



August 30, 2019

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Oppose H.R. 838, the Threat Assessment, Prevention, and Safety Act of 2019 (TAPS Act)

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 18 undersigned organizations, we urge you to **oppose H.R. 838, the Threat Assessment, Prevention, and Safety Act of 2019 (TAPS Act) because of the risk it poses to the safety and wellbeing of children.** If enacted, this bill and the national strategy it is designed to produce would likely criminalize children, further harm marginalized communities, and interfere with proven and evidence-based efforts to build positive relationships in schools and climates conducive to learning and child wellbeing. Our children deserve positive solutions to keep them safe in schools, but the TAPS Act takes a misguided approach that would move us further from real safety.

All children deserve to feel safe and supported in schools. Building positive school climates is essential to ensuring the safety and wellbeing of everyone in the school building and there is considerable evidence about how to create these learning environments. However, the TAPS Act rests on flawed assumptions about preventing violence and as a result, would create new opportunities to marginalize children without ensuring their safety.

The TAPS Act applies a law enforcement and terrorism frame to addressing student behavior in schools. This is a wholly inappropriate way of ensuring the success and wellbeing of all children and would especially threaten the safety and security of children of color and children with disabilities. Police should enforce criminal laws, while schools are supposed to nurture students and help them grow.¹ Evidence has shown negative outcomes for children when there was an increased presence of law enforcement in schools;² and for children who are undocumented, contact with law enforcement can place them on a path to deportation.³ Students of color are already penalized at higher rates and are punished more severely than their White peers for lesser infractions, with non-White students far more likely to be arrested in school than their White counterparts for similar behaviors.⁴ Students with

¹ See: <https://advancementproject.org/wecametolearn/>

² See: <https://chalkbeat.org/posts/us/2019/02/14/police-schools-research-parkland/>

³ See: <https://advancementproject.org/resources/webinar-mini-action-kit-stopping-school-deportation-pipeline-combatting-ice-enforcement-public-schools/school-to-deportation-pipeline-action-kit-final-compressed/>

⁴ See: <https://www.nytimes.com/2017/09/25/opinion/black-students-little-rock-punishment.html>

disabilities, particularly those who are students of color, are punished most severely.⁵ Black girls are 1.5 times more likely to be arrested in school than White boys.⁶ These statistics suggest that increasing the engagement of law enforcement in schools will perpetuate the cycle of bias against marginalized students and will result in unnecessary interruptions to education for behaviors that do not pose a threat to safety.

Increasing data sharing across government agencies about perceived “patterns of concerning behavior,” as recommended in the TAPS Act, particularly without strict standards of proof, could drastically undermine students’ civil rights. The TAPS Act’s focus on data sharing without adequate safeguards for students and families and without monitoring to determine whether specific communities are being targeted could easily undermine the civil rights of students of color, students with disabilities, immigrant students, LGBTQ students, and religious minorities – without providing for meaningful improvement to school safety and climate. Whenever data is collected about students, the collection must be narrowly tailored, and there must be significant guidelines around what information can be collected and for how long it will remain collected, where it is stored, who will have access to it, and for what purpose it is used. A recent example of a high schooler with a disability in Oregon whose life was turned upside down after a librarian reported a conversation among children that they misheard points to the ways in which these systems can undermine the educational success and wellbeing of children.⁷

What students need from Congress is more support for safe, positive, and inclusive learning environments. Recent tragedies demand action and serious investments in evidence-based school safety measures,⁸ including comprehensive action to address the availability of guns. For example, we know from federal data sources that school counselors play a central role in the lives of students and positively contribute to decreasing school dropout rates,⁹ while there is a lack of evidence showing that school resource officers keep students safe. Yet, 1.6 million students attend a school with some type of law enforcement agent, but without a school counselor.¹⁰ Congress should be investing more in solutions and strategies to create positive school climates where there is meaningful improvement to school safety, including counselors, improved student engagement, and additional mental health supports.¹¹

We support safe communities and safe schools for all and oppose any effort to undermine the safety and wellbeing of children. We urge you to oppose H.R. 838 and instead invest in positive solutions to promote safe and supportive learning environments for our nation’s students. If you have any questions, please contact Liz King, Program Director, Education, at (202) 466-0087 or king@civilrights.org.

⁵ See: <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>

⁶ See: <https://www.edweek.org/ew/articles/2017/01/25/black-students-more-likely-to-be-arrested.html?r=912298458>

⁷ See: <https://expo.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted-a-family-and-the-ques.html>

⁸ See: http://lawcenter.giffords.org/wp-content/uploads/2018/03/Protecting-Parkland-Generation_3.6.18.pdf

⁹ See: <https://www.theatlantic.com/education/archive/2016/09/the-neglected-link-in-the-high-school-to-college-pipeline/500213/>

¹⁰ See: <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

¹¹ See: https://www.nasponline.org/Documents/Research%20and%20Policy/Advocacy%20Resources/Rethinking_School_Safety_Key_Message.pdf



Sincerely,

The Leadership Conference on Civil and Human Rights
A. Philip Randolph Institute
Arab American Institute
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Campaign for Youth Justice
Center for Popular Democracy
Council of Parent Attorneys and Advocates
GLSEN
Hispanic Federation
NAACP Legal Defense & Educational Fund, Inc.
National Association of Councils on Developmental Disabilities
National Center for Transgender Equality
National Council of Churches
National LGBTQ Task Force Action Fund
OCA - Asian Pacific American Advocates
Shriver Center on Poverty Law
TASH