



October 25, 2021

**Oppose S. 391/H.R. 1229, the EAGLES Act of 2021**

Dear Member of Congress,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 30 undersigned organizations, we urge you to oppose S. 391/H.R. 1229, the EAGLES Act of 2021, because of the risk it poses to the safety and wellbeing of children. Threat assessment systems, such as the system advanced in the EAGLES Act, 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 EAGLES Act takes a misguided approach that would codify the National Threat Assessment Center (NTAC) within the U.S. Secret Service and advance harmful policies instead of evidence-based positive supports that enable safe, healthy, and inclusive school climates.

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. The EAGLES Act does not advance those strategies which we know make schools safer and help students to thrive.

Threat assessment, including as proposed in this legislation, poses major risks for and to students, including increased and early contact with law enforcement, overidentification of students of color and students with disabilities (and students at the intersection of those identities) for “threatening” behavior, distraction from the role of easy access to guns in enabling mass shootings in schools and elsewhere, and undermining of students’ rights under civil rights laws, including the Individuals with Disabilities Education Act (IDEA) and Section 504. School safety belongs in the hands of educators, and those trained in child/adolescent development — not law enforcement, and we should never start from a place of viewing some children as threats. The civil rights community came together to develop and release Civil Rights Principles for Safe, Healthy, and Inclusive School Climates, a roadmap for policymakers concerned with the learning, well-being, and safety of all students in the nation’s schools.<sup>1</sup>

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AAJC

**Interim President & CEO**  
Wade Henderson

<sup>1</sup> The Leadership Conference on Civil and Human Rights. *Civil Rights Principles for Safe, Healthy, and Inclusive School Climates*. <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>

The EAGLES 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.<sup>2</sup> Evidence has shown negative outcomes for children when there was an increased presence of law enforcement in schools;<sup>3</sup> and for children who are undocumented, contact with law enforcement can place them on a path to deportation.<sup>4</sup> 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.<sup>5</sup> Students with disabilities, particularly those who are students of color, are punished most severely.<sup>6</sup> Black girls are 1.5 times more likely to be arrested in school than White boys.<sup>7</sup> 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. There are appropriate methods for connecting children to additional supports and services and none of those methods involve law enforcement.

Relying on threat assessment systems, as outlined in the EAGLES Act, would be misguided, detrimental, and wasteful. Threat assessment systems do nothing more than harden schools and put the well-being of students, especially students of color and students with disabilities, at risk of further marginalization. The bill also outlines how the national program would allow NTAC to develop and offer training courses on targeted school violence prevention in consultation with law enforcement entities. The investment and expansion of criminalizing systems such as threat assessment models in schools in coordination with law enforcement would only further perpetuate the school-to-prison pipeline and the criminalization of students. The bill further allows the Director of the United States Secret Service to hire additional staff focused on school threat assessment, which would undermine student safety. Federal policies should support practices and personnel that ensure students learn in safe, healthy, and inclusive environments rather than threat assessment systems in schools that harm marginalized communities.

What students need from Congress is more support for safe, positive, and inclusive learning environments. Recent tragedies demand action to address the availability of guns. We must also invest in evidence-based policies and practices that keep children and staff safe. For example, we know from federal data sources that school counselors play a central role in the lives of students and positively

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<sup>2</sup> Advancement Project. *We came to learn, A Call to Action for Police-Free Schools*.

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

<sup>3</sup> Barnum, Matt. "New studies point to a big downside for schools bringing in more police." Chalkbeat. February 14, 2019.

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

<sup>4</sup> Advancement Project. *School-to-Deportation Pipeline Action Kit*. <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/>

<sup>5</sup> Darby, Derrick & Rury, John L. "When black children are targeted for punishment." New York Times. September 25, 2017.

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

<sup>6</sup> U.S. Department of Education, Office for Civil Rights (2019). *2015-2016 Civil Rights Data Collection. School Climate and Safety*. <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>

<sup>7</sup> Blad, Evie & Harwin, Alex. "Black students more likely to be arrested at school." Education Week. January 24, 2017.

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



contribute to decreasing school dropout rates,<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

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 S. 391/H.R. 1229 and instead invest in positive solutions to promote safe and supportive learning environments for our nation's students. We urge you to instead cosponsor S. 2125/H.R. 4011, the Counseling Not Criminalization in Schools Act, S. 1858/H.R. 3474, the Keeping All Students Safe Act, and S. 2029/H.R. 3836, the Protecting our Students in Schools Act, which all make important improvements to schools to keep children safe and support their educational success. We appreciate your consideration and would welcome the opportunity to connect further on this legislation. If you have any questions, please contact Sakira Cook, Senior Director, Justice Program, at [cook@civilrights.org](mailto:cook@civilrights.org), or Liz King, Senior Director, Education Equity Program, at [king@civilrights.org](mailto:king@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
Advancing Latinas into Leadership Mentoring Program  
Alliance for Educational Justice  
American Civil Liberties Union (ACLU)  
American-Arab Anti-Discrimination Committee (ADC)  
Association of University Centers on Disabilities  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Center for Learner Equity  
Children's Rights Clinic, Southwestern Law School  
Children's Defense Fund  
Clearinghouse on Women's Issues  
Council of Parent Attorneys and Advocates  
Disability Rights Advocates  
Disability Rights Education & Defense Fund  
Feminist Majority Foundation  
GLSEN  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
National Center for Learning Disabilities  
National Center for Youth Law  
National Council of Churches USA

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<sup>8</sup> Murphy, James S. "The undervaluing of school counselors." The Atlantic. September 16, 2016.

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

<sup>9</sup> U.S. Department of Education, Office for Civil Rights (2016). *2013-2014 Civil Rights Data Collection. A First Look.*

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

<sup>10</sup> National Association of School Psychologists (NASP). *Rethinking School Safety: Communities and Schools Working Together.*

[https://www.nasponline.org/Documents/Research%20and%20Policy/Advocacy%20Resources/Rethinking\\_School\\_Safety\\_Key\\_Message.pdf](https://www.nasponline.org/Documents/Research%20and%20Policy/Advocacy%20Resources/Rethinking_School_Safety_Key_Message.pdf)



National Disability Rights Network (NDRN)  
National Juvenile Justice Network  
National Parents Union  
National Urban League  
National Women's Law Center  
Parents Organized for Public Education  
Southeast Asia Resource Action Center  
The Arc of the United States  
The Education Trust  
United Methodist Women