



**BAZELON CENTER FOR MENTAL HEALTH LAW CRITICIZES FEDERAL SCHOOL SAFETY COMMISSION REPORT, URGES U.S. DEPARTMENT OF EDUCATION TO RETAIN SCHOOL DISCIPLINE GUIDANCE**

WASHINGTON, D.C. (December 18, 2018) – The Bazelon Center for Mental Health Law today expresses serious concerns about the Trump Administration’s Federal School Safety Commission’s report, and condemns the Commission’s recommendation that the U.S. Department of Education rescind its 2014 school discipline guidance. The Bazelon Center urges the Department to retain the guidance and to stop engaging in harmful and discriminatory stereotypes about children with mental health disabilities.

Although the report endorses proven approaches to improving school climate, such as positive behavioral interventions and supports, and highlights the need for effective school-based mental health services – without committing additional federal funding for these critical supports for students – the report troublingly recommends, among other things, that:

- States revise their involuntary outpatient commitment laws to make it easier for courts to order students at or over the age of majority to participate in treatment and services, despite the fact that studies have consistently shown no evidence that a court order for involuntary outpatient treatment improves outcomes for individuals with mental health disabilities or makes others safer.
- Federal laws protecting student privacy be re-examined and potentially weakened, even though the laws already permit schools to share student information when necessary to protect public safety.
- School-based “threat assessment” teams target students for disability-related “suspicious” behavior – even as the report acknowledges that people with mental health disabilities are no more likely than anyone else to commit gun crimes.

The report also recommends that the Education Department rescind its school discipline guidance, which clarifies federal legal protections for students with disabilities and students of color. Rescinding the guidance does not change these protections for students, but signals the Administration’s failure to acknowledge and combat dramatic disparities in the discipline rates of students with disabilities and students of color, and continues a disturbing trend of deprioritizing federal civil rights enforcement.

Across the country and in Washington D.C., the Bazelon Center engages in policy and legal advocacy to ensure that states, school districts, and schools employ effective approaches to supporting student behavior so that students with disabilities and students of color can stay in

school, advance from grade to grade, graduate, and transition successfully to adult life. The U.S. Department of Education's Civil Rights Data Collection confirms that students with disabilities, especially students of color with disabilities, face disproportionately high rates of in-school and out-of-school suspension, expulsion, and referrals to law enforcement. Studies supported by the Department show that the students suffer both short-term and long-term negative consequences from these disciplinary removals from the classroom.

"The Commission's report focuses on students with disabilities – who are no more likely than anyone else to engage in violence against others – and students of color, ignoring the real factors that make our schools less safe," said Jennifer Mathis, Director of Policy and Legal Advocacy at the Bazelon Center. "Regardless of what the Trump Administration does, we will not back down from our mission to protect the civil rights of students with disabilities, including students of color with disabilities, and ensure they receive the services and supports they need to receive equal educational opportunities."