



April 4, 2018

Secretary Betsy DeVos  
The U.S. Department of Education  
400 Maryland Avenue  
Washington, DC 20202

Dear Secretary DeVos:

On behalf of the undersigned organizations, we write to express our dismay about the exclusive and non-transparent approach the Department has taken in arranging its upcoming summit on school safety and climate. As advocates for youth, disability rights, immigrant rights, tribal sovereignty, LGBTQ rights, gender justice, and racial justice, we are committed to the promise of educational success for all of our nation's children. Whether students feel safe in school is core to their ability to learn. And for too long, discriminatory practices and policies have sent the message that certain students are not welcome—not because of their actions, but because of who they are. Discriminatory discipline practices play out in ways informed by racial and gender stereotypes, and are often exacerbated when educators fail to recognize what may be a manifestation of a student's disability. Our nation's civil rights and educational equity laws aim to root out these discriminatory practices in our classrooms, so that all children have the opportunity to succeed.

And yet, despite the diverse stakeholders this topic affects, key voices that represent students uniquely and disproportionately affected by discriminatory discipline have been shut out. For example, schools are twice as likely to suspend and expel children with disabilities as non-disabled children.<sup>1</sup> Students with disabilities are also often subject to harsh restraint and seclusion practices. Although Native American youth make up just one percent of students in school, Native American girls are three times more likely to be suspended and Native American boys are more than twice as likely to be suspended compared to their white counterparts.<sup>2</sup> Surveys also show that LGBTQ youth are more likely to be targeted by discipline policies that punish students for expressing their LGBTQ identity, as well as for being victims of harassment based on their sexual orientation or gender identity.<sup>3</sup> And the school-to-deportation pipeline presents a unique threat to the ability of undocumented students to access educational

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<sup>1</sup> U.S. Department of Education. "School Climate and Discipline: Know the Data."  
<https://www2.ed.gov/policy/gen/guid/school-discipline/data.html>.

<sup>2</sup> National Women's Law Center calculations using data from U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection, 2013-14.

<sup>3</sup> GLSEN (2016). Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth. New York: GLSEN, [https://www.glsen.org/sites/default/files/Educational\\_Exclusion\\_Report\\_6-28-16\\_v4\\_WEB\\_READY\\_PDF.pdf](https://www.glsen.org/sites/default/files/Educational_Exclusion_Report_6-28-16_v4_WEB_READY_PDF.pdf).

opportunities.<sup>4</sup> Our organizations represent children who sit within and at the intersections of these various identities—communities that are frequently ignored and left vulnerable to discriminatory actions.

We are very concerned about the lack of transparency regarding the summit participants. Although we have repeatedly stressed our interest in school safety and climate issues, we have been unable to identify whether the summit will include any representation of students with disabilities, Native American students, LGBTQ students, or immigrant and undocumented students. And representation from groups representing women and girls, as well as students of color more broadly, has been limited to just a handful of groups.

To be clear, we strongly support the 2014 Dear Colleague Letter on discriminatory school discipline and oppose any rescission or revision of the guidance and accompanying documents. This guidance is a helpful resource for educators, administrators, students, and parents. It reminds recipients of federal funding that their school discipline policy and practices must comply with nondiscrimination requirements in civil rights law. The guidance has empowered students, parents, teachers and administrators to challenge policies that push students out of school and exacerbate inequities in education.

Although rescinding the guidance would not take away students' legal rights, it would send the wrong and dangerous message that the Administration would overlook schools that discipline students based on race and other protected traits. This is the same message that has been delivered to transgender students and survivors of sexual violence with the rescission of Title IX guidance documents and issuance of policies that are contrary to established and emerging sex discrimination law. These actions have made transgender students and survivors feel less safe in schools. We must not allow the recent tragic school shooting in Parkland, Florida to be conflated with the need to limit student civil rights. Given what is at stake, we urge you to preserve the guidance and fully engage groups that take a comprehensive approach to promoting school safety and climate.

For too long, conversations about school safety and climate have focused on efforts that target historically marginalized groups. The school discipline guidance helped center those marginalized groups to the benefit of all children. As Secretary, you have a duty to ensure students are able to learn free from discrimination. We urge you to fulfill that duty.

Signed,

National Women's Law Center, joined by:

Autistic Self Advocacy Network

GLSEN

Human Rights Campaign

National Center for Learning Disabilities

National Center for Transgender Equality

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<sup>4</sup> Immigrant Legal Resource Center (2018). The School to Prison to Deportation Pipeline: The relationship between school delinquency and deportation explained. San Francisco: IRLC, [https://www.ilrc.org/sites/default/files/resources/school\\_delinq\\_faq\\_nat-rp-20180212.pdf](https://www.ilrc.org/sites/default/files/resources/school_delinq_faq_nat-rp-20180212.pdf).

National Disability Rights Network  
National Down Syndrome Congress  
The Arc of the United States  
The National Indian Education Association