



September 17, 2018

The Honorable Betsy DeVos  
Secretary  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

RE: Opposition to Use of ESSA Funds for Weapons

Dear Secretary DeVos:

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 112 undersigned national, state and local organizations, we write to share our significant concern regarding the Department's reported contemplation of the use of Student Support and Academic Enrichment grants provided to states under the Every Student Succeeds Act (ESSA) for purchasing firearms and firearms training for school staff. The Department's consideration of this use for the funding is inconsistent with both congressional intent and evidence-based educational practices, working against ESSA's purpose to "provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close achievement gaps."<sup>1</sup> Having more firearms in schools would expose children and school staff to a greater risk of gun violence and make everyone in schools less safe. **The Department must immediately publicly clarify that ESSA funds cannot be used for weapons.**

ESSA is not intended to fund firearms and does not state that funds can be used to bring weapons into schools. In fact, the law provides that local education agencies can use Student Support and Academic Enrichment grants to implement drug and violence prevention activities and programs that create and maintain school environments that are "free of weapons."<sup>2</sup> One hundred and seventy-three members of Congress, several involved in writing ESSA, have clarified that it was not intended to be used for the purchase of firearms.<sup>3</sup> Additionally, Congress has indicated in other laws its intention to limit the presence of firearms in schools and prohibit the use of federal funds for firearms. More than 25 years ago, Congress passed the Gun-Free School Zones Act prohibiting unauthorized firearms from being carried onto school grounds.<sup>4</sup> And just earlier this year, Congress passed the STOP School Violence Act to provide money to states and localities for school safety and explicitly prohibited the funds from being used on firearms or firearms training.<sup>5</sup>

Research shows that students are safer and learn better when their schools are supportive and welcoming, and there is no evidence to show that increasing the number of available firearms makes students any safer. Evidence-based and promising programs such as Positive Behavior Interventions & Supports (PBIS), Multi-Tiered Systems of Support (MTSS), and

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restorative practices, as well as increased student support like mental health services and counseling services, are widely recommended by educational experts to improve school safety and climate. However, there is no evidence showing that guns make people safer.<sup>6</sup>

In fact, increasing the number of firearms in schools would make children and school staff less safe. When people have greater access to guns, more people are killed with guns.<sup>7</sup> Even in cases of self-defense, firearms do not make people safer. Having a gun does not reduce the risk of injury during a crime over other forms of protection.<sup>8</sup> Firearms pose unacceptable safety risks to children and school staff even when used by trained personnel. When involved in gunfights, trained police officers hit their intended targets less than 20 percent of the time.<sup>9</sup> And the risk is even greater for children and teachers of color, with research consistently showing that negative stereotypes about race affect split-second decisions like discharging a firearm,<sup>10</sup> even defensively, putting people of color at greater risk of being injured or killed.

In conclusion, any decision or recommendation by the Department allowing schools to use ESSA funds for weapons would be contrary to congressional intent and pose serious danger to children and their teachers. It would funnel money away from the intended purpose of ESSA to improve educational services and close achievement gaps. The Department must immediately publicly clarify that ESSA funds cannot and should not be used for firearms or firearm training.

If you have any questions or need additional information, please contact Liz King, education program director at The Leadership Conference, at [king@civilrights.org](mailto:king@civilrights.org) or (202) 466-0087 or Nicole Dooley, policy counsel at the NAACP Legal Defense and Educational Fund, Inc., at [ndooley@naacpldf.org](mailto:ndooley@naacpldf.org) or (202) 682-1300.

Sincerely,

National (55)

The Leadership Conference on Civil and Human Rights

NAACP Legal Defense & Educational Fund, Inc.

Acelero Learning

America Forward

American Civil Liberties Union

American Federation of Teachers

American Muslim Democratic Caucus

American-Arab Anti-Discrimination Committee

America's Promise Alliance

Anti-Defamation League

Association of University Centers on Disabilities (AUCD)

