

June 14, 2022

Majority Leader Chuck Schumer  
U.S. Senate  
Washington, DC 20510

Minority Leader Mitch McConnell  
U.S. Senate  
Washington, DC 20510

The undersigned disability rights, civil rights, and education organizations write in response to the recently announced bipartisan Senate legislative proposal to protect America's children, keep our schools safe, and reduce the threat of violence across our country.<sup>1</sup> We commend the Senate for coming to a bipartisan agreement to address the scourge of gun violence gripping our nation. While we appreciate the Senate's efforts, we write to caution against including school hardening measures and other ineffective school safety measures that disproportionately harm students of color and students with disabilities as part of the legislation.

The bipartisan framework proposal includes a provision to provide "Funding for School Safety Resources"<sup>1</sup> and invests "in programs to help institute safety measures in and around primary and secondary schools, support school violence prevention efforts and provide training to school personnel and students."<sup>1</sup> School safety measures should help prevent future tragedies, and not further harm marginalized students.

Several policies that have been introduced before and after the recent mass shooting tragedies give us great concern.<sup>2</sup> Policy proposals such as increasing funding for school-based law enforcement as a way to keep children safe are particularly problematic.<sup>3</sup> Studies and reports have consistently shown that the presence of law

---

<sup>1</sup> See Senator Chris Murphy, "Bipartisan Group of Senators Announce Agreement" (June 12, 2022) <https://www.murphy.senate.gov/newsroom/press-releases/bipartisan-group-of-senators-announce-agreement>.

<sup>2</sup> See Coalition for Smart Safety and Federal School Discipline and Climate Coalition Letter (Jan. 10, 2022) [https://www.ndrn.org/wp-content/uploads/2022/01/EAGLES-Act-of-2021-S.391\\_H.R.-1229-Letter\\_Cyrus-Huncharek.pdf](https://www.ndrn.org/wp-content/uploads/2022/01/EAGLES-Act-of-2021-S.391_H.R.-1229-Letter_Cyrus-Huncharek.pdf); Coalition for Smart Safety Letter (Aug. 13, 2021) [https://www.ndrn.org/wp-content/uploads/2021/08/NDRN\\_Letter\\_Luke\\_and\\_Alex\\_School\\_Safety\\_Act\\_August\\_2021.pdf](https://www.ndrn.org/wp-content/uploads/2021/08/NDRN_Letter_Luke_and_Alex_School_Safety_Act_August_2021.pdf); Coalition for Smart Safety Letter (Aug. 9, 2021) <https://www.ndrn.org/wp-content/uploads/2021/06/Behavioral-Intervention-Guidelines-Act-Letter.pdf>; and Senator Tim Scott, "Scott, Marshall Introduce Bill to Allow COVID Money to be Used to Secure Schools" (June 9, 2022) <https://www.scott.senate.gov/media-center/press-releases/scott-marshall-introduce-bill-to-allow-covid-money-to-be-used-to-secure-schools>.

<sup>3</sup> See Peterson J, Densley J, Erickson G. Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019. *JAMA Netw Open*. 2021;4(2):e2037394. doi:10.1001/jamanetworkopen.2020.37394: [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?guestAccessKey=ac6a17df-f24c-437b-bcd1-7d2b7328863c&utm\\_content=weekly\\_highlights&utm\\_term=052822&utm\\_source=silverchair&utm\\_campaign=jama\\_network&cmp=1&utm\\_medium=email](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?guestAccessKey=ac6a17df-f24c-437b-bcd1-7d2b7328863c&utm_content=weekly_highlights&utm_term=052822&utm_source=silverchair&utm_campaign=jama_network&cmp=1&utm_medium=email); See Victor J. St. John, Andrea M. Headley, and

enforcement in schools and the involvement of law enforcement in school-based disciplinary proceedings increased rates of exclusionary discipline, which disproportionately impact students of color. This compounds the already troubling situation highlighted by decades of evidence and most recently by the United States Commission on Civil Rights: disciplinary measures in schools are used on students of color and students with disabilities at higher rates than their peers, although these students do not have higher rates of misbehavior.<sup>4</sup> Similarly, we have concerns with policy proposals that would increase the use of school threat assessments, as the evidence regarding the efficacy of these practices is sparse at best. Threat assessment teams, in some places, have become “judge, jury, and executioner,” going far beyond a role of assessing risk of serious imminent harm, to determining guilt and specifying punishment.<sup>5</sup> In this way, they defeat legally-required civil rights protections, usurping the role of education, mental health (e.g., counselors, psychologists from diverse and culturally relevant backgrounds), and other professionals.<sup>3</sup> Threat assessments can fracture important bonds and relationships of trust that are essential for students and families to access school-based supports and resources, as they situate the school in opposition to a student.<sup>3</sup>

