Amendment protections) and avoid *Miranda* warnings during interrogations (complying with Fifth Amendment protections).[229]

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[223] *Id.* at 1491 (arguing how "[c]riminal procedure doctrine has been an ineffective way of reining in the power of school police to criminalize students."). *See* Rachel A. Harmon, *The Problem of Policing*, 110 Mich. L. Rev. 761, 762–63 (2012) (pushing legal scholars to think beyond questions of how to regulate police power through law within the confines of constitutional criminal procedure).

[224] *See* Lisa H. Thurau & Johanna Wald, *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L. Sch. L. Rev. 977, 985 (2009) (noting that school police "may become confidants of students, yet anything [they] hear, find, or receive from an administrator may be used to prosecute students").

[225] *See, e.g.*, *In re* William V., 4 Cal. Rptr. 3d 695, 700 (Cal. Ct. App. 2003).

[226] *In re* Randy G., 28 P.3d 239, 247 (Cal. 2001). This is evidenced on-the-ground by school police officers, who have confirmed that they received additional hours of training to work in schools.

[227] 4 Cal. Rptr. 3d at 699. I argue that school police officers and school resource officers are not the same—school police officers are connected to school police departments, whereas school resource officers are affiliated with the schools themselves, not a police department. There are other key differences as well. *See* Terry Allen, *Auxiliary Police in Schools*, 76 UCLA L. Rev. 1, 13 (2025).

[228] *See, e.g.*, Fedders, *supra* note 13, at 1491–92.

[229] *See id.* at 1492.

Legal scholars argue that current legal doctrine is insufficient to protect students from the negative impacts of school policing.[230] The way some courts treat school police officers, as "member[s] of the . . . [school] staff" who assist with handling disciplinary problems[231] illustrates how the school policing system is designed to create loopholes that weaken students' Fourth and Fifth Amendment rights (protections against self-incrimination).[232] For example, the discretionary power afforded to school police officers allows them to interrogate Black students without issuing *Miranda* warnings, effectively denying them their right to remain silent and their right to an attorney. School police officers can use information gathered from teachers, administrators, and other school staff to establish 'reasonable suspicion' for criminal activity, often with minimal oversight. This collaboration transforms schools into de facto interrogation sites, where students are subjected to questioning without the procedural safeguards they would expect in other settings. These practices systematically undermine Black students' Fourth Amendment rights and Fifth Amendment rights. Furthermore, this erosion of students' legal protections severely undermines community-driven efforts to establish police-free schools, as it demonstrates how deeply embedded law enforcement practices have become within the educational environment, even when physical police presence is reduced.

Federal, state, and local law do not offer much help in addressing these problems. The federal and state governments incentivize schools to hire police officers through funding.[233] These funds cannot be reallocated for school police alternatives such as school climate coaches, restorative justice coordinators, and mental health staff.[234] School police funding started with the 1994 Safe Schools Act, which provided money to schools that faced crime, violence, and problems with student discipline.[235] Five years later, the "COPS in Schools" grant program,

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[230] *See id.*

[231] *See, e.g.*, People v. Dilworth, 661 N.E.2d 310, 320 (Ill. 1996) (holding that a school police officer, who worked at the school full-time and was listed in the school handbook as a member of school staff, was properly considered to be a school official).

[232] For a full discussion of how school police officers shape students' Fourth and Fifth Amendment rights, see Allen, *supra* note 227 at 46–51.

[233] *See* Fedders, *supra* note 13, at 1447.

[234] *See* Amir Whitaker, Sylvia Torres-Guillén, Michelle Morton, Harold Jordan, Stefanie Coyle, Angela Mann & Wei-Ling Sun, ACLU, Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students 4 (2019), https://www.nyclu.org/sites/default/files/field_documents/030119-acluschooldisciplinereport.pdf [https://perma.cc/PB57-XWFB] (noting that while funding for school police officers has increased, schools are facing a shortage of much-needed counselors, psychologists, and the like).

[235] Fedders, *supra* note 13, at 1461.

a part of the DOJ's Office of Community Oriented Policing Services (COPS), was created to provide schools with money to hire SROs.[236] Since then, the number of schools with police has grown dramatically.[237]

While the federal government now requires reporting on school-based arrests, this data is unreliable and may not reflect reality. Such reporting guidance did not come until 2014, when the Obama administration began mandating that schools report data on school-based arrests to the Department of Education Office for Civil Rights (OCR).[238] The reporting requirement was late rescinded in 2018.[239] Notably, all reporting of such school-based arrests is merely "referrals to law enforcement," not actual school police arrests or citations.[240] Some school districts report zero police arrests and citations despite empirical evidence that citations and arrests are being made. One reason for this discrepancy is that the OCR Data Collection survey, sent to all U.S. public schools financed primarily through public funds, marks this data category as optional.[241]

States do not require data collection on school policing, but some mandate training for officers. Twenty-four states and the District of Columbia have passed statutes that require training for school police.[242] These trainings can cover topics like trauma, adolescent development, and racial equity.[243] However, studies suggest schools rarely prioritize training on working with young people.[244] Another eight states mandate

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[236] *See id.* at 1460 n.100, 1461.

[237] *Id.*

[238] Off. for C.R., U.S. Dep't of Educ., Title VI Enforcement Highlights 8 (2012), https://www2.ed.gov/documents/press-releases/title-vi-enforcement.pdf [https://perma.cc/6VSV-LVPU].

[239] *Id.*

[240] Off. for C.R., U.S. Dep't of Educ., 2020-21 Civil Rights Data Collection: Student Discipline and School Climate in U.S. Public Schools 9–10, 9 n.11 (2023), https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf [https://perma.cc/GSR5-2R2Q].

[241] Off. for C.R., U.S. Dep't of Educ., 2021–22 Civil Rights Data Collection 96–98, https://crdc.communities.ed.gov/services/PDCService.svc/GetPDCDocumentFile?fileId=45847 [https://perma.cc/A2KW-QSQG].

