

# Using Data and Funds For School Safety

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# Agenda

- What is “school safety?”
- The Federal Commission on School Safety
- Using Existing Federal Funds for School Safety
- New Federal Funding
- What’s Next?
- Other considerations



- Washington Post analysis (May 2018):
  - No federal government data on school shootings
  - At least 141 children, educators and others have been killed since 1999
  - Impacting more than 214,000 children at 216 schools
- In 2018 so far, there have been 65 shootings on school campuses, resulting in 41 deaths and 74 injuries
  - Source: [The 74 Million](#) (as of October 4, 2018)
- Still extremely rare



# What is “School Safety?”



# School Safety

- Catch-all term meant to encompass all kinds of violence, harassment, and other unsafe activities, including
- Generally focused on avoiding harmful incidents (not physical school conditions)
- Often shorthand for avoiding large-scale violent incidents
  - But can also mean individual incidents

# School Safety

- Prevention of:
  - Violence of all kinds
  - Bullying, harassment
  - Suicide or self-harm
  - Sexual harassment and abuse
  - Drug and alcohol use
  - Other unsafe activities





# School Safety

- Where is school safety a concern?
  - In school buildings
    - Classrooms, hallways, lunch rooms, locker rooms, afterschool programs, etc.
  - On school grounds
    - Sports facilities, parking lots, sidewalks
  - On routes to school?
    - Buses, sidewalks
  - Online?
    - Cyberbullying, harassment





# The Federal Commission on School Safety



# Federal Commission on School Safety



- Formed in March 2018 in response to Parkland shooting
- Specific list of items/factors to consider

# ▸ Federal Commission on School Safety

Betsy DeVos  
Secretary of  
Education



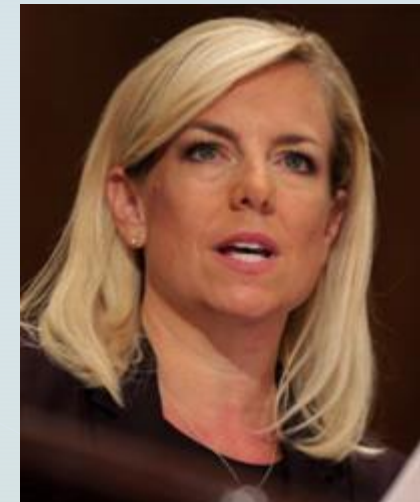
Jeff Sessions  
Former Attorney  
General



Alex Azar  
Sec. of Health &  
Human Services



Kirstjen Nielsen  
Secretary of  
Homeland Security



# Marching Orders

- Items to consider:
  - Age restrictions for certain firearm purchases
  - Existing entertainment rating systems and “youth consumption of violent entertainment”
  - Character development
  - Effects of press coverage of mass shootings
  - Repeal of the Obama-era “Rethink School Discipline” guidance

## Marching Orders (cont.)

- Items to consider
  - Best practices for school buildings and campus security
  - Coordination of Federal resources for prevention and mitigation of active shooter incidents
  - Improve mental health treatment and awareness
  - Violence prevention training
  - Best practices for school-based threat assessment and violence prevention strategies.
  - The “effectiveness and appropriateness of psychotropic medication for treatment of troubled youth”



## ▸ Federal Commission on School Safety

- Held meetings between March and August last year
  - Organizational meetings
  - Field Visits
  - Public listening sessions
- Information gathered during meetings used to draft final report

## Commission Actions

- DeVos: “no new mandates or requirements”
  - No new money either
- Final report issued in late December
  - No new requirements for States, districts, or schools
  - Recommends hiring former law enforcement and military
  - Encourages schools to consider arming certain staff
  - Recommends trauma-informed training for students and staff



# Commission Actions

- Final report
  - Supports better access to mental health services
  - Endorses “No Notoriety” campaign
  - Calls on ED to rescind 2014 school discipline guidance
    - ED revoked the guidance late December
  - Includes best practices from other States



## What Federal Funds Can Be Used for School Safety?

# ESSA Title IV-A

- Student Support and Academic Enrichment Grant
  - New under ESSA
  - Block grant to LEAs through States
  - Combined several now-eliminated NCLB programs





## ESSA Title IV-A

- LEAs have discretion over how they spend funds so long as spending fits into certain parameters:
  - At least 20% on at least one well-rounded educational opportunities activity
  - At least 20% on at least one safe and healthy students activity
  - Some portion of funds on technology
    - No more than 15% of this portion on technology infrastructure

## ESSA Title IV-A

- “SEC. 4101. PURPOSE. The purpose of this subpart is to improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—
  - (1) provide all students with access to a well-rounded education;
  - **(2) improve school conditions for student learning;** and
  - (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.”

