



November 1, 2022

Dear Member of Congress,

The Consortium for Constituents with Disabilities (CCD) Education Task Force writes to express our opposition to the EAGLES Act (S. 391, H.R. 1229) and all federal funding supporting the implementation and use of violence risk assessment and threat assessment programs in public schools. Threat assessment programs, like many forms of “zero tolerance” school discipline, disproportionately harm students with disabilities including Black, Indigenous, People of Color (BIPOC). These systems can have severe negative consequences for students, including suspension, loss of class time, and early involvement with law enforcement. The EAGLES Act would entrench these programs in schools. It would involve counterterrorism agencies in the lives of children. We call upon Congress to oppose this bill and to pass bills that eliminate exclusionary school discipline and fund services, supports, and skilled personnel that promote a positive school climate and learning environments for all students.

Threat assessment involves a small team - usually a law enforcement officer and 2-3 school staff - that determines whether a student reported to them is a “threat.”<sup>1</sup> The team can make unilateral decisions about how to discipline the student, circumventing the procedures required by Section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Act (IDEA), and the school’s discipline policies.<sup>2</sup> There is rarely any standard operating procedure for performing a threat assessment.<sup>3</sup> The team’s decisions are frequently based on rumors and arbitrary judgments about student behavior rather than credible threats, leading to disproportionate referrals of Black and Brown youth and students with disabilities.<sup>4</sup>

Consequences of threat assessment referrals can include the suspension, profiling, and tracking of Black, Brown, and disabled students by law enforcement, lost class time, financial expense to the student’s family due to having to pay for evaluations not covered by insurance, and referrals to immigration authorities or child protective services.<sup>5</sup> Threat assessment programs are often based on frameworks used to combat terrorism and other serious crimes rather than discipline children.<sup>6</sup> Threat assessment consequently treats students with

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<sup>1</sup> National Disability Rights Network, K-12 Threat Assessment Processes: Civil Rights Impacts 2-3 (Feb. 2022), at <https://www.ndrn.org/wp-content/uploads/2022/02/K-12-Threat-Assessment-Processes-Civil-Rights-Impacts-1.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 6-7.

<sup>4</sup> National Disability Rights Network, K-12 Threat Assessment at 6-7; Miriam Rollin, *Here’s How Threat Assessments May Be Targeting Vulnerable Students*, EdPost (Dec. 2019), <https://www.edpost.com/stories/heres-how-threat-assessments-may-be-targeting-vulnerable-students>; Ike Swetltz, *Who’s The Threat?: Hundreds of special ed students ID’d as potential threats*, Searchlight New Mexico (Oct. 15, 2019), <https://searchlightnm.org/whos-the-threat/>; Bethany Barnes, *Targeted, A Family and the Quest to Stop the Next School Shooter*, (2018), at: <https://www.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted-a-family-and-the-ques.html>.

<sup>5</sup> National Disability Rights Network, 1-4, 9; Bethany Barnes, *Targeted: A Family and the Quest to Stop the Next School Shooter*, The Oregonian (June, 2018), <https://www.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted-a-family-and-the-ques.html>.

<sup>6</sup> See: e.g., John Wyman, *Applying Counterterrorism Tools to Prevent Acts of Targeted Violence: Lessons Learned from the FBI’s Behavioral Threat Assessment Center*, IACP Police Chief, <https://www.policechiefmagazine.org/applying-counterterrorism-tools-to-prevent-acts-of-targeted-violence/> (“For example, a school threat assessment team dealing with a challenging student of concern would benefit greatly from learning about law enforcement’s contact with the student outside of school hours .. A primary focus at this point should be on determining the credibility, imminence, and significance of the threat”); *National Threat Assessment Center*, U.S. Secret Service, <https://www.secretservice.gov/protection/ntac> (last visited Oct. 18, 2022) (including schools among the major areas that the Center evaluates using threat assessment, which is also used to prevent mass shootings and attacks on the government).

disabilities including BIPOC as dangerous instead of allowing them to be children and providing them with supports and services when they are in need of them.

CCD opposes the EAGLES Act because it *will not improve school safety* and it will promote and support practices known to criminalize children. The EAGLES Act would create an explicit program in the U.S. Secret Service's National Threat Assessment Center for school threat assessment.<sup>7</sup> The U.S. Secret Service is part of the U.S. Department of Homeland Security - a border security and counterterrorism agency. This agency has no expertise in student behavior or child development. Nonetheless, they would develop best practices and train school staff on threat assessment, treating children as potential terrorists.<sup>8</sup>

CCD seeks policy and funding that will support schools in their efforts to create positive and safe learning environments. Therefore, rather than supporting threat assessment systems known to rely upon exclusionary discipline and criminalization, which take educational opportunity away from students – especially those who are Black, Latino, Native American, have a disability, are low-income, or are LGBTQ<sup>9</sup> – we recommend that Congress instead pass bills such as the *Keeping All Students Safe Act* (S. 1858/H.R. 3474), the *Counseling Not Criminalization In Schools Act* (S. 2125/H.R. 4011). These and other complementary bills are designed to improve school climate by eliminating the use of exclusionary discipline and helping schools and districts provide comprehensive support for students' needs.

Threat assessment stigmatizes and punishes vulnerable students. It has no place in a school environment. We urge Congress to oppose the EAGLES Act and other similar bills. We urge Congress to take action on legislation that supports schools and districts in improving school climate. In doing so, Congress will instead equip schools to serve students' academic, mental, social, and emotional needs. For further information, please contact one of the CCD Education Task Force co-chairs for additional information.

Sincerely,

Autistic Women and Nonbinary Network  
Bazelon Center for Mental Health Law  
Center for Learner Equity  
CommunicationFIRST  
Council for Learning Disabilities  
Council of Parent Attorneys and Advocates  
Disability Rights Education & Defense Fund  
Epilepsy Foundation  
National Association of State Head Injury Administrators  
National Center for Learning Disabilities  
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)  
National Disability Rights Network (NDRN)  
The Arc of the United States

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<sup>7</sup> EAGLES Act of 2021, H.R. 1229 117th Cong. § 3 (2021).

<sup>8</sup> *Id.*

<sup>9</sup> U.S. Department of Education, [2017-18 Civil Rights Data Collection: State and National Estimations](#).