



January 10, 2022

Chair Dick Durbin
Senate Judiciary Committee
Washington, DC 20510

Chair Jerry Nadler
House Judiciary Committee
Washington, DC 20515

Ranking Member Chuck Grassley
Senate Judiciary Committee
Washington, DC 20510

Ranking Member Jim Jordan
House Judiciary Committee
Washington, DC 20515

Chair Bobby Scott
House Education and Labor Committee
Washington, DC 20515

Ranking Member Virginia Foxx
House Education and Labor Committee
Washington, DC 20515

Dear Chair Durbin, Ranking Member Grassley, Chair Nadler, Ranking Member Jordan, Chair Scott and Ranking Member Foxx:

The undersigned members of the Coalition for Smart Safety and the Federal School Discipline and Climate Coalition write in strong opposition to the EAGLES Act of 2021 (S.391/H.R. 1229). The Coalition for Smart Safety includes disability rights, civil rights, education, and privacy organizations working together to stop the false association of gun violence and violence generally with psychiatric disabilities. The Federal School Discipline and Climate Coalition is a diverse group of organizations and individuals committed to advocating for federal legislative, budgetary, and administrative action to protect the interests and educational rights of Black and Brown students and youth through a racial justice and educational equity lens. Collectively, our coalitions have worked to ensure that federal policies are culturally-sustaining and foster positive learning environments for students and that these environments affirm the mental and physical safety of all students while protecting their civil rights.

Recent mass shootings in our nation's schools have necessarily turned the spotlight on proposed policies and solutions at the legislative level. While the undersigned agree that public safety and school safety is paramount, it cannot come at the expense of historically marginalized communities such as Black, Indigenous and People of Color (BIPOC), people with disabilities, LGBTQ+, and people at the intersections of those identities. Bills such as the EAGLES Act will not keep all students safe. Instead, this bill will only serve to further isolate and stigmatize students as potential threats, which is neither helpful nor effective and will ultimately harm those students.

As our coalitions have communicated in writing before, we have major concerns with the Department of Homeland Security (DHS) taking the lead on school safety initiatives. Once again, this legislation furthers a misguided view of school safety by providing another platform for DHS to lead on school safety. DHS, whose mission is primarily focused on counterterrorism and border security, is not the appropriate agency to lead school climate or safety efforts. Schools, educators, students, caregivers, and communities are in the best position to notice and address dangerous or violent behavior and support students in their journey through school. These stakeholders, in addition to guidance counselors, social workers, health professionals and other support professionals with support from state education agencies and the U.S. Department of Education, are best positioned to keep schools safe. DHS's time, resources, and expertise would be ill spent trying to lead the Federal Government's school safety efforts. It is also worth noting that this bill does not require any community stakeholder input which inevitably means that students and families, who will be most impacted by this bill, will have no opportunity to provide input on this policy. Federal policy must be informed and responsive to the people and communities who will be most affected by the policy in question.

This bill would greatly entrench the use of school threat assessments, which are of great concern to us; the evidence regarding the efficacy of these practices is sparse at best. Additionally, the bill would also further entrench law enforcement in schools and open yet another potential federal funding stream for law enforcement in schools, which have no discernible impact on stopping violence or active shooting incidences in schools. Several studies and reports have shown that the presence of law enforcement in schools and the involvement of law enforcement in school-based disciplinary proceedings increased rates of exclusionary discipline (e.g., suspension, expulsion, seclusion and restraint), which disproportionately impact students of color and students with disabilities.¹ This is in addition to an already troubling situation highlighted by the United States Commission on Civil Rights, which found that disciplinary measures in schools affect students of color and students with disabilities at higher rates than their peers.² This moment does not call for more threat assessments and law enforcement, but rather the opposite.

We know that schools, educators, caregivers, and communities are in the best position to notice and address concerning student behavior. Experts agree behavioral interventions are most effective at reducing behavioral problems when they incorporate educators' knowledge of their students, are non-punitive, and avoid removal from school.³ The U.S. Department of Education has a variety of evidence-based resources outlining effective discipline practices and strategies to address problematic behaviors in schools, emphasizing the need for positive behavior

¹ *We Came to Learn*, The Advancement Project, 2018 at: <https://advancementproject.org/wp-content/uploads/WCTLweb/docs/We-Came-to-Learn-9-13-18.pdf?reload=1536822360635>.