[242] Lisa H. Thurau & Lany W. Or, Strategies for Youth, Two Billion Dollars Later: States Begin to Regulate School Resource Officers in the Nation's Schools: A Survey of State Laws 11 (2022), https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/09/SFY-Two-Billion-Dollars-Later-Report-091422-web.pdf [https://perma.cc/A4BC-CFJ5].

[243] *Id.* at 4.

[244] *See* Fedders, *supra* note 13, at 1496 (quoting Lisa H. Thurau, Strategies for Youth, If Not Now, When? A Survey of Juvenile Justice Training in America's Police Academies 16, 18 (2013), https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-If-Not-Now-When-Report-Feb2013.pdf [https://perma.cc/X5L3-VXBV] (noting how in "cadet training in police academies . . . in thirty-seven states, only 1 percent of the time in training was spent on juvenile justice issues—and that training often focused on juvenile law, rather

de-escalation training, and four require training in mediation or restorative justice techniques.[245]

Some local districts are exploring school police alternatives, directing millions of dollars from school police departments to community-based initiatives. Los Angeles's Black Student Achievement Plan (BSAP) is an example, which allocates resources to Black students for academics, social-emotional learning, and safety measures, offering support outside of policing.[246] The plan eliminated 133 positions and removed police from campuses.[247] In 2020, the Chicago Unified School District cut its school police budget from $33 million to $15 million.[248] Every high school with a school police officer must opt in annually to continue having them.[249] Once a school cuts its police, it cannot reinstate them.[250] The Philadelphia School District removed the "school police" label from its security officer at one high school, who does not carry a gun or have arrest powers.[251] The goal was to emphasize officers' roles as mentors and trusted adults rather than student adversaries. Not long after, the school safety officer was transferred to another school.[252] Nearly 1,500 people have signed an online petition on behalf of the school safety officer, who, according to some students, made them feel welcome and safe.[253] Philadelphia is

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than 'practical skills grounded in developmental and psychological understanding' relevant to young people in schools").

[245] *See* Thurau & Or, *supra* note 242, at 11.

[246] *See* Melissa Gomez, *L.A. School Board Cuts its Police Force and Diverts Funds for Black Student Achievement*, L.A. Times (Feb. 16, 2021, 10:04 PM), https://www.latimes.com/california/story/2021-02-16/lausd-diverting-school-police-funds-support-black-students [https://perma.cc/54MV-3T4V] (reporting on the Los Angeles Board of Education's approval of the plan). *See generally Black Student Achievement Plan*, L.A. Unified Sch. Dist., https://www.lausd.org/bsa [https://perma.cc/4C7L-RJ3E].

[247] *Black Student Achievement Plan*, *supra* note 246 (noting the shift in approach to policing in schools, school climate coaches will replace officers at all secondary schools, while officers will remain on call to handle emergencies and incidents within a targeted three-to-five minute response time).

[248] *See* Riser-Kositsky, Sawchuck & Peele, *supra* note 207.

[249] *Id.*

[250] *Id.*

[251] Kristen A. Graham, *Central High Students Walked Out of Class in Protest of a Safety Officer's Transfer*, The Inquirer (Sept. 18, 2023, 6:25 PM), https://www.inquirer.com/education/central-high-school-fawn-wright-transfer-walkout-petition-20230918.html [https://perma.cc/3KYG-FHTD]. The school discussed in this reform, Central High School, enrolls 22% Black students, 28% white students, 36% Asian students, and 9% Latine students. *See Central High School – Philadelphia, PA*, Nat'l Blue Ribbon Schs. (2024), https://nationalblueribbonschools.ed.gov/awardwinners/winning/24pa110pu_central_high_school.html [https://perma.cc/RR6J-X59S].

[252] *Id.*

[253] Graham, *supra* note 251.

not alone in its efforts to initially remove its police from schools and later push for their return.[254]

Los Angeles, however, targets the district's Black student population, as funding is used to establish a BSAP team of counselors, climate advocates, and psychiatric social workers, offering community-based alternatives to school policing.[255] Early BSAP efforts, for example, focus on schools with high Black enrollment, neglecting Black students in white- and Latine-majority schools, where Black students are a racial minority. Recent research shows Black students in these schools face a higher likelihood of being detained, cited, and arrested compared to their counterparts in Black-majority schools.[256] This highlights the need for broader reforms and future research to address the impact of school policing across all school types with respect to racial and ethnic demographics, not to mention other historically underrepresented and racially marginalized groups.

If anything, current laws and policies exacerbate racial and economic injustices in school policing by ignoring the full scope and scale of policing and its harm to Black students in white- and Latine-majority schools. The core issue lies in the very institutional culture of policing that relies on the carceral features of increased police presence in schools. The point here is not just that Black students are overpoliced for public disorder charges but also that Black students experience formally integrated institutions, perceived as "good schools," as domains of racial segregation because of the racially constitutive effects of school policing.

This Article expands upon existing scholarship by moving beyond a focus on mere school discipline,[257] revealing how the qualitative impact of school policing, particularly its inherent reliance on carceral features, reconfigures integrated spaces as sites of segregation. It demonstrates that the perception of good schools itself is a site of racial contestation, and that the harm of school policing extends beyond individual encounters, impacting the parents' transfer decisions and the very fabric of integrated educational spaces more broadly. By doing so, this Article aims to broaden our understanding of racial segregation in schools, expand our knowledge of how policing shapes educational institutions

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[254] *See* Riser-Kositsky, Sawchuck & Peele, *supra* note 207. Other districts include Montgomery County, MD, Brocton, NY, Forestville, NY, Pomona, CA, Palm Springs, CA, Tecumseh, MI, Champaign, IL, Antioch, CA, and Winooski, VT. *Id.*

[255] *See id.*

[256] Allen, *supra* note 18, at 1014.

[257] *See* Cara McClellan, *Challenging Legacy Discrimination: The Persistence of School Pushout as Racial Subordination*, 105 B.U. L. Rev. 641 (2025).

and student experiences, and critically examine the obstacles to realizing the promise of *Brown*.

