

Bipartisan Safer Communities Act: Advocacy Toolkit

This summer, the [Bipartisan Safer Communities Act](#) became law. While this new federal law contains significant and urgently needed funding for mental health services, it [inappropriately links mental health with gun violence](#) and includes funding that may be used for programs known to be harmful to children with disabilities, especially Black and Brown children. This toolkit outlines some of the Act's provisions, and actions advocates can take so that implementation of the Act does not scapegoat people with disabilities.

Monitoring Federal Grant Programs

The Act expands a number of federal grant programs, increasing support for CCBHCs (Certified Community Behavioral Health Clinics), the National Suicide Prevention Lifeline, and school mental health and crisis response programs.

The Act expands the existing Medicaid CCBHC demonstration program to all states to increase access to community-based behavioral health services, including mental health and substance use disorder services.

Action Alert! Monitor how funding is spent in your community to **ensure that CCBHCs funded by the Act provide community-based services that prevent crises**, such as peer services, Assertive Community Treatment (ACT), supported employment, and supported housing.

The Act also includes \$150 million for the roll-out of 988, the new three-digit number for the National Suicide Prevention Lifeline. Although 988 and the Lifeline can be part of a more effective response to people experiencing mental health crises, more (and more effective) call centers are only part of what is needed to help people with serious mental health needs, especially Black and Brown people who have experienced trauma from over-policing.

Action Alert! Call for [a more comprehensive solution](#) to crisis response, including peer-led warm lines, mobile response teams, and crisis apartments; as well as robust longer-term community-based services that are culturally competent, and knowledgeable about the communities they serve.

The Act provides over \$2 billion for Department of Education grant programs over the next few years that can be used to help schools provide mental health and other supports to students. These programs should fund initiatives that create positive school climates and prevent further disenfranchisement of marginalized children.

Action Alert! Demand investments in [approaches that have been shown to work to create safe and welcoming school climates](#), including positive behavior interventions and supports (PBIS), more mental health support staff and training, social-emotional learning curricula, and restorative and trauma-informed practices.

Education Advocacy with Federal Agencies

The Act directs the Department of Homeland Security (DHS) to establish a [clearinghouse](#) of evidence-based practices and recommendations to improve school safety. This opens the door to federal support for threat assessment programs and other school “hardening” measures which would criminalize the behavior of children with disabilities, including Black and Brown students. The Act requires DHS to consult with **civil rights and disability rights organizations** to identify evidence-based practices for the clearinghouse, and to provide feedback on implementation, which could mitigate potentially harmful effects on students with disabilities.

Action Alert! Recommend effective practices and training materials that have been shown to improve school safety without criminalizing students with disabilities, such as those identified in [Principles for School Safety, Privacy, & Equity](#), [Replacing School Police with Services that Work](#), and federal guidance on [Supporting Students with Disabilities](#), and [positive behavioral interventions](#).

Action Alert! Provide regular feedback on implementation. The Act requires DHS to establish an external advisory board including representatives from **civil rights and disability rights organizations** to provide feedback on implementation.

The Act also provides \$300 million to the U.S. Department of Justice (DOJ) for funding under the STOP School Violence Act. States and school districts may use this money on harmful practices such as school-based policing and threat assessments. These have not been found to reduce gun violence in schools, and have been shown to increase use of school discipline and force, especially directed at students with disabilities and Black and Brown students.

Action Alert! Oppose harmful policies and practices, such as increased law enforcement in schools or [discriminatory threat assessments](#), which harm Black and Brown students and students with disabilities, and may violate the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or Title VI and Title IX of the Civil Rights Act.

Action Alert! Support positive legislation which would stop harmful practices and provide federal funding for effective approaches, like the [Counseling Not Criminalization in Schools Act](#), [Keeping All Students Safe Act](#), and [Protecting our Students in Schools Act](#).

Crisis Intervention Advocacy with State & Local Agencies

The Act creates a new fund, to be administered by DOJ over the next five years, for states to implement “crisis intervention programs.” These include specialty courts such as mental health courts, which may subject participants to court supervision, and punishment, for lengthy time periods. One Senator stated that the money could also fund involuntary commitment programs, coerced mental health treatment that has not been shown to outperform voluntary services and which may disproportionately impact Black and Brown people.

Action Alert! **Oppose involuntary treatment and punitive interventions** that are ineffective, inappropriately scapegoat people with mental health disabilities, and further racial disparities in our nation’s criminal justice system.

The Act also provides for extreme risk protection orders (ERPOs, a/k/a “red flag” laws) but does not guarantee that ERPOs will be based only on someone’s conduct, rather than someone’s mental health disability or diagnosis, which would violate civil rights.

Action Alert! Monitor how your community is implementing ERPOs and **oppose ERPOs or “red flag laws” that violate civil rights** by targeting people based purely on whether they have a mental health disability or diagnosis, rather than properly focusing on conduct or behavior.

Recordkeeping Advocacy with State Custodians

The Act provides for disclosure of additional records – including juvenile and mental health records – to the National Instant Criminal Background Check System. This may lead to violations of privacy for young people with mental health disabilities, including mental health records that could indicate whether they have a guardian or have been involuntarily committed.

It is not clear from the Act what types of records may be disclosed—many youth are involved with mental health, child welfare, and education agencies, all of which collect sensitive mental health evaluation and treatment records—and who may get to see them. Putting juvenile records into the wrong hands can impede successful transitions to adulthood for many youth with mental health disabilities, by creating obstacles to education, employment, housing, and more.

Juvenile records that are already publicly available, including those indicating that a young person has been adjudicated of a violent offense, provide states and gun sellers with the information they need to prevent or delay sales to youth whose past conduct indicates a risk of gun violence.

Action Alert! **Limit records subject to unsealing and hold agencies accountable** for maintaining sensitive records in as confidential and limited a manner as possible.

Action Alert! **Monitor state and local agencies to ensure timely removal of records.** The Act requires responsible state and local agencies to submit annual reports of records that no longer need to be reviewed every year through FY 2032.