## ESSA Title IV-A

- State Activities
  - 95% of total for LEA grants, up to 1% for admin, remainder for State-level activities (approx. 4%)
  - Monitoring, training, and technical assistance
  - Promoting coordination
  - Support LEAs



## ESSA Title IV-A

- Safe and healthy students activities include:
  - Community and parent involvement
  - **School-based mental health services and counseling**
  - **Drug and violence prevention**
  - **Promoting supportive school climates to reduce the use of exclusionary discipline**
  - Dropout prevention and reentry programs
  - Nutrition and physical education
  - **Systems and practices to prevent bullying and harassment**
  - **“Relationship-building” skills “to help improve safety through the recognition and prevention of coercion, violence, or abuse”**
  - Community partnerships

## ESSA Title IV-A

- “Safe and healthy students” activities can also include professional development for:
  - **Suicide prevention;**
  - **Effective and trauma-informed practices in classroom management;**
  - **Crisis management and conflict resolution techniques;**
  - **School-based violence prevention strategies;**
  - **Drug abuse prevention;**
  - **Bullying and harassment prevention**



## ESSA Title IV-A

- What is “drug and violence prevention?”
  - “with respect to violence, **the promotion of school safety, such that students and school personnel are free from violent and disruptive acts**, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, **on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons** and fosters individual responsibility and respect for the rights of others.” (ESEA, Sec. 4108)

## Title IV-A: Notes

- These lists are not exhaustive!
  - Allowable expenditures listed are merely examples
- Required apportionment doesn't restrict all funding
  - 20% must be spent on well-rounded education, "some portion" (1%?) on technology
  - Leaving up to 79% to be spent on various "safe and healthy students"/school safety initiatives



## ESSA Title IV-A Funding

- Authorized at \$1.6 billion in ESSA
- FY 2018: funded at \$1.1 billion
  - Covers a “wide range of uses, including to expand access to or coordinate resources for school-based mental health services and supports, which may include trauma-informed practices and school counseling; bullying prevention; and professional development for personnel in crisis management and school-based violence prevention strategies.”

[Appropriations Committee report on the FY 2018 Omnibus, March 2018]

- FY 2019: funded at \$1.17 billion





## ESSA Title II-A

- Supporting Effective Instruction (professional development)
  - Grants to States, then LEAs
  - ESSA Sec. 2101 et seq.



## ESSA Title II-A

- State Activities:
  - Training to recognize and prevent child sexual abuse
  - “Supporting **other activities identified by the State** that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title” [ESEA Sec. 2101(b)(4)]
  - 4% of total (95% to subgrants, up to 1% to admin)

## ESSA Title II-A

- LEA allowable activities:
  - In-service training for school personnel in—
    - Identification of trauma/mental illness
    - Referral to treatment and intervention
  - Forming partnerships between school-based mental health programs and mental health organizations
  - Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism [ESEA Sec. 2103 (b)(3)(I)]



# Other Options

- School Safety National Activities (Title IVF)
  - \$90 million in FY 2018
  - Federal activities “to improve students’ safety and well-being, during and after the school day”
  - No construction, renovation, or repair
- Project SERV (Title IVF)
  - \$5 million in FY 2018
  - Provides counseling and referrals for mental health services for schools affected by violent or traumatic crisis
  - Awarded at Secretary’s discretion



# New Federal Funding

# STOP School Violence Act

- New(ish) in FY 2018 Omnibus
- \$75 million (for FY 2018) redirected from an existing DOJ grant
  - co-directed by the Office of Community Oriented Policing Services (COPS) and the Bureau of Justice Assistance (BJA)
- Grants awarded competitively
- \$25 million to COPS School Violence Prevention Program
- \$50 million to BJA STOP School Violence Programs
- Available to States, local governments, or Indian tribes





# COPS School Violence Prevention Program

- Funds can be used for:
  - coordination with local law enforcement;
  - training for local law enforcement officers to prevent school
  - violence against others and self; placement and use of metal detectors, locks, lighting, and other deterrent measures;
  - acquisition and installation of technology for expedited notification of local law enforcement during an emergency
  - other measures