As I show in Part I, Black students are not safe in schools where they are the minority, nor do they experience such schools as integrated institutions.[258] Instead, Black students in these schools experience pervasive surveillance and punishment by school police and other school officials, which makes them feel both marginalized and unsafe in ways that undermine opportunities to experience equal educational opportunities for all and a sense of belonging. In other words, it is challenging for Black students to experience the benefits of integration without the interference of police. This reality suggests that the project of racial integration for Black students, a project that *Brown* launched more than seventy years ago, may be even more illusory than scholars and policymakers generally understand.

Thus, deconstructing key attributes of school policing and racial integration poses complexities for conceptualizing the benefits scholars attribute to *Brown* and legal doctrine. As scholars have argued, contestations over *Brown* focus primarily, though not entirely, on whether schools are demographically racially integrated. Scholars have broadened that frame to consider tracking. I argue here that policing as a form of within-school tracking has not been fully captured in the literature. Doing so is essential if the benefits we associate with integration—reduced racial biases, diversity of thought, increased equitable access to resources—are worth achieving for Black students in more integrated schools. Often, racial demographics alone are not sufficient to produce these benefits. Yet we continue to ignore how within-school features like policing effectively transform racially integrated schools into segregative spaces. Recognizing that school policing has historically been considered an essential element of racial integration is necessary to effectuate and evaluate it—not only in the majority-white and Latine schools but in other non-Black institutions.

III
Rethinking School Policing

A focus on school policing is necessary for the ongoing study of Black students in schools where they are a minority. The current landscape of school policing is a symptom of—and arguably perpetuates—resegregation in schools after *Brown*. It will take more than a simple policy change around police alternatives to achieve meaningful integration.

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258 *See supra* Part I.

The U.S. Supreme Court has supported integrationist visions as schools pursue meaningful integration. For instance, in *Keyes v. School District No. 1*,[259] Justice Powell's concurring opinion in 1973 unequivocally asserted that the Equal Protection Clause required local school boards to actively pursue racial integration, regardless of their history of segregation.[260] He stated, "school authorities, consistent with the generally accepted educational goal of attaining quality education for all pupils, must make and implement their customary decisions with a view toward enhancing integrated school opportunities."[261] As legal professor Justin Driver emphatically reminds us, "Justice Powell contended the Constitution not simply *permitted* school districts to pursue integration, but affirmatively *mandated* them to do so."[262]

Justice Stephen Breyer's dissenting opinion in *Parents Involved in Community Schools v. Seattle School District No. 1*[263] has a similar integrationist interpretation. He argued that the Equal Protection Clause was intended to prohibit practices that result in racial exclusion.[264] Justice Breyer argued that one of *Brown*'s intentions was to establish "one law, one Nation, one people, not simply as a matter of legal principle but in terms of how we actually live."[265] He also stated, "Many parents, white and black alike, want their children to attend schools with children of different races. Indeed, the very school districts that once spurned integration now strive for it."[266]

This Part pursues a research agenda exploring the implications of embracing *Brown*'s broader vision of meaningful integration and equal educational opportunity goals. This agenda is directly informed by Part I's findings documenting the experiences of Black parents and students.

The first area of study concerns greater methodological rigor of input from other stakeholders beyond the voices of Black students. Expanding data collection across populations reflects an outward-looking approach—rather than an insular view—of different solutions to minimize the racial harms of integration, highlighting that other student populations are also impacted. This expansion of empirical work encourages researchers to theorize and consider the nature of meaningful integration's aftereffects within racially minoritized institutions.

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[259] 413 U.S. 189 (1973).

[260] *Id.*

[261] *Id.* at 226 (Powell, J., concurring).

[262] Driver, *supra* note 40, at 729.

[263] 551 U.S. 701, 803 (2007) (Breyer, J., dissenting); *see supra* note 49.

[264] *Id.* at 829.

[265] *Id.* at 867–68.

[266] *Id.* at 868.

The second area of study examines how school policing distracts from addressing the long-term aftereffects of efforts to forge an integrated educational environment. Debates over reimagining alternatives to school policing that align with the broader vision identified in *Brown*—and whether or not racial integration is seen as the means to achieve that vision—are ultimately debates about our education system's school governance.

Assuming integration does not justify schools' institutional culture that relies on carceral practices, integration becomes a story of the cultural and governance processes enacted by organizational actors, including police officers, bystanders, and school authority figures. These processes play a significant role in encouraging stratification if integration is justified for requiring conflict regulation for the sake of school safety, it does not necessarily mean that the current governance structure must be entirely abandoned. Instead, that would mean that another justification should emerge. Several legal scholars identify the emergency medical services system as a helpful governance structure for shifting school police officers to the background and prioritizing a team of first responders. This Subpart builds on emergency services to propose a new, more focused school governance model rooted in cohesion and care instead of punishment and coercion. Examples of these roles include mental health professionals, safety advocates, violence interrupters, and care and safety assistants.

A. *Future Directions of Empirical Research*

If the findings reported in Part I demonstrate anything, it exposes the shortcomings of existing empirical efforts and the opportunities to expand upon them. Much work remains to be done if we are to move closer to achieving *Brown*'s vision of integration and goal of equal educational opportunity. However, Part I's analysis highlights some promising approaches for making progress.

For instance, the study on Black students' experiences in schools where they are a racial minority, an area often overlooked in previous literature,[267] provides insight into a fully transferable and implementable potential framework that future empirical researchers analyzing the

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[267] *See, e.g.*, Allen & Noguera, *supra* note 15, at 7 (focusing on the deployment of law enforcement "in low-income Black neighborhoods and schools serving large numbers of Black students" where it is "most common"); Allen, *supra* note 18. Recently, however, scholars have begun examining racial segregation from the perspective of white students in racially diverse metropolitan areas. *See, e.g.*, Wilson, *supra* note 12, at 2383 (finding that white-student segregation "impedes the democratic goals of public education and the overall health of the American democracy").

connection between race, policing, and integration can undertake for a host of other student populations. Similarly, a focus on school policing as a crucial but often overlooked aspect of the intraschool educational environment constitutes an invitation of scholarly research away from a traditional academic tracking perspective and toward a broader consideration of the systemic aftereffects of integrated educational environments. This shift highlights how such environments can contribute to creating modern-day forms of segregation within schools, a topic I will discuss in the next Subpart.

