



January 19, 2022

**Support Legislation to Advance
Safe, Healthy, and Inclusive School Climates**

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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 230 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 102 undersigned organizations, we urge you to cosponsor **S. 2125/H.R. 4011, the Counseling Not Criminalization in Schools Act; S. 1858/H.R. 3474, the Keeping All Students Safe Act; S. 2029/H.R. 3836, the Protecting our Students in Schools Act; S. 2410/H.R. 4402, the Safe Schools Improvement Act of 2021; and H.R. 2248, the Ending PUSHOUT Act of 2021**, which all make important improvements to schools to keep children safe and support their educational success. All children deserve to feel safe and supported in schools. Building positive school climates is essential to ensuring the health, safety, and well-being of everyone in the school building and on the school grounds, and there is considerable evidence about how to create these learning environments. This suite of school climate bills advances those strategies which we know promote a positive school climate and help students to thrive.

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 our nation’s schools.¹ Congress has a responsibility to children and youth to end harmful policies and practices and, instead, invest in evidence-based policies and practices that keep children and staff safe, such as reserving federal funds for counselors, nurses, and those supportive adults who are specially trained to help build positive learning environments and support children’s success. Congress has an opportunity to advance the following federal policies that support practices and personnel that ensure students learn in safe, healthy, and inclusive environments.

The Counseling Not Criminalization in Schools Act prohibits the use of federal funds to support the hiring, recruitment, and placement of police officers on K-12 school campuses and, instead, establishes a \$5 billion grant program to invest in school districts that remove law enforcement so that schools can provide adequately trained personnel and trauma-informed services to improve the learning environment for children. The Counseling Not

¹ 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>.

Criminalization in Schools Act aligns with our seventh principle in “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” which explicitly calls for the elimination of school-based law enforcement.²

The Keeping All Students Safe Act protects children and prohibits any school receiving federal funding from secluding a child; using mechanical restraint; using chemical restraint; and using prone, supine, or physical restraint that restricts breathing, stops blood flow to the brain, or is life threatening. The bill also provides grants to invest in professional development, training, and certification for evidence-based, effective school climate policies and procedures for school personnel. The Keeping All Students Safe Act aligns with our eighth principle in “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” which explicitly calls for the elimination of threats to students’ health and safety.³

The Protecting our Students in Schools Act prohibits the practice of corporal punishment in any school that receives federal funding, establishes a series of important and much-needed enforcement protections for students and families, and creates a federal grant program to assist states and school districts in improving the climate and culture of schools. There is never an educational justification for hitting children, and this legislation would end, once and for all, this harmful and dangerous practice, which is still explicitly allowed in 19 states⁴ and disproportionately harms Black children and children with disabilities.⁵ The Protecting our Students in Schools Act aligns with our eighth principle in “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” which explicitly calls for the elimination of harm to students’ health, well-being, and safety.⁶

² 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>: “Police, including school resource officers (SROs), do not belong in schools. Education legislation intended to improve school climate should expressly prohibit using federal funds on school police or surveillance and work towards the elimination of law enforcement and surveillance in schools. To the degree that law enforcement, including SROs and school security guards, remain in schools, any legislation proposed must require local education agencies to have written Memorandum of Understanding (or legal agreements) that define the role and responsibility of all law enforcement and school safety personnel and that also prohibit school police officers and similar school personnel, including volunteers, contractors, and affiliates, from enforcing student codes of conduct, engaging in a school discipline role, or managing student behavior that belongs in the hands of administrators; prohibit both police and school personnel from carrying weapons; and require school police to receive comprehensive and ongoing training on youth behavior, implicit bias, and student rights. All legislation should include oversight and penalties for local education agencies that fail to comply with its provisions.”

³ 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>: “Creating a safe and inclusive school climate requires stopping counterproductive and overly harsh punishments, including corporal punishment and restraints and seclusion, which impact our most marginalized youth and lead to long-term behavioral and mental health impacts. Federal legislation to address school climate must prohibit the use of restraints (except in situations of imminent danger of serious physical harm to self or others), prohibit the use of seclusion, and require the end of corporal punishment. These practices have no place in our schools. Legislation should limit or ban these harmful practices while also requiring improved disaggregated school-level data collection, an immediate meeting between parents of the student and the school when one of these practices occurs, and also include a private right of action to ensure individuals can take legal recourse when state actors violate the law.

