

Coalition FOR Smart Safety

GUN VIOLENCE IS NOT A MENTAL HEALTH ISSUE



August 13, 2021

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

Speaker Nancy Pelosi
U.S. House
Washington, DC 20515

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

Minority Leader Kevin McCarthy
U.S. House
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy:

The undersigned members of the Coalition for Smart Safety and allies write in strong opposition to the Luke and Alex School Safety Act of 2021 (S.111/H.R. 750) as currently written and urge you not to advance the legislation at this time. 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 disability.

We oppose legislation that links efforts to mitigate what is perceived to be, or actually is, problematic student behavior with violence risk assessments, threat assessments and preemptive use of law enforcement, including school resource officers (SROs), and other school measures. Collectively, these measures 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.

The Luke and Alex School Safety Act of 2021 is predicated on a recommendation from the former Education Secretary Betsy DeVos's [Final Report](#) of the Federal Commission on School Safety, which urged the government to establish a clearinghouse to assess, identify, and share best practices related to school security measures, technologies, and innovations. The commission's report is replete with problematic conclusions based on inaccurate data or, in some circumstances, no data, and therefore problematic recommendations, and this report has been used as a basis for reversing policies aimed at reforming discriminatory discipline practices in schools. Given this, the commission's report should not be viewed or used as a guide for federal policy.

This legislation furthers a misguided view of school safety by providing a platform for the Department of Homeland Security (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 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.

Federal policy must be informed and responsive to the people and communities who will be most affected by the policy. The consultation provisions in this legislation are inadequate and fail to appropriately consider the views and needs of those who will be most impacted. For example, the legislation does not require consultation with a diverse set of stakeholders in terms of race, ethnicity, geography, or disability and does not require consultation with individuals in the community. Additionally, the external advisory board provision for the clearinghouse allows only organizations to be members and specifically requires organizations representing parents of elementary and secondary school students to serve on the board. This provision is alarmingly narrow in that it does not require any students, or student organizations to serve on the board. It is they—and particularly students of color and students with disabilities—who, in all likelihood, will be most impacted by the resources published by the clearinghouse. Further, the bill would exempt the identification of best practices for the clearinghouse from the Federal Advisory Committee Act, insulating it from public scrutiny.

Moreover, there is no requirement that the practices posted on the clearinghouse be evidence-based. The bill merely requires that any evidence that supports the posted practices be identified, including, but not requiring, “relevant research that is evidence-based.”

The bill also specifically includes assistance and training for law enforcement as it relates to school safety. Outside of non-school-based law enforcement responding to life-threatening emergencies that may arise at a school, law enforcement, including SROs, should not be part of school safety discussions. Quite simply, police do not belong in schools. Rather than protecting and serving, school-based law enforcement officers actively harm students of color, low-income students, and students with disabilities. Any interaction with the police in school not only increases the possibility of referral to the criminal legal system, but also can lead to several devastating collateral consequences for students, such as doubling the likelihood of dropout, reducing school engagement, impacting federal loan eligibility for higher education, and making students feel powerless and stifled. Instead of offering technical assistance and training to law enforcement in schools, administrators and school staff should focus on disseminating information on positive behavior supports and other evidence-based 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. Additionally, school districts should take proactive steps to transition schools away from the use of existing SROs.

We appreciate the bill's proponents' desire to keep children in schools safe. Our coalition and allies would be more than happy to work with Congress to ensure that school climate bills are as inclusive and responsive to the needs of students and their communities as possible. Additionally, there are several school climate and safety bills that have been introduced this

Congress that provide better policy alternatives than school hardening and exclusionary discipline practices and solutions to school safety and climate. We urge you to consider those bills as you craft future federal policy, and we would be happy to provide you with more information on those bills.

Again, we write in strong opposition to this bill as currently written and urge you not to advance the legislation at this time. We are ready to work with you on improvements. Please contact Cyrus Huncharek at cyrus.huncharek@ndrn.org or Jennifer Mathis at jenniferm@bazelon.org should you have any questions.