However, while examining the strengths and weaknesses, this Article's qualitative empiricism can lead us toward more representative and complete approaches to the empirical analysis of the broader vision identified in *Brown*; it also prompts a broader research agenda and a clear way forward. This Subpart shifts focus from the detailed critique of this Article's empiricism in Part I to provide a research agenda on what insights this critique might offer about the state of meaningful integration in an era of resegregation and the future direction of empirical studies at the intersection of education law, juvenile justice, and criminal law around policing and integration.

So, what should the research agenda look like in policing and integration going forward? What data should be collected? What population should be studied? What sites or locations may offer further insights into the challenges of meaningful integration? A complete answer to these questions is clearly beyond the scope of the present inquiry. However, the analysis thus far suggests some broad recommendations that legal scholars interested in empirical research at the intersection of policing and integration should consider, if they have not already done so.

The first area focuses on enhancing methodological rigor, particularly regarding data collection of more diverse voices and settings. Indeed, the most significant improvement in qualitative empiricism going forward will come from using snowball or entirely random samples that can protect empirical findings from sampling bias concerns.

To address these concerns, alongside questions of generalizability from one select population, I recommend expanding the collection of oral histories or ethnographies by intentionally including other historically underrepresented and racially minoritized students (e.g., Latine and Asian students). Future research should also focus on other school actors (e.g., school police officers, bystanders, and other school authority figures), different school types (e.g., magnet and charter) across different regions, and school police departments.

B. The Voices of Students

Legal discussions about integration in U.S. public schools have primarily focused on the harm[268] inflicted on Black students within majority-minority schools.[269] One of the focuses of this Article was to study Black students' experiences at majority-majority schools, schools where they are in the minority, an area often overlooked in previous literature. All my interviews have been with Black students and school police officers, the latter of whom are only briefly reflected in this study. While arrest and citation data show Black students to be most disparately impacted by policing in Los Angeles schools where they are a racial minority—resulting in limited equal learning opportunities and a diminished sense of belonging—the data also obscures the impact of policing on the integration experiences of white and Asian students.

To my knowledge, this Article is one of the first to examine policing in schools where Black students are a racial minority. However, scholars have long examined students' general experience in these schools and the impact on their educational well-being. Greater access to college acceleration opportunities were found in schools where Black students are a racial minority. In these schools, all groups of students were

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[268] *See, e.g.*, Mary Pattillo, *The Problem of Integration*, *in* The Dream Revisited: Contemporary Debates About Housing, Segregation, and Opportunity 29, 29–32 (Ingrid Gould Ellen & Justin Peter Steil eds., 2019); Olatunde C.A. Johnson, *Integration, Reconstructed*, 1 Duke F.L. & Soc. Change 19, 36 (2009) ("[I]n contemporary popular discourse, the quest for racial integration seems not only irrelevant to quality learning for black children, but also, possibly denigrating to blacks: 'Why do black children have to sit next to white children to learn?'").

[269] *See, e.g.*, Charles L. Black, Jr., *The Lawfulness of the Segregation Decisions*, 69 Yale L.J. 421, 424–26 (1960) (describing segregation as an "indisputably and grossly discriminatory" practice used "to maintain and further 'white supremacy'"); Martha R. Mahoney, *Segregation, Whiteness, and Transformation*, 143 U. Pa. L. Rev. 1659, 1659 (1995) ("Segregation is the product of notions of black inferiority and white superiority, manifested geographically . . . ."); Reva B. Siegel, *Equality Talk: Antisubordination and Anticlassification Values in Constitutional Struggles Over* Brown, 117 Harv. L. Rev. 1470, 1533 (2004) (highlighting the antisubordination goals of *Brown* and lamenting its replacement with an anticlassification perspective); Cheryl I. Harris, *Whiteness as Property*, 106 Harv. L. Rev. 1707, 1709 (1993) (positing that "whiteness as property continued to serve as a barrier to effective change as the system of racial classification operated to protect entrenched power"); Kimberly Jenkins Robinson, *The Constitutional Future of Race-Neutral Efforts to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*, 50 B.C. L. Rev. 277, 327–36 (2009) (documenting the harms of racially isolated schools to minority students and noting that "racially isolated schools offer inferior educational opportunities and produce inferior outcomes"); James E. Ryan, *Schools, Race, and Money*, 109 Yale L.J. 249, 284–93 (1999) (examining the monetary and nonmonetary costs of racially segregated schools for minority students and noting that "[b]ecause minority students are disproportionately poor, racial isolation and socioeconomic isolation (or isolation by class) typically go hand in hand, and race and class interact in the creation and pathology of urban schools").

equally likely to enroll in these courses.[270] However, Black students were significantly less likely to feel a part of the school at these schools. Such findings are corroborated by prior research in higher education institutions. Yet, relatively little research has been done on these topics regarding policing and racial integration, in part because the policing data is challenging to obtain, and oral history and focus group interviews can take years to collect and analyze.

For example, beyond the scope of the Article, it is worth noting that many Asian American and Pacific Islander (AAPI) communities have historically been subject to discriminatory police practices. As a result, the general incarcerated AAPI population has skyrocketed over the past two decades. Yet, police and carceral institutions, including schools, often group all AAPIs under a single category without recording their ethnicity and sometimes categorizing them as "other." An example is a recent report by UCLA's Million Dollar Hoods project on the Los Angeles School Police Department's arrest and citation disparities.[271] The report highlighted four categories of students: Latino, Black, White, and Other. This Other category, which included the AAPI student population, comprised only 2% of the total arrests and citations despite representing 8% of the school district's student population.[272] This reporting makes it difficult to discern which of the many and diverse AA or PI communities are most highly impacted and overrepresented in police and carceral systems. Expanding research in this area will ensure a cross-section of AAs and PIs from different ethnic backgrounds are heard and identified within the struggle for meaningful integration. Documenting and analyzing police practices is essential for understanding the experiences of those impacted, who are then often swept into the juvenile and criminal justice systems along with other members of their communities.