⁴ Gershoff, E. T., & Font, S. A. (2016). Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy. *Social policy report*, 30, 1. Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/>.

⁵ *Ibid.*

⁶ 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>: “Creating a safe and inclusive school climate

The Safe Schools Improvement Act establishes federal standards to protect every student from bullying and harassment in K-12 schools, regardless of actual or perceived race, color, national origin, sex, sexual orientation, gender identity, disability, or religion. Bullying can result in long-term social, academic, psychological, and physical consequences,⁷ including decreased interest in school,⁸ increased absences,⁹ and decreased concentration levels for students.¹⁰ The Safe Schools Improvement Act aligns with our fourth principle in “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” which explicitly calls for enhancing protections against harassment and discrimination in school.¹¹

The Ending Punitive, Unfair, School-based Harm that is Overt and Unresponsive to Trauma (Ending PUSHOUT) Act prevents the criminalization and pushout of students from school, especially Black and Brown girls, and instead establishes a grant program for school districts and nonprofit organizations to reduce exclusionary discipline practices, such as the suspension and expulsion of students. The bill also requires the Department of Education to collect discipline data annually under the Civil Rights Data Collection (CRDC) and establishes a Federal Interagency Taskforce to End School Pushout. The Ending PUSHOUT Act aligns with our second principle in “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” which explicitly calls for schools to implement comprehensive and supportive discipline practices.¹²

requires stopping counterproductive and overly harsh punishments, including corporal punishment and restraints and seclusion, which impact our most marginalized youth and lead to long-term behavioral and mental health impacts. Federal legislation to address school climate must prohibit the use of restraints (except in situations of imminent danger of serious physical harm to self or others), prohibit the use of seclusion, and require the end of corporal punishment. These practices have no place in our schools. Legislation should limit or ban these harmful practices while also requiring improved disaggregated school-level data collection, an immediate meeting between parents of the student and the school when one of these practices occurs, and also include a private right of action to ensure individuals can take legal recourse when state actors violate the law.”

⁷ Wolke D, Lereya ST. (2015) Long-term effects of bullying. Archives of Disease in Childhood. Source: <https://adc.bmj.com/content/archdischild/100/9/879.full.pdf>.

⁸ Farrington D, Baldry A. Individual risk factors for school bullying. Journal of Aggression, Conflict and Peace Research 2010; 2(1):4-16. Source: <https://doi.org/10.5042/jacpr.2010.0001>.

⁹ Steiner RJ, Rasberry CN (2015). Brief Report: Associations between in-person and electronic bullying victimization and missing school because of safety concerns among U.S. high school students. J Adolesc. Source: <https://pubmed.ncbi.nlm.nih.gov/26043166/>.

¹⁰ Stopbullying.gov, a federal government website managed by the U.S. Department of Health and Human Services. Source: <https://www.stopbullying.gov/bullying/bullying-and-trauma>.

¹¹ 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>: “Congress must resoundingly affirm children’s right to be free from discrimination, including harassment and bullying (including cyberbullying) based on protected traits, including sexual orientation or gender identity. Schools that receive federal funds should be required to adopt codes of conduct that specifically prohibit bullying and harassment on the basis of actual or perceived race, color, national origin, disability, sex (including sexual orientation, gender identity, pregnancy and related conditions), and religion, as well as retaliation for being a party or witness in a complaint of discrimination or bullying. Additionally, Congress should affirm and clarify that sexual orientation and gender identity are protected traits that are subject to anti-discrimination protection in educational programs. Schools should also be required to provide reliable and accurate data disaggregated and cross-tabulated by race, sex, and disability on harassment and bullying (including cyberbullying) to the Department of Education. Further, any legislation should include a private right of action to ensure individuals can take legal recourse when state actors violate the law.”

