



June 16, 2022

The Honorable Chris Murphy  
U.S. Senate  
Washington, DC 20510

The Honorable Tom Tillis  
U.S. Senate  
Washington, DC 20510

The Honorable Kyrsten Sinema  
U.S. Senate  
Washington, DC 20510

The Honorable John Cornyn  
U.S. Senate  
Washington, DC 20510

Dear Senators Murphy, Tillis, Sinema and Cornyn,

The Consortium for Constituents with Disabilities (CCD) Education Task Force monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal law such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws.

The CCD Education Task Force is writing with regard to a recently announced bipartisan Senate legislative proposal to protect America's children, keep our schools safe, and reduce the threat of violence across our country.<sup>1</sup> CCD absolutely shares the goal to keep our schools safe and to reduce the threat of violence and seeks policy and funding that will support schools in their efforts to create positive and safe learning environments. Therefore, given the expected impact of new legislation on schools, children, and families, we offer the following:

- CCD supports new federal funding to improve student access to school-based mental health, social and emotional supports, and programs provided by qualified practitioners, including personnel teaching students with disabilities and essential school staff (e.g., school counselors, school psychologists, school social workers, and other specialized instructional support personnel);
- CCD supports new federal funding to promote the involvement of school staff, families, students, community agencies and providers (e.g., mental health, juvenile justice, and other child- and youth-serving organizations) so schools and communities can develop and implement comprehensive plans to promote mental health and link students with effective services and supports;
- CCD supports increases to the IDEA, Title I, and other key education laws and their programs<sup>2</sup>;
- CCD opposes federal funding targeted to states, districts and/or schools to support the hiring and/or training of law enforcement, including school resource officers; and,
- CCD opposes federal funding and policy that supports school or district practices that utilize violence risk assessments or threat assessments.

CCD urges you to focus all legislative efforts to improve the school climate and safety on assuring schools and districts are adequately equipped to respond to students with the funding they need to hire, train and support staff to use the evidence-based practices known to support students' academic and behavioral needs. **School hardening measures funded through federal dollars are not the answer.**

<sup>1</sup> See: <https://www.murphy.senate.gov/newsroom/press-releases/bipartisan-group-of-senators-announce-agreement>

<sup>2</sup> See: [https://www.c-c-d.org/fichiers/Final-CCD-Education-TaskForce-FY23-Appropriations-Request-April2022\).pdf](https://www.c-c-d.org/fichiers/Final-CCD-Education-TaskForce-FY23-Appropriations-Request-April2022).pdf)

In fact, we know that students – especially those who are Black, Latino, Native American, have a disability, or are otherwise marginalized – have had their education taken from them because of exclusionary discipline and criminalization.<sup>3</sup> If you happen to be a student of color or a Native student with a disability, the odds are stacked against you. Here’s a snapshot of what we know:

- While Black children are only 15 percent of all children in school nationwide, they make up 33 percent of the children arrested,<sup>4</sup> despite research showing that Black children do not misbehave more than their white counterparts.
- Native American boys are arrested at a rate more than 7.5 times the national average.<sup>5</sup>
- Students with disabilities are more than twice as likely to be arrested as those without disabilities,<sup>6</sup> and we know students who face arrests are less likely to graduate, succeed academically, and have stable employment.
- Students with disabilities account for nearly 15% of all those subjected to corporal punishment in schools.<sup>7</sup>
- Of the 101,990 students restrained at school or placed in seclusion, 78 percent were students with disabilities.<sup>8</sup>

As CCD shared with Chair Murray and Ranking Member Burr in April, national data indicate that approximately 40 percent of children will experience a mental health concern by 7th grade; each year, one in five students are and will continue to experience a mental and behavioral health concern; and, research shows that students are more likely to receive mental health supports if they are offered at school.<sup>9</sup> Unfortunately, the vast majority of students do not receive the mental health care they need, and of those who do, most receive it at school. Students with identified mental health, emotional, or behavioral disorders are just like all students in their need for an education, including so that as adults they can enjoy the same professional opportunities available to others, and to be understood and appreciated for their strengths and talents. They are also just like others in their need to belong — to their families, in their school with friends, and in their communities. Special services, targeted intervention, guidance, and other support may be needed for a student with mental health, emotional or behavioral disorder to succeed in school.<sup>10</sup> Therefore, improving access to school-based mental health and social emotional supports as well as wrap around programs from the community, including from organizations with expertise in disability are critical in preventing and identifying — early-on — mental health challenges in children and youth. T

The staffing problem -and the critical need to respond- is well documented and existed pre-pandemic. The National Association of School Psychologists recommends a ratio of one school psychologist per 500 students. The School Social Work Association of America recommends a ratio of one school social worker per 250 students; yet national ratios for these and other specialized professions are more than double what is recommended in most schools. Shortages in education and mental health professions have the potential to significantly undermine the availability of high-quality services to students with disabilities, their families and schools, and result in negative outcomes for children and the adults educating them.