Similarly, research shows that white students are underrepresented in school police arrests and citations. In Los Angeles, they comprise 3% of the school police involvement yet represent 10% of the school district's student population.[273] Nevertheless, recent research has consistently shown that in schools where Black students are the racial minority and white students are the majority, the most common charges by school police for white students were drug or weapon possession

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[270] *See, e.g.*, Di Xu, Sabrina Solanki & John Fink, *College Acceleration for All? Mapping Racial Gaps in Advanced Placement and Dual Enrollment Participation*, 58 Am. Educ. Res. J. 954, 959–60 (2021).

[271] *See* Allen et al., *supra* note 143.

[272] *Id.*

[273] *Id.*

(29%),[274] followed by trespassing (13%) and battery (12%).[275] Public order charges such as interfering with school activities or the use of offensive language made up 84% of all instances where school police interacted with Black female students and 47% for Black male students in these schools.[276] Among Black male students, no other category of charges comprised more than 15% of all encounters with school police (the next most common category was possession of weapons or fireworks).[277] For Black female students, the second most frequent charge category accounted for only 6% of all interactions (theft).[278]

Yet, relatively little qualitative research has been done on these topics for white students. Such work is essential given the popular discourse on school policing, contending that serious crime in schools where Black students are the racial minority begets higher numbers of arrests and citations in those areas.[279] However, Black students are overrepresented in arrests and citations in these schools,[280] yet they are not the student population being charged with the most severe crimes.[281] A question we must ask is, how does this story complicate the integration experience for these two populations?

This moves us to a rather obvious point about how qualitative legal empiricism, like any research area, would benefit from a better alignment of research questions and research design to match the research findings with the study's solutions or proposals. Suppose the goal here is to understand the role of policing on Black students' experiences in Los Angeles schools where they are a minority. In that case, empiricists should collect, code, and interrogate data with that end in mind. This data, however, should also be in conversation with the experiences of Black students' racial and ethnic counterparts to fully understand how their experience compares across and within groups. This will likely provide empirical power to other proposals

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[274] *See* Allen, *supra* note 18, at 1014–15. I combined the categories of drug and weapon possession into one group. Unlike for Black students, fireworks possession was not included in this category for white students because there were no reported charges.

[275] *See id.*

[276] *Id.* at 1014.

[277] *Id.* at 1014–15.

[278] *Id.* at 1015.

[279] *Id.*

[280] *See* Allen et al., *supra* note 143 ("Black youths comprised 25% of the total youth arrests, citations, and diversions, despite representing less than 9% of the student population."); Allen & Noguera, *supra* note 15, at 6 ("Consistent with prior research, Black students are overrepresented in school arrests and citations in Los Angeles . . . , just as they are in national data . . . .").

[281] Allen, *supra* note 18, at 1014 (finding that "the majority of Black students are being arrested and cited for minor offenses such as classroom disruption, not for committing violent crimes or causing serious physical harm").

regarding Black students in Los Angeles. To generalize beyond that region, one could expand data collection to include voices from other school districts for comparison. This begins with framing the research question, which has implications for research design and appropriate methods and goals. Qualitative empirical research aims to understand the underlying forms and dynamics of the phenomenon under study. It seeks analytic generalizations that attach meaning to the observed phenomena instead of "generat[ing] precise estimates based on a sample that can be generalized with estimated degrees of error to a larger population," as in quantitative research.[282]

Expanded data collection across different school types (e.g., magnet and charter) and regions is another important area of research design that deserves attention in future studies on policing and integration.[283] In aligning research questions and design more effectively, empirical scholars should also consider interdisciplinary approaches and techniques. This may seem obvious, as empirical studies are inherently pluralistic, rather than monolithic, and often focus on quantitative methods and techniques. As my research demonstrates, empirical work moving forward will undoubtedly include a vast array of qualitative strategies (e.g., case study, ethnography, oral history, diary studies, etc.) to document the experiences of multiple stakeholders in the struggle for meaningful racial integration akin to Part I's in-depth interviews.

1. *A New School Governance Model*

The findings in Part I demonstrate that we need a school governance approach that pays attention to schools' institutional culture of policing. To address this culture, we must first examine the role of police in schools. School police officers are often considered first responders, called to campuses by school administrators, bystanders, and other authority figures. The challenge of this is two-fold. First, when police are first responders, they face a host of problems for which they are ill-trained or overtrained, not only to manage school safety and conflict, but also to provide a sense of safety and belonging, as discussed in Part I. Second, school police officers are afforded broad discretion to maintain school safety that extends beyond law enforcement, creating a conflict

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[282] Pamela Stone, Opting Out?: Why Women Really Quit Careers and Head Home 243, 248 (2007) (describing the study methodology).

[283] Charters and magnets are much more complex and layered than discussed in this subpart. For a detailed summary of the current landscape, see Ryan Pfleger & Gary Orfield, Segregated Choices: Magnet and Charter Schools (Apr. 11, 2024), https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/segregated-choices-magnet-and-charter-schools/Segregated-Choices-Magnets-Charter-040824-AI-cover.pdf [https://perma.cc/HGE4-77PQ].

between building relationships and resorting to punitive measures. This dynamic can disproportionately lead to racial harms that reflect more significant problems that transcend race.

To help minimize these racial harms, discussions about reducing the presence of police in schools must recognize that school police and their policing strategies are part of a broader governance structure for managing school safety and conflict. We should set aside the question of alternatives to school police that align with the broader vision of *Brown* and focus on reimagining our current governance structure. This includes moving school police officers away from the role of first responders and establishing other personnel who can manage day-to-day school safety and order.

