



July 19, 2022

Secretary Alejandro Mayorkas
Department of Homeland Security
Washington, DC 20395

Secretary Miguel Cardona
Department of Education
Washington, DC 20202

Attorney General Merrick Garland
Department of Justice
Washington, DC 20530

Secretary Xavier Becerra
Department of Health and Human Services
Washington, DC 20201

Dear Secretaries Mayorkas, Cardona, Becerra and Attorney General Garland,

The National Disability Rights Network (NDRN) writes in regard to the enacted Luke and Alex School Safety Act of 2022 (LASSA) which is part of the recently enacted Bipartisan Safer Communities Act (Public Law 117–159). LASSA directs the Department of Homeland Security (DHS) in coordination with the Secretary of Education (ED), Attorney General (AG) and Secretary of Health and Human Services (HHS) to establish a Federal Clearinghouse on School Safety Evidence-based Practices. We write specifically in regard to the important consultation provisions required by this law as it is critically important that timely consultation be carried out in an inclusive manner to ensure the Clearinghouse is aligned with evidence-based practices to support, as required by the statute, a positive and safe learning environment for all students.

NDRN is the nonprofit membership organization for Protection & Advocacy (P&A) agencies, a nationwide network of congressionally mandated, cross disability organizations. P&A agencies operate in every state, the District of Columbia, Puerto Rico, and the U.S. territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands). There is also a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations located in the Four Corners region of the Southwest.

We appreciate Congress' thoughtful inclusion of the consultation provisions of this law. It is critically important that Federal policy be informed and responsive to the people and communities who will be most affected by the law. We know that school safety policies are conceptualized and administered quite differently, especially impacting individuals in protected classes. We know from decades of reports and studies, including those conducted by the Federal government, that disciplinary measures in schools are used on students of color and students with disabilities at higher rates than their peers, although these students do not have higher rates of misbehavior. Often, these disciplinary measures are carried out under the guise of school safety. We cannot continue to permit school safety practices that disproportionately harm students with disabilities and students of color and thus it is critical that your agencies be cognizant of this reality as you work to implement the Clearinghouse.

The consultation provision in LASSA includes the following:

In identifying the evidence-based practices and recommendations for the Clearinghouse, the Secretary shall— “(A) consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations, including civil rights and disability rights organizations; and...

In regard to the above provision, we pose the following question:

- Do your Departments intend to publicly disclose how you intend to meet this requirement and specifically which civil rights and disability rights organizations you intend to consult?

The continuous improvement provision in LASSA includes the following:

- **...establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, representative from civil rights organizations, representatives of disability rights organizations, representatives of educators, representatives of law enforcement, and nonprofit school safety and security organizations, to—**

In regard to the above provision, we pose the following questions:

- Do your Departments intend to publicly disclose how you intend to meet this requirement and specifically which civil rights and disability rights organizations you intend to appoint to the external advisory board?
- How can civil rights and disability rights organizations apply and/or express their desire to be appointed to the external advisory board?

As a leading disability rights organization, we wish to make clear that we are available for any consultation required by the statute and are also prepared to recommend other organizations who might be of use as your agencies implement this law. We look forward to receiving your responses to the questions posed in this letter and working with you to ensure all students are safe in school. Please contact Cyrus Huncharek (Cyrus.Huncharek@ndrn.org), Senior Public Policy Analyst should you have any questions.

Sincerely,



Eric Buehlmann
Deputy Executive Director for Public Policy
National Disability Rights Network

CC: White House Domestic Policy Council