

Why GAO Did This Study

The Departments of Education and Justice are responsible for enforcing certain federal civil rights laws that prohibit discrimination in K-12 schools based on characteristics such as race, sex, and disability, including regarding police interactions with students.

The House committee report for the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, 2023, includes a provision for GAO to review the role of policing in schools, including the effect on students of different races. This report addresses (1) what Education's data show about the extent to which different student groups are arrested in K-12 schools and (2) whether police presence in schools is associated with student arrests.

GAO analyzed two federal Education datasets for the two most recent school years before the pandemic (2015–2016 and 2017–2018) and 2019–2020. GAO also visited three school districts, selected for factors such as high rates of arrests; reviewed federal laws and regulations; and interviewed federal officials and representatives of national education and civil rights groups.

What GAO Recommends

GAO is making three recommendations that Education: (1) collect arrest and referral data, by race, for students with disabilities who receive services under Section 504; (2) disclose the limitations of its 2021–2022 arrest data; and (3) clearly inform school districts about future changes to arrest and referral data in its civil rights data collection. Education generally agreed with these recommendations.

View [GAO-24-106294](#). For more information, contact Jacqueline M. Nowicki at (202) 512-7215 or nowickij@gao.gov.

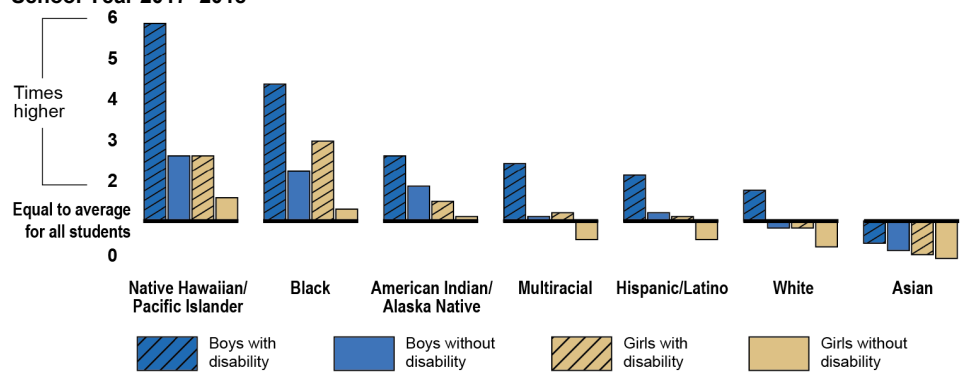
K-12 EDUCATION

Differences in Student Arrest Rates Widen When Race, Gender, and Disability Status Overlap

What GAO Found

GAO's analysis of the Department of Education's data collected from nearly every U.S. school district found that students' race and ethnicity, gender, and disability status were all prominent with respect to rates of arrest and referrals to police, especially when the characteristics intersected. Specifically, in school year 2017–2018, the most recent year of data prior to the pandemic, Native Hawaiian/Pacific Islander, Black, and American Indian/Alaska Native students were arrested at rates that were two to three times higher than White students. For boys who had a disability, the differences in arrest rates widened further.

Arrest Rates for K-12 Student Groups Compared to National Average for All K-12 Students, School Year 2017–2018



Source: GAO analysis of Department of Education, Civil Rights Data Collection, school year 2017–2018 (restricted-use data). | GAO-24-106294

Note: For more details, see fig. 3 in GAO-24-106294. "With disability" refers to students that receive services under the Individuals with Disabilities Education Act.

Education's guidance explains that when race, gender, and disability status intersect, students might experience discrimination due to the combination of protected characteristics. Yet, Education does not collect arrest and referral data by race for students receiving services only under Section 504 of the Rehabilitation Act of 1973, as amended. Section 504 prohibits discrimination on the basis of disability by recipients of federal funding. Education officials said to date, they believe the burden on districts outweighs the benefit; however, they also said they always reevaluate what data they collect and will reconsider collecting such data for the 2025–2026 data collection. Having this data is important; as GAO's analysis shows, the intersection of particular characteristics affects student arrest rates. Also, Education modified the arrest definition for school year 2021–2022, but did not tell districts about the new definition before they collected the data. This raises the risk that districts used the old definition, which could affect data quality. Disclosing data limitations also aids those that use the data.

Arrest rates more than doubled in schools with police present compared to similar schools without police, according to GAO's analysis. Among the 51 percent of schools with police present at least once a week, GAO found that arrests were more common when the police were involved in student discipline.