What schools need, perhaps, are non-sworn individuals who are trained school safety advocates and are better equipped to handle routine interactions and initial discipline. These non-sworn individuals would serve as a dispatch and responder team, ultimately transferring school incidents to the appropriate stakeholder (i.e., social service provider, counselor, therapist, mental health specialist, restorative justice coordinator, or school police department), depending on the problem and severity.

Fortunately, such examples exist where schools have replaced school police officers with non-sworn individuals. After George Floyd's murder by Minneapolis police in 2020, many school districts responded by ending their relationships with school police.[284] Between May 2020 and June 2022, around fifty school districts serving over 1.7 million students reduced or eliminated their school policing programs.[285] By 2022, eight districts reversed these decisions and reinstated police.[286] Some districts, like Minneapolis and St. Paul, explored alternatives such as public safety support specialists and school support liaisons, while others, like Madison and Long Beach, opted for restorative justice coordinators or unarmed safety officers.[287] Los Angeles redirected $25 million from the L.A. School Police Department to a Black Student Achievement Plan (BSAP) in February 2021, eliminating 133 positions and removing police from campuses.[288] My proposal in this Section cuts against this backlash and retrenchment.

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[284] *See* Riser-Kositsky, Sawchuk & Peele, *supra* note 207.

[285] Stephen Sawchuk, Sarah Schwartz, Eesha Pendharkar & Ileana Najarro, *Defunded, Removed, and Put in Check: School Police a Year After George Floyd*, Educ. Week (June 4, 2021), https://www.edweek.org/leadership/defunded-removed-and-put-in-check-school-police-a-year-after-george-floyd/2021/06 [https://perma.cc/Y4Q3-N6VD].

[286] *Id.*

[287] *See* Riser-Kositsky, Sawchuk & Peele, *supra* note 207.

[288] *See id.*

Due to rising violence in schools, including an increase in school shootings in recent years, some districts are bringing back School Resource Officers (SROs). Denver Public Schools is a recent example, as its board decided to reinstate SROs in thirteen schools after two school shootings occurred in February and March of 2022.[289]

Before evaluating Los Angeles's changes to policing, it is important to note a major problem of U.S. school districts' alternatives to school police: the lack of a model to follow to address the unique social issues of safety and order within each school district. Many legal scholars have relied on the emergency medical services system (EMSS) as a model for policing. However, the literature typically ignores the full scope and scale of EMSS. The EMSS system has eight features, ranging from emergency response services to continuous improvement, that apply to the school context. EMSS serves as an example of how we ought to replace the school policing infrastructure to ensure Black students feel fully integrated into predominately white and Latine schools (see Table 9). For example, Community Engagement Officers work to triage problems to determine the needs of students. They will prioritize care and support, working with the Safety Advocates to dispatch the school police officers, care and safety assistants, and other support services as needed. The same is true of emergency room triage and emergency room doctors.

A novel approach to help soften the backlash and retrenchment resultant from the complete removal of SROs (17% of districts have reversed course on their reform)[290] could be to replace the traditional idea of school policing with a team of well-trained support professionals, what I refer to as the School Governance Model in Table 9. These professionals would have the skills to address various social issues faced by Black students, and would limit the role of punitive policing from officers, school administrators, bystanders, and authority figures in integrated environments. These professionals would undergo thorough training, preferably live in the community they serve, and, except for the school police officer, would be considered a non-sworn position without arrest powers or a gun. Some would specialize in mental health, while others receive training in trauma-informed care and cultural competency to resolve conflicts, offer academic support, and promote professional development. The goal is to create

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[289] *See* Sawchuk et al., *supra* note 285.

[290] *See* Riser-Kositsky, Sawchuk & Peele, *supra* note 207 (finding that Montgomery County, MD, Brockton, NY, Forestville, NY, Pomona, CA, Palm Springs, CA, Tecumseh, MI, Champaign, IL, Antioch, CA, and Winooski, VT have all reversed course).

a community of care. This system can lead to better solutions for helping Black students feel more integrated in predominately white and Latine schools.

TABLE 9. SCHOOL GOVERNANCE MODEL

EMSS Role	School Support Team	School Support Responsibilities
Emergency Response Coordination	Community Engagement Officers (e.g., Montgomery County, MD)	• Coordinate and manage responses to school incidents • Dispatch appropriate personnel • Allocate necessary resources to support students
Emergency Hotline/Dispatch Center	Safety Advocates (e.g., Madison, WI)	• Dedicated hotline for reporting incidents • Trained dispatchers to gather information • Send help to the school location
Emergency Medical Services (EMS)	Care and Safety Assistants (e.g., Charlottesville, VA)	• Send school police officers for more severe incidents • Provide on-site care through various support roles
Communication Infrastructure	Community Engagement Officers (e.g., Montgomery County, MD)	• Seamless communication among responders • Coordination with school, school police departments, and other service providers
First Aid Instructions	Public Safety Support (e.g., Minneapolis School District)	• Provide primary care and restorative justice practices over the phone • Assist professionals at the scene, including students
Integration with Healthcare Facilities	Safety Advocates (e.g., Madison, WI)	• Streamline student connection with inter-agency community providers • Ensure appropriate support, counseling, and mental health care
Public Education and Awareness	Violence Interrupters (e.g., Minneapolis School District) + Restorative Justice Coordinators (e.g., Madison, WI)	• Campaigns on accessing holistic and inter-agency community services • Promote restorative justice practices • Enhance community safety through programming and mentorship with community members (e.g., bystanders and other authority figures)
Continuous Improvement	Black Student Achievement Plan (e.g., Los Angeles School District)	• Plans to support Black students' learning and belonging • Assess school discipline regularly • Incorporate feedback from stakeholders • Reallocate funding plans for the BSAP

To address meaningful integration, exploring alternatives—as outlined in the School Governance Model—such as reassigning the responsibilities of school police officers and hiring additional support roles, can improve Black students' sense of belonging.

