



March 11, 2015

**Support the Whitehouse Amendment to S. 178 and
Oppose the Toomey Amendment**

Protect Students and Maintain School Employees' Due Process Protections

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights and the 42 undersigned labor, education, and civil rights and civil liberties organizations representing millions of Americans, we write to urge you to improve background check processes by voting "NO" on the Toomey Amendment to S.178, "The Justice for Victims of Sex Trafficking Act of 2015" and YES on the "Whitehouse Amendment."

We are united in our strong support for protecting the safety of our nation's school children. Background checks of school employees are a critical tool in ensuring that our children are safe. All 50 states and DC currently require extensive background checks for school teachers and 43 states require background checks for non-teaching school employees. Nationwide, public schools employ approximately six million teachers, professional staff, and support staff, as well as more than one million contract employees, making education one of our economy's largest sectors.

We believe that individuals who have been convicted of crimes and have completed their sentences should not be unnecessarily subjected to additional punishment because of these convictions, and should only be excluded when safety is truly impacted. Research shows that the reoffending risk of people with prior convictions declines as their "time clean" increases; moreover, within approximately four to seven years, people with prior convictions for drug, property, and violent offenses are no more likely to reoffend than others in the general population.¹

For these reasons, we oppose the Toomey Amendment, which would place unnecessary barriers to employment without providing greater protection for students. The amendment is void of basic due process and civil rights protections and may lead to the dismissal of highly qualified school employees who pose no risk to our children. At the same time, it does not effectively address the real concerns that Senator Toomey has raised regarding the intentional nondisclosure of sexual misconduct by school employees.

By contrast, the amendment offered by Senator Whitehouse provides a smart and fair process to help ensure school safety. It more effectively addresses concerns regarding the reporting of sexual misconduct by closing existing loopholes. It ensures that background checks can be conducted in a thorough and timely manner. The amendment also protects

¹ See, e.g., Alfred Blumstein and Kiminori Nakamura, *Extension of Current Estimates of Redemption Times: Robustness Testing, Out-of-State Arrests, and Racial Differences*, Final Report Submitted to the National Institute of Justice, 89 (Oct. 2012)

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school employees' due process and civil rights, principles that are enshrined in our nation's Constitution, and maintains the dedicated, quality workforce necessary to run our elementary and secondary schools.

Protecting our nation's school children and ensuring their safety and well-being in our schools are important priorities for the communities we represent. Senator Whitehouse's amendment to S. 178 is one important tool to creating safer schools, without trampling equal employment access for all American workers. We urge you to support the Whitehouse Amendment.

For additional information, please contact Sakira Cook, Counsel, The Leadership Conference on Civil and Human Rights, at cook@civilrights.org or 202-466-3311.

Sincerely,

National Organizations:

American Civil Liberties Union (ACLU)
AFL-CIO
American Federation of Government Employees, AFL-CIO
AFSCME
Center for Community Change Action
Center for Sexual Justice
Drug Policy Alliance (DPA)
Equal Rights Advocates
International Brotherhood of Teamsters
International CURE
NAACP
NAACP-Legal Defense and Education Fund
National African American Drug Policy Coalition, Inc.
National Association of Criminal Defense Lawyers (NACDL)
National Association of Social Workers (NASW)
National Council of Jewish Women
National Education Association (NEA)
National Employment Law Project (NELP)
National H.I.R.E Network
The National Workrights Institute
National Urban League (NUL)
The Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
The Legal Action Center
League of United Latin American Citizens (LULAC)
The Prison Policy Initiative
Service Employees International Union (SEIU)
The Sentencing Project
Transport Workers Union of America
Treatment Communities of America

State and Local Organizations:

Association of University Centers on Disabilities
The Bronx Defenders
Cabrini Green Legal Aid
Center for Community Alternatives
The Daniel Initiative
DRUM - Desis Rising Up & Moving
East Bay Community Law Center
Families for Justice as Healing
Institute for Science and Human Values, Inc.
The Lawyers' Committee for Civil Rights Under Law and Economic Justice
Southern Coalition for Social Justice
Women Who Never Give Up