Policies such as the ones described above and those like them put the well-being of students, especially students of color and students with disabilities, at risk. They perpetuate stigmatizing attitudes and practices, result in inappropriate removals from school and missed classroom time, contribute to further marginalization, and in some cases result in serious physical injury or even death.<sup>3</sup> School hardening measures are not an effective way to keep our nation’s school children safe and recent tragedies should not be used as a reason to implement policies that we know will disproportionately harm historically marginalized students. We strongly urge the Senate to specifically provide funding for schools to build positive school cultures and alternatives to exclusionary discipline and criminalization rather than money for school hardening measures which make students feel unsafe and criminalized.

We appreciate the framework proponents’ desire to keep children in schools safe. The undersigned organizations would be more than happy to work with you to ensure that school safety provisions of the framework are as inclusive and responsive to the needs

---

Kristen Harper “Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities” (June 2022) [https://www.childtrends.org/wp-content/uploads/2022/05/Policingtraumabrief\\_ChildTrends\\_June2022.pdf](https://www.childtrends.org/wp-content/uploads/2022/05/Policingtraumabrief_ChildTrends_June2022.pdf); See Blair, J. Pete, and Schweit, Katherine W. (2014). A Study of Active Shooter Incidents, 2000 - 2013. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington D.C. 2014.; See Kendrick Washington and Tori Hazelton “School Resource Officers: When the Cure is Worse than the Disease” (May 2021) <https://www.aclu-wa.org/story/school-resource-officers-when-cure-worse-disease>

<sup>4</sup> See U.S. Commission on Civil Rights, “Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities” (July 2019) <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.

<sup>5</sup> See National Disability Rights Network (NDRN), “K-12 Threat Assessment Processes: Civil Rights Impacts” (Feb. 2022) <https://www.ndrn.org/wp-content/uploads/2022/02/K-12-Threat-Assessment-Processes-Civil-Rights-Impacts-1.pdf>.

of students and their communities as possible in order to better protect all students in school.

Please contact Cyrus Huncharek ([Cyrus.Huncharek@ndrn.org](mailto:Cyrus.Huncharek@ndrn.org)), Lewis Bossing ([lewisb@bazelon.org](mailto:lewisb@bazelon.org)), or Monica Porter ([monicap@bazelon.org](mailto:monicap@bazelon.org)) should you have any questions.

Sincerely,

Advocates for Children of New York  
American Friends Service Committee  
Autism National Committee  
Autism Society of America  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Center for Disability Rights  
Center for Learner Equity  
Connecticut Legal Rights Project, Inc.  
Council of Parent Attorneys and Advocates  
Dignity in Schools Campaign  
Disability Law Center of Utah  
Disability Law Colorado  
Disability Rights Maryland  
Education Law Center  
Hispanic Federation  
Intercultural Development Research Association (IDRA)  
Japanese American Citizens League  
Juvenile Law Center  
Legal Aid Justice Center  
Michigan Teacher of the Year Network  
National Association of Rights Protection and Advocacy  
National Center for Learning Disabilities  
National Disability Rights Network (NDRN)  
National Parents Union  
National Women's Law Center  
Native American Disability Law Center  
New York Association of Psychiatric Rehabilitation Services  
Public Advocacy for Kids (PAK)  
Public Justice Center  
State Wide Education Organized Committee  
Strategies for Youth  
The Advocacy Institute  
The Arc of the United States  
The Children's Agenda  
Vassar College  
YWCA USA

CC: Senators Chris Murphy (D-Conn.), John Cornyn (R-Texas), Thom Tillis (R-N.C.), Kyrsten Sinema (D-Ariz.), Richard Blumenthal (D-Conn.), Roy Blunt (R-Mo.), Cory Booker (D-N.J.), Richard Burr (R-N.C.), Bill Cassidy (R-La.), Susan Collins (R-Maine), Chris Coons (D-Del.), Lindsey Graham (R-S.C.), Martin Heinrich (D-N.M.), Mark Kelly (D-Ariz.), Angus King (I-Maine), Joe Manchin (D-W.Va.), Rob Portman (R-Ohio), Mitt Romney (R-Utah), Debbie Stabenow (D-Mich.), and Pat Toomey (R-Pa.)