Bills that target federal education funding to school hardening measures such as hiring more police, including school resource officers, and/or promoting the use of violence risk assessments or threat assessments will only serve to further isolate and stigmatize students with disabilities and students who are Black, Indigenous and people of color as potential threats, which is not effective and will ultimately harm those students. The abuses and long-term negative consequences of police in schools on students of color and students with disabilities is well

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<sup>3</sup> U.S. Department of Education, [2017-18 Civil Rights Data Collection: State and National Estimations](#).

<sup>4</sup> Education Week. (2017). [Which Students Are Arrested the Most?](#)

<sup>5</sup> American Civil Liberties Union, *Police In Schools Continue to Target Black and Brown and Indigenous Students with Disabilities*, (2020), <https://www.aclu.org/news/criminal-law-reform/police-in-schools-continue-to-target-black-brown-and-indigenous-students-with-disabilities-the-trump-administration-has-data-thats-likely-to-prove-it>

<sup>6</sup> U.S. Department of Education, [2017-18 Civil Rights Data Collection: State and National Estimations](#)

<sup>7</sup> American Civil Liberties Union, *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*. <https://www.aclu.org/impairing-education-corporal-punishment-students-disabilities-us-public-schools-html>

<sup>8</sup> U.S. Department of Education, [2017-18 Civil Rights Data Collection: The Use of Restraint and Seclusion on Children with Disabilities in K-12 Schools](#)

<sup>9</sup> Substance Abuse and Mental Health Services Administration, [https://www.samhsa.gov/sites/default/files/ready\\_set\\_go\\_review\\_mh\\_screening\\_in\\_schools\\_508.pdf](https://www.samhsa.gov/sites/default/files/ready_set_go_review_mh_screening_in_schools_508.pdf)

<sup>10</sup> CCD Education Task Force recommendations on mental health priorities, (April, 2022), [https://www.c-c-d.org/fichiers/CCD-Ltr-to-Murray\\_Burr-Re\\_-\\_Mental-Health-Recs.pdf](https://www.c-c-d.org/fichiers/CCD-Ltr-to-Murray_Burr-Re_-_Mental-Health-Recs.pdf)

documented.<sup>11</sup> Additionally, the preemptive use of law enforcement as part of a threat assessments allows schools to bypass the rights of students with disabilities which is of great concern; and the evidence of the efficacy of these practices is sparse. Given all this, please reject any legislation that includes these harmful policies.

We urge Congress to pass a law that includes the provisions and funding that supports schools and districts in increasing access to comprehensive mental and behavioral health services through well-trained school personnel. In doing so, Congress will help assure schools are better equipped to address severe personnel shortages, infuse evidence-based programs central to delivering high quality professionals into school district/school positions, and support students' academic, behavioral, and mental health needs.

We appreciate your consideration of our recommendations. Please reach out to any of the CCD Education Task Force co-chairs listed below.

Sincerely,

American Association of People with Disabilities  
Association of People Supporting Employment First (APSE)  
Association of University Centers on Disabilities  
Autistic Self Advocacy Network  
Autism Society of America  
Autistic Women & Nonbinary Network  
Center for Learner Equity  
Center for Public Representation  
CommunicationFIRST  
Council of Parent Attorneys and Advocates (COPAA)  
Disability Rights Education & Defense Fund  
Easterseals  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities  
National Disability Rights Network (NDRN)  
The Advocacy Institute  
The Arc of the United States

CCD Co-Chairs:

Bart Devon, NDSS [bdevon@ndss.org](mailto:bdevon@ndss.org)  
Lindsay Kubatzky, NCLD [lkubatzky@nclد.org](mailto:lkubatzky@nclد.org)  
Kim Musheno, Autism Society [kmusheno@autismsociety.org](mailto:kmusheno@autismsociety.org)  
Laura Kaloi, COPAA,CLE [lkaloi@stridepolicy.com](mailto:lkaloi@stridepolicy.com)

cc: The Honorable Charles Schumer  
The Honorable Mitch McConnell  
The Honorable Dick Durbin  
The Honorable Chuck Grassley  
The Honorable Patty Murray  
The Honorable Richard Burr

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<sup>11</sup> Council of Parent Attorneys and Advocates, *Keeping Students Safe in School: Redirecting School Police Funding to Benefit Students by Supporting Social, Emotional and Behavioral Needs*, (2021), [https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2021\\_docs/copaa\\_article\\_re\\_stpp\\_final.pdf](https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2021_docs/copaa_article_re_stpp_final.pdf)