Respectfully,

Activists With A Purpose Plus
Advancement Project National Office
Advocates for Children of New York
Alliance for Educational Justice
American Association of People with Disabilities
American Civil Liberties Union
American Youth Policy Forum
Americans for Democratic Action (ADA)
Arizona Coalition to End Sexual and Domestic Violence
ART NOT WAR
Association of University Centers on Disabilities (AUCD)
AutCom (Autism National Committee)
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
AWARE, Inc.
Bazelon Center for Mental Health Law
Blacks in law Enforcement of America
California Partnership to End Domestic Violence
Center for Law and Social Policy
Center for Learner Equity
Center for LGBTQ Economic Advancement & Research (CLEAR)
Center for Popular Democracy
Children's Defense Fund
Church of Scientology National Affairs Office
Civil Rights Corps
Clarina Howard Nichols Center
Coalition for Juvenile Justice
Coalition of Labor Union Women, AFL-CIO
CODEPINK
College & Community Fellowship
Connecticut Legal Rights Project
Council of Parent Attorneys and Advocates
Defending Rights & Dissent
Disability Law Colorado

Disability Rights Education & Defense Fund (DREDF)
Disability Rights Vermont
Drug Policy Alliance
Education Law Center
End Domestic Abuse WI
Epilepsy Foundation
Equal Justice Society
Equal Rights Advocates
Fannie Lou Hamer Center for change
Federal School Discipline and Climate Coalition (FedSDC)
Georgia Coalition Against Domestic Violence
Girls Inc.
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)
Health in Justice Action Lab
Hispanic Federation
Human Rights at Home Clinic (University of Massachusetts School of Law)
Illinois Coalition Against Domestic Violence
Indiana Coalition Against Domestic Violence
Iowa Coalition Against Domestic Violence
Iowa Coalition Against Sexual Assault
Justice Strategies
Juvenile Law Center
Kentucky Coalition Against Domestic Violence
life for pot
Maryland Network Against Domestic Violence
MENTOR: The National Mentoring Partnership
MomsRising
Montgomery County (MD) Civil Rights Coalition
Mosaic Vermont, Inc.
NAMI Huntington
National Association for Rights Protection 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 Coalition for Mental Health Recovery
National Council of Churches of Christ in the USA (NCC)
National Council of Churches USA
National Council on Independent Living
National Crittenton
National Disability Rights Network (NDRN)
National Equality Action Team (NEAT)
National Juvenile Defender Center
National Juvenile Justice Network
National Parents Union

Nebraska Coalition to End Sexual and Domestic Violence
New York Association of Psychiatric Rehabilitation Services
NJ Coalition to End Domestic Violence
North Carolina Coalition Against Domestic Violence
Ohio Juvenile Justice Coalition
Operation Restoration
Parents Organized for Public Education
Public Advocacy for Kids (PAK)
Public Counsel
R.A.C.E. For Restorative Justice
Racial Justice NOW
Rebuilding Independence My Style
Safeline, Inc.
SPAN Parent Advocacy Network
Special Education Equity for Kids in Connecticut (SEEK)
Strategies for Youth
The Advocacy Institute
The Arc of the United States
The Black Police Experience
The Campaign to Keep Guns Off Campus
The Children's Agenda
The Coelho Center for Disability Law, Policy and Innovation
The Daniel Initiative
The Education Trust
The Honorable Anthony "Tony" Coelho
Ujima Inc., The National Center on Violence Against Women in the Black Community
Uplift MN LLC
U.S. Dream Academy
Vday
Vermont Network Against Domestic and Sexual Violence
Violence Free Minnesota
Virginia Sexual and Domestic Violence Action Alliance
Voices Against Violence
Washington Coalition of Sexual Assault Programs (WCSAP)
Youth Justice Education Clinic, Loyola Law School

CC: Senate Homeland Security and Governmental Affairs Committee
House Education and Labor Committee
House Judiciary Committee
Senator Ron Johnson
Senator Rick Scott
Senator Marco Rubio
White House Domestic Policy Council