Another example is the Los Angeles Black Student Achievement Plan (BSAP), a recent policy implemented in the Los Angeles Unified School District. This plan seeks to "address[] the need for culturally responsive curriculum and instruction as the classroom norm, foster[] partnerships with community-based organizations with proven track records of success within the Black community and provide[] increased

staffing support to address the academic and social-emotional needs of Black students."[291]

Early efforts focused on funding the fifty-three schools with the highest Black enrollment,[292] which enroll approximately 33% of the district's Black student population. Next, follow the fifty-seven schools, which account for another 30% of the Black student population and receive slightly less funding.[293] Yet, BSAP overlooks a critical population of Black students: those attending schools where Black students are a racial minority, as described in Part II. Therefore, BSAP, as currently developed and designed, is inadequate alone to address the policing experienced by Black students in white- and Latine-majority schools.[294]

A forthcoming study shows that Black students in Los Angeles's predominately white and Latine schools face a higher likelihood of being detained, cited, and arrested compared to their counterparts in majority-minority schools.[295] Recent local reforms like BSAP provide a reasonable starting point but ultimately miss the opportunity to help Black students feel more integrated in schools where they are the minority and to offer guidance on how schools can achieve meaningful integration. I suggest that BSAP consider implementing a support team in select schools where Black students are a racial minority and in schools with the highest rates of arrests and citations facing Black students.[296] Still, resources, programs, and funding will have little impact without infrastructure and buy-in from entire school communities and surrounding neighborhoods.[297]

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[291] *See* LAUSD, Black Student Achievement Plan 3 (2023), https://www.lausd.org/cms/lib/CA01000043/Centricity/Domain/1334/Black%20Student%20Achievement%20Plan_022823.pdf [https://perma.cc/29U3-433T]. *See also* Gomez, *supra* note 246 (reporting that $30.1 million of BSAP's funding "will go toward hiring school climate coaches and other support staff, such as school nurses and counselors. The coaches will be responsible for applying de-escalation strategies for conflict resolution, eliminating racial disparities in school discipline practices and addressing implicit bias").

[292] *See* LAUSD, Black Student Achievement Plan Board Presentation, February 8, 2022, at 33 (2022) https://www.lausd.org/cms/lib/CA01000043/Centricity/Domain/1334/Feb%208%20Board%20Report.pdf [https://perma.cc/MN4L-YKJK].

[293] *See id.*

[294] *See* Allen, *supra* note 18, at 38–40 (providing "one of the first mixed methods empirical analyses of Black students' experiences with school policing in majority-white schools").

[295] *Id.* at 1014.

[296] *See id.* at 1030 (recommending that schools invest in "community-based safety alternatives that are independent of law enforcement. These alternatives include hiring mental health counselors, school climate coaches, and other personnel focused on safe passage programs, community intervention initiatives, and care-first restorative justice practices").

[297] *See* Molly S. McUsic, *The Future of* Brown v. Board of Education*: Economic Integration of the Public Schools*, 117 Harv. L. Rev. 1334, 1341–42 (2004) (recounting Supreme Court decisions regarding integration).

To effectively implement the School Governance Model plan, schools with high rates of policing, documented unequal learning opportunities, and a diminished sense of belonging by Black students should have a gradual transition period. Each year, high schools with police officers can choose one of the eight features from the School Governance Model. The process will vary by school based on the needs of Black students.

When disciplinary issues arise, schools should explicitly acknowledge the negative impact on students' learning opportunities and sense of belonging. Violence interrupters would be the appropriate response for less severe incidents or real-time fights.[298] School Safety advocates would coordinate the response for more severe situations involving a School Police Officer assisted by Care and Safety Assistants.

Schools should ensure that Black students' schooling experiences are structured in a way that discourages negative police interactions while encouraging meaningful integration. The purposes of the support team are to promote school safety through care, play, relationship building, de-escalation techniques, and the use of trauma-informed restorative practices. Such a plan could lead to incremental changes as part of a longer-term project to minimize school policing's harm to Black students and to increase opportunities for them to experience the benefits of integration.

Conclusion

It is concerning that, almost 70 years after *Brown*, Black students still do not feel safe and integrated in schools where they are a racial minority.[299] Policing in more racially integrated schools is a significant within-school issue with segregative effects on the Black student experience, undermining their ability to fully benefit from integration. Parents, however, continue to move their children into more integrated schools because they consider the demographics of those schools as a proxy for safety and positive educational outcomes.

While changing school police presence or achieving meaningful integration alone[300] will not fix all the structural inequalities Black students face in integrated environments, it can help bridge educational

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[298] *See* Peter Hermann, *He Used to Sell Drugs on D.C. Streets. Now He's Paid to Make Them Safer*, Wash. Post (Dec. 14, 2018), https://www.washingtonpost.com/local/public-safety/he-used-to-sell-drugs-on-dc-streets-now-hes-paid-to-make-them-safer/2018/12/13/eea91b66-e12e-11e8-ab2c-b31dcd53ca6b_story.html [https://perma.cc/25GX-ULV7] (describing the role and function of violence interruption).

[299] *See* Prudence L. Carter, *Unrealized Integration in Education, Sociology, and Society*, 89 Am. Socio. Rev. 6, 16 (2024) (arguing that "students' sense of belonging and degree of happiness with their schools" are important features to realized integration).

[300] "What [a Black student] needs is Education," W. E. B. Du Bois writes, without the futility of spatial enclosures, which treat closing opportunity gaps as the ultimate end of racial

gaps and foster a sense of belonging.[301] The question arises: Is the school's treatment of Black students through school policing the real issue?[302]

I contend that policing has become the default solution for addressing education, public health, and racism,[303] but it is unclear

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integration and school policing. Du Bois, *supra* note 71, at 335. "What he must remember is that there is no magic, either in mixed schools or in segregated schools." *Id.*

[301] *See, e.g.*, Robinson, *supra* note 8, at 311–60 (arguing that post-*Parents Involved*, schools should "adopt race-neutral efforts to avoid racial isolation and promote diversity because these efforts can help to advance the purpose of the Equal Protection Clause"). Many scholars have argued the need to address school opportunity gaps. *See, e.g.*, Pedro A. Noguera, City Schools and the American Dream: Reclaiming the Promise of Public Education (2003).