¹² 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 most effective methods for improving school climate engage children and teachers in pro-social activities that build positive relationships, promote cultural

Federal support for school-based law enforcement and other harmful policies and practices, such as corporal punishment, seclusion, and restraint, directly undermines academic success, criminalizes children, and interferes with proven and evidence-based efforts to build positive relationships in schools and climates conducive to learning and child well-being. Specifically, zero tolerance policies, in-school and out-of-school suspensions, expulsions, threat assessment teams, school-based law enforcement, referrals to law enforcement, and school-based arrests create and sustain a school-to-prison pipeline.¹³ Due to bias ingrained in current school safety and discipline policies and enforcement of those policies, the behaviors of children of color, children with disabilities, and LGBTQ youth are disproportionately criminalized, while White students or those who do not have a disability or are not LGBTQ and who engage in the same behavior are treated far more leniently. Furthermore, increased police presence in schools has caused devastating harm to young people's educational outcomes and futures. The direct consequence of police in schools, coupled with the systemic biases and failures of police departments across the country, is the criminalization of typical child and adolescent behavior,¹⁴ with deep and disturbing racial implications.¹⁵ Altogether, these policies and practices push children of color, children with disabilities, and LGBTQ youth out of school and into juvenile and criminal-legal systems.

competency, confront bias, celebrate diversity, are trauma-informed, and instill a sense of community throughout the school. Any legislation intended to improve school climate should require that federal funds be used to implement only evidence-based, preventative measures that build positive school cultures and alternatives to exclusionary discipline and criminalization. This includes offering comprehensive professional development opportunities; hiring enough guidance counselors, social workers, and health professionals who are knowledgeable about child-centered civil rights laws; and employing culturally responsive practices (including accessible to people with disabilities and English language learners), restorative justice, and school-wide positive behavioral interventions and supports. All legislation should include oversight provisions and penalties for local education agencies that fail to comply.”

¹³ Here is a list of sources of the background research on the school-to-prison pipeline:

Whitaker, Amir et al. “Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students.” American Civil Liberties Union. 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

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.” U.S. Commission on Civil Rights. July 2019. <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>

Okonofua, Jason A. and Eberhardt, Jennifer L. “Two Strikes: Race and the Disciplining of Young Students.” Psychological Science. 2015. 26(5). Pgs. 617-624. <https://journals.sagepub.com/doi/abs/10.1177/0956797615570365>

U.S. Government Accountability Office. “K-12 Education: Discipline disparities for black students, boys, and students with disabilities.” U.S. Government Accountability Office. March 2018. <https://www.gao.gov/assets/700/690828.pdf>

Marquez, Nikki and Prandini, Rachel. “The School to Prison to Deportation Pipeline: The Relationship Between School Delinquency and Deportation Explained.” Immigrant Legal Resource Center. February 2018.

https://www.ilrc.org/sites/default/files/resources/school_delinq_faq_nat-rp-20180212.pdf.

Movement Advancement Project, Center for American Progress, and Youth First. “Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System.” Movement Advancement Project, Center for American Progress, and Youth First. June 2017.

<https://www.lgbtmap.org/criminal-justice-youth-detention>

¹⁴ See American Civil Liberties Union. (2019). Cops and No Counselors How the Lack of School Mental Health Staff Is Harming Students. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf (listing 25 most common behaviors that lead to school arrest and criminal charges. The number one criminal charge is “disrupting school” for “spraying perfume, fake burping, fake fart spray, refusing to change a t-shirt, and criticizing an officer”); see also Advancement Project, et al. (Mar. 2018 re-release). Police In Schools Are Not The Answer To The Newtown Shooting. <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>

¹⁵ Theriot, Matthew T. (2009). School Resource Officers and the Criminalization of Student Behavior. Journal of Criminal Justice, 37, 280–287.

https://www.researchgate.net/publication/222199181_School_Resource_Officers_and_the_Criminalization_of_Student_Behavior

Our children deserve positive solutions to keep them safe in schools. Supportive approaches to improving school climates — such as restorative and trauma-responsive practices; whole-school systems of emotional, social, and academic support such as positive behavioral interventions and supports (PBIS); mental health care; and additional counselors, nurses, and social workers — have proven to be effective at producing a safe and supportive learning environment, including by helping students address the root causes of conflict and reducing school infractions.¹⁶ Federal funding must invest in evidence-based practices, identified in collaboration with directly impacted communities, for maintaining school safety, inclusion, and support to ensure child well-being.