² 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>.

³ "Interventions, school-wide and individual, that use proactive, preventative approaches, address the underlying cause or purpose of the behavior, and reinforce positive behaviors, have been associated with increases in academic engagement, academic achievement, and reductions in suspensions and school dropouts." U.S. Department of Education, "School Climate and Discipline" (last updated Jan. 4, 2017) <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html#suspension-101>.

interventions and supports and finds that “[e]vidence-based, multi-tiered behavioral frameworks . . . can help improve overall school climate and safety.”⁴

Congress should focus their efforts on strategies that we know improve school climate such as providing funding for schools to build positive school cultures and alternatives to exclusionary discipline and criminalization. This could also include increased funding to hire more educators, guidance counselors, social workers, health professionals as well as other specialized personnel and providing funding for the implementation of restorative justice and culturally responsive practices. There are several pieces of legislation already introduced this Congress⁵ that we know would further positive school climates thus improving school safety without harming and traumatizing Black and Brown students with and without disabilities or coming at the expense of students of color and students with disabilities.

Again, we write in strong opposition to this bill and we urge you to abandon these efforts and instead pass bills such as the [*Keeping All Students Safe Act \(HR 3474/S.1858\)*](#); [*Protecting our Students in Schools Act \(HR 3836/S.2029\)*](#); [*Counseling Not Criminalization in Schools Act \(HR 4011/S.2125\)*](#) which will create safe and inclusive schools for all children. If you have any questions, please contact Cyrus Huncharek (cyrus.huncharek@ndrn.org), Chris Scott (christopher.scott@opensocietyfoundations.org) or Breon Wells (breon.wells@thedanielinitiative.com).

Respectfully,

Organizations

Alliance for Educational Justice

American Civil Liberties Union (ACLU)

AutCom (Autism National Committee)

Autistic People of Color Fund

Autistic Self Advocacy Network

Autistic Women and Nonbinary Network

Bazelon Center for Mental Health Law

Breaking Code Silence

Center for Disability Rights

⁴ *Id.*

⁵ [*Keeping All Students Safe Act \(HR 3474/S.1858\)*](#); [*Protecting our Students in Schools Act \(HR 3836/S.2029\)*](#); [*Counseling Not Criminalization in Schools Act \(HR 4011/S.2125\)*](#).

Center for Law and Education
Children's Defense Fund
Connecticut Legal Rights Project
Council of Parent Attorneys and Advocates
Dignity in Schools Campaign
Disability Law Colorado
Disability Rights Advocates
Disability Rights Education & Defense Fund
Florida Student Power Network
GLSEN
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)
Incarcerated Nation Network
life for pot
Michigan Teacher of the Year Network
National Action Network
National Association for Rights Protect and Advocacy
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Youth Law
National Council of Churches
National Council on Independent Living
National Disability Rights Network (NDRN)
National Juvenile Justice Network

National Parents Union

Nollie Jenkins Family Center, Inc.

Open Society Policy Center

Parents Organized for Public Education

Rebuilding Independence My Style

Southern Poverty Law Center

SPAN Parent Advocacy Network

State Wide Education Organized Committee

Tennessee Mental Health Consumers' Association

The Advocacy Institute

The Arc of the United States

The Coelho Center for Disability Law, Policy and Innovation

The Daniel Initiative

Uplift MN

Individuals

Dara Baldwin, Washington DC

The Honorable Tony Coelho, Pennsylvania

Angel D'Angelo, Florida

Kathleen M Flaherty, Connecticut

Penelope Lillianna LillieMay Garcia, Washington DC

Shadequa Hampton, New York

Khem D. Irby, North Carolina

Lisa Keller, New Hampshire

Karin Korb, New Jersey

Kareem Neal, Arizona

Clarence Okoh, New York

Ellen Reddy, Mississippi

Marisol Rerucha, California

ANISAH Aminah SABUR, New York

Christopher L. Scott, Maryland

Breon Wells, Virginia

CC: Majority Leader Chuck Schumer

Minority Leader Mitch McConnell

Speaker Nancy Pelosi

Ranking Member Kevin McCarthy

Representative Ted Deutch

White House Domestic Policy Council