Augustus F. Hawkins Foundation

Bazelon Center for Mental Health Law

BELL

Children's Defense Fund  
City Year  
CLASP  
Clearinghouse on Women's Issues  
Democrats for Education Reform  
Disability Rights Education & Defense Fund  
Diverse Charter Schools Coalition  
The Education Trust  
Educators for Excellence  
The Expectations Project  
Feminist Majority Foundation  
Girls Inc.  
GLSEN  
Hispanic Federation  
Human Rights Campaign  
Jumpstart  
Learning Policy Institute  
NAACP  
National Alliance for Partnerships in Equity (NAPE)  
National Association for Down Syndrome  
National Black Justice Coalition  
National Center for Learning Disabilities  
National Center for Transgender Equality  
National Council of Jewish Women  
National Disability Rights Network  
National Down Syndrome Congress  
National Education Association  
National Indian Education Association  
National Urban League  
National Women's Law Center  
PolicyLink  
Reading Partners  
Roca  
Sargent Shriver National Center on Poverty Law  
Southeast Asia Resource Action Center (SEARAC)  
Teach Plus  
uAspire  
UnidosUS  
Union for Reform Judaism  
Wyman Center, Inc.  
YWCA USA

AAUW of Georgia  
California Down Syndrome Advocacy Coalition  
CDCRC Inc  
Center for Pan Asian Community Services, Inc.  
Children's Defense Fund - New York  
Coalition of Black Leaders in Education  
Coalition of Florida Farmworker Orgs.  
Colorado Children's Campaign  
Deep South Cherokee Keetoowah Foundation  
Disability Law Center  
Disability Law Center of Alaska  
Disability Law Colorado  
Disability Rights Florida  
Disability Rights Maryland  
Disability Rights Montana  
Disability Rights New Jersey  
Disability Rights Oregon  
Disability Rights TN  
Disability Rights Washington  
Disability Rights Wisconsin  
Down Syndrome Association of Connecticut  
Down Syndrome Connection of the Bay Area  
Education Law Center - PA  
Eighth Street Baptist Church  
Florida Council of Churches  
Florida PTA  
Kentucky Protection and Advocacy  
Latino Policy Forum  
NAACP COMTWHY State Conference  
Nollie Jenkins Family Center  
North Carolina Justice Center  
Orangeburg Consolidated School District 5 Education Association  
Quality Education for Every Student (Boston)  
Real Talk Coalition for Education Equity  
The Education Trust–New York  
Urban League of Greater Atlanta  
Urban League of Greater Pittsburgh  
YWCA Ames-ISU  
YWCA Berkeley/Oakland  
YWCA Binghamton & Broome County  
YWCA Brooklyn  
YWCA Cambridge  
YWCA Central Massachusetts

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YWCA Greater Baton Rouge  
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YWCA of the University of Illinois  
YWCA Olympia  
YWCA Pierce County  
YWCA San Francisco & Marin  
YWCA Southeastern Massachusetts  
YWCA Titusville  
YWCA White Plains & Central Westchester

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<sup>1</sup> 20 U.S.C. § 6301.

<sup>2</sup> 20 U.S.C. § 7112, 7118.

<sup>3</sup> Letter from Rep. Bobby Scott, et al., members of the House of Representatives, to Secretary Betsy DeVos, U.S. Dep't of Educ. (Aug. 28, 2018), available at <http://democrats-edworkforce.house.gov/imo/media/doc/2018-08-28%20Letter%20to%20DeVos%20on%20Guns.pdf>.

<sup>4</sup> 18 U.S.C. § 922.

<sup>5</sup> 34 U.S.C. § 10556(a).

<sup>6</sup> See *Do guns make us safer? Science suggests no*, Harvard T.H. Chan School of Public Health, <https://www.hsph.harvard.edu/news/hsph-in-the-news/do-guns-make-us-safer-science-suggests-no/> (last visited Aug. 28, 2018).

<sup>7</sup> Michael Siegel, et al., *The Relationship Between Gun Ownership and Firearm Homicide Rates in the United States, 1981–2010*, 103 AM. J. OF PUBLIC HEALTH 2098 (Oct. 9, 2013); Matthew Miller, et al., *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOCIAL SCIENCE & MEDICINE, Feb. 2007, available at <https://www.sciencedirect.com/science/article/pii/S0277953606004898?via%3Dihub>.

<sup>8</sup> David Hemenway, PRIVATE GUNS, PUBLIC HEALTH 78 (2004).

<sup>9</sup> Nate Rawlings, *Ready, Fire, Aim: The Science Behind Police Shooting Bystanders*, TIME (Sep. 16, 2013).

<sup>10</sup> See, e.g., B. Keith Payne, *Weapons Bias: Split-Second Decisions and Unintended Stereotyping*, CURRENT DIRECTIONS IN PSYCHOLOGICAL SCIENCE, 2006, available at <http://www.psych.uncc.edu/pagoolka/cdps287.pdf>.