[302] *See* Marbre Stahly-Butts & Amna A. Akbar, Transformative Reforms of the Movement for Black Lives 4–5 (Mar. 2017) (unpublished manuscript) [https://perma. cc/6A24-H87Y] ("Reformist reforms do not recognize that the systems that operate on Black people . . . are not fundamentally broken but instead are working to re-entrench and legitimize current power arrangements. . . . On the other hand, transformative demands question the legitimacy of the systems that we operate under."); *see also* Marbre Stahly-Butts & Amna A. Akbar, *Reforms for Radicals? An Abolitionist Framework*, 68 UCLA L. Rev. 1544, 1546–47 (2022) ("In calling for an end to carceral systems, economies, and cultures, abolition moves us toward a future free from white supremacy, capitalism, and patriarchy. A grounding in abolitionist demands highlights the failure of conventional modes of reform to mitigate the scale of state and market violence and exploitation."); Allegra M. McLeod, *Review Essay, Beyond the Carceral State*, 95 Tex. L. Rev. 651, 665–89 (2017) (describing the limits of contemporary criminal justice reform efforts); Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. Rev. 1156, 1207–18 (2015) (contrasting current reformist efforts with abolitionist alternatives); Mariame Kaba, Opinion, *Police "Reforms" You Should Always Oppose*, Truthout (Dec. 7, 2014), https://truthout.org/articles/police-reforms-you-should-always-oppose [https://perma.cc/G8XT-LRDT] (offering "a simple guide for evaluating any suggested 'reforms' of U.S. policing in this historical moment"); Subini Annamma, Jyoti Nanda & Jamelia Morgan, Opinion, *Youth Incarceration Harms America's Children. It's Time to End It*, Time (Oct. 13, 2022, 8:00 AM), https://time. com/6221421/abolish-youth-incarceration [https://perma.cc/K696-PH6M] (arguing that "we need to move the resources that we currently commit to carceral facilities—money, time, and people—into systems that focus on care and support for youth in need of help"); Alex S. Vitale, The End of Policing 65 (2017) ("[S]chools are implementing programs that turn away from punitive approaches to managing student behavior, embracing mechanisms for addressing the underlying causes of student misbehavior and working to integrate students into the community as a [sic] responsible community members rather than pushing them out, as current disciplinary systems tend to do."); Tracey L. Meares, *Policing: A Public Good Gone Bad*, Bos. Rev. (Aug. 1, 2017), https://bostonreview.net/law-justice/tracey-l-meares-policing-public-good-gone-bad [https://perma.cc/ZE3K-5D8G] ("Policing must reorient itself around a new set of goals; we *must* abandon the project of 'proactive policing.'"); Mariame Kaba, Opinion, *Yes, We Mean Literally Abolish the Police*, N.Y. Times (June 12, 2020), https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html [https://perma.cc/8T8B-7LBU] ("We can't reform the police. The only way to diminish police violence is to reduce contact between the public and the police."); Fedders, *supra* note 13 at 1498 (arguing for removal, rather than regulation, of school police to remedy the governance and pedagogical harms school policing has caused).

[303] *See* Thalia González, *Race, School Policing, and Public Health*, 73 Stan. L. Rev. Online 180, 180 (2021) (arguing that "school policing is an obvious public health issue").

whether we are effectively achieving the benefits scholars attribute to integration. This Article explores a paradox: While an integrated education is crucial in majority-white and Latine schools, the pervasive surveillance and punishment of Black students by school police officers and other school staff may create a "separate and unequal" institutional environment. Thus, a scholarly focus on critical attributes of school policing and racial integration is warranted. That emphasis, however, must be pursued in targeted ways, debunking its commonly touted attributes.

Future research should include the experiences of other historically underrepresented and racially marginalized student populations. Research should also further explore how Black students may opt out of attending colleges or universities in which they are in the minority due to their K-12 experiences with policing and a lack of feeling integrated. The unfulfilled promise of *Brown*'s integrationist objectives reveals our contemporary dilemma: Educational institutions' aspiration for integration cannot be realized unless we address providing equal learning opportunities and a sense of belonging for all and without the segregative function of school policing. Rethinking school policing in more integrated schools is an excellent place to start. But the Court's affirmative action rulings pose a broader inquiry: Which Black students, subjected to racialized school policing K-12, are even *inclined* to apply and seek admission to predominantly white universities? Does this experience fundamentally reshape their collegiate aspirations, effectively limiting one of the very opportunities affirmative action sought to create? At the same time, parents remain an important part of the now-educated force that can push back against policing in the schools their children attend. This reframes the goal—not as urging parents to make different school choice selections from the outset, but as equipping them to confront the harms already in place, with real implications for their children's futures.

Appendix

Summary of Previous School Characteristics and Total Number of Students by High School[304]

High School Name	Enrollment	% Socioeconomically Disadvantaged	% Black	% Graduates with all A-G Requirements	Graduation Rate	Students (and % of total students)
Loyola	Medium	90	69	44	80	7 (5.8%)
Lowell	Medium	78	53	46	67	9 (7.5%)
Central	Large	69	25	62	86	14 (11.6%)
Dobbins	Large	91	42	79	99	12 (10%)
King	Medium	97	25	51	57	12 (10%)
Carver	Small	86	22	46	10	7 (5.8%)
Kennedy Magnet	Medium	74	73	61	2	7 (5.8%)
Boudin	Medium	87	22	38	85	12 (10%)

Note: I use pseudonyms and small, medium, and large enrollment scales for the high school to protect the school locations of the minors who agreed to participate in this research study. A school labeled "small" according to enrollment number ≤ 700; medium is 701–1500; and large ≥1501. All ages, except total students, are rounded to the nearest whole number. The age of total students may not equal 100 due to rounding.

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[304] At the time of the interviews, I used California Department of Education, 2017–18 School Accountability Report Card for 21st Century Learning Institute.