Congress should invest more in solutions and strategies to create positive school climates where there is meaningful improvement to school safety, including a positive learning environment, improved student engagement, and healthy interpersonal relationships. We urge you to join in the call for safe, inclusive, and healthy schools by cosponsoring S. 2125/H.R. 4011, the Counseling Not Criminalization in Schools Act; S. 1858/H.R. 3474, the Keeping All Students Safe Act; S. 2029/H.R. 3836, the Protecting our Students in Schools Act; S. 2410/H.R. 4402, the Safe Schools Improvement Act of 2021; and H.R. 2248, the Ending PUSHOUT Act of 2021, 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 suite of legislation. If you have any questions, please contact Steven Almazan, K12 education program manager at The Leadership Conference on Civil and Human Rights, at almazan@civilrights.org.

Sincerely,

National Organizations:

The Leadership Conference on Civil and Human Rights
Alliance Against Seclusion and Restraint
American Association of Colleges for Teacher Education
American Association of University Women
American Atheists
American Civil Liberties Union (ACLU)
American Humanist Association
Asian Americans Advancing Justice | AAJC
Association of University Centers on Disabilities
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law

See also Nance, Jason P. (2016). "Students, Police, and the School-to-Prison Pipeline," University of Washington Law Review, 93(919). https://www.researchgate.net/publication/316459570_Students_Police_and_the_School-To-Prison_Pipeline

¹⁶ Nance, J. (2016). Dismantling the School-to-Prison Pipeline. Arizona State Law Journal, 48. (citing Johnson, D., Allensworth, E., and Steinberg, M. (May 2011). Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization. Consortium on Chicago School Research at the University of Chicago Urban Education Institute. <https://consortium.uchicago.edu/sites/default/files/2018-10/SAFETY%20IN%20CPS.pdf>)

Center for American Progress
Center for Law and Social Policy (CLASP)
Center for Learner Equity
CenterLink: The Community of LGBT Centers
Children's Defense Fund
Clearinghouse on Women's Issues
Committee for Children
CommunicationFIRST
Council of Parent Attorneys and Advocates
Dignity in Schools Campaign
Disability Rights Education & Defense Fund
Educators for Excellence
EduColor
Empowering Pacific Islander Communities
Feminist Majority Foundation
FORGE, Inc.
Girls Inc.
GLSEN
Hispanic Federation
Human Rights Campaign
IDRA (Intercultural Development Research Association)
Japanese American Citizens League
League of United Latin American Citizens (LULAC)
MANA, A National Latina Organization
Movement Advancement Project
NAACP
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Alliance for Partnerships in Equity
National Association of Councils on Developmental Disabilities
National Association of the Deaf
National Black Child Development Institute
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy & Community Empowerment (National PLACE)
National Center for Transgender Equality
National Center for Youth Law
National Crittenton
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Organization for Women
National Urban League
National Women's Law Center
Public Advocacy for Kids (PAK)
RespectAbility

Restoring Community LLC
Safe Schools Action Network
Southeast Asia Resource Action Center
Speak Up! Special Education Advocacy
SPLC Action Fund
Stand for Children
The Advocacy Institute
The Arc of the United States
The Education Trust
The Trevor Project
UnidosUS
United Methodist Women
YWCA USA

State & Local Organizations:

Advocates for Children of New York
Advocates For Justice
Advocates for Special Education
AVANZAR
AWACE LIFE CARE CENTER
Children's Rights Clinic, Southwestern Law School
Colorado Children's Campaign
Disability Rights Maine
Disability Rights Wisconsin
Education Law Center-PA
El Sol Science and Arts Academy
Equality California
Family Voices NJ
Federation for Children with Special Needs
Girls Inc. of Memphis
Illinois Migrant Council
Inspiring Futures for All
Kalamazoo Community Foundation
LULAC-IL
Maine Developmental Disabilities Council
Maine Parent Federation
Maryland Network Against Domestic Violence
Massachusetts Attorneys for Student Educational Rights
Michigan Alliance for Special Education
MindsetMatters LLC
New Jersey Safe Schools Coalition
Nollie Jenkins Family Center, Inc.
North Carolina Justice Center
Our Vote Texas



Parent to Parent of Georgia, Inc
Silver State Equality-Nevada
SPAN Parent Advocacy Network
The Arc of West Virginia
The Parents' Place of MD
YWCA Kalamazoo