# ■ BJA Stop School Violence Programs

- Two programs
  - BJA STOP School Violence Prevention and Mental Health Training Program and BJA STOP School Violence Threat Assessment and Technology Reporting Program
- Uses of funds:
  - Training school personnel and educating students to prevent student violence against others and themselves.
  - The development and operation of anonymous reporting systems for threats of school violence, including mobile telephone applications, hotlines, and websites.
  - The development and operation of:
    - School threat assessment and intervention teams that may include coordination with law enforcement agencies and school personnel.
    - Specialized training for school officials in responding to mental health crises.

## ▀ STOP School Violence Act Programs

- For COPS and BJA programs, grantees (States, units of local governments, Indian Tribes) eligible to subgrant or contract with:
  - Local educational agencies
  - nonprofit organizations, excluding schools; or
  - units of local government or tribal organizations
- Some Arizona grantees for FY 2018 awards

# ▀ STOP School Violence Act Programs

- Fiscal year 2019 appropriations
  - DOJ funding passed in February as part of larger package
  - \$25 million for COPS School Violence Prevention Program
  - \$75 million for BJA STOP School Violence Act programs
- No indication yet as to when FY 2019 competition will open



# Using Federal Funds for Weapons

## ➤ Can ESSA IV-A funds Be Used for Guns?

- Question posed by States to ED in August 2018
- DeVos response to members of Congress:
  - “I have no intention of taking any action concerning the purchase of firearms or firearms training for school staff under the ESEA...Congress did not authorize me or the Department to make those decisions. As I have stated publicly on numerous occasions since I was nominated for this position, I will not legislate via fiat from the Department.”
- DOJ grants explicitly prohibit weapons purchases



## ■ Title IV-A Language on Weapons

- Definition of “drug and violence prevention:”
  - “the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, **through the creation and maintenance of a school environment that is free of weapons** and fosters individual responsibility and respect for the rights of others.” (ESEA Sec. 4108)

## Next Steps on Title IV-A and Guns

- Senator Lamar Alexander (R-TN) said law's flexibility was understood and agreed to:
  - "I'm not a fan of arming teachers, but the federal law says that states, not the federal government, should make these decisions regarding school safety and that's who I believe should make these decisions"
- Chris Murphy (D-CT) proposed amendment to change ESSA language in Senate appropriations debate
  - "Allowing school districts to use this money to help schools buy guns flies in the face of what Congress clearly stated in federal law—that schools should be free of weapons"



# Guidance Related to School Safety

## Letter re: Emergency Operations Plans

- Letter on emergency plans released by Federal Commission on School Safety in December
  - Encourages States to review Emergency Operations Plans
  - Provides tools to States/local jurisdictions that do not currently have an EOP or are looking to make improvements

# Secret Service Guidance on Threat Assessment

- Guide issued by Secret Service National Threat Assessment Center in July 2018
  - “No profile of a student attacker”
  - Encourages use of threat assessment process as opposed to focusing solely on student’s personality or performance to identify risk for violence
  - Provides steps schools can take to develop a comprehensive targeted violence prevention plan to implement processes for conducting threat assessments
  - Basic instructions that should be adapted to a school’s unique needs



## ▀ FERPA Responsibilities in Context of School Safety

- ED published FAQs on this topic in February
- Builds on findings from School Safety Commission report
  - Confusion over FERPA and its application to school-based threats
- Consolidates previous guidance and technical assistance into one document
- 37 commonly asked questions re: schools'/districts' responsibilities under FERPA related to disclosure of info to SROs, law enforcement, etc.

# ▸ FERPA Responsibilities in Context of School Safety

- FERPA regulations include an exception to allow disclosure of PII without parental consent
  - Disclosure to designated “school officials” determined to have a “legitimate educational interest” in the information
  - FAQ clarifies that law enforcement officials who are school employees (SROs) qualify under certain circumstances



# FERPA

Family Educational  
Rights & Privacy Act



# What's Next?

# Congressional Action?

- Some proposed legislation:
  - PROTECT KIDS Act of 2019 (Bilirakis (R-FL))
  - School Resource Officer Assessment Act of 2019 (Higgins (R-LA))
  - School Watch and Tactics Act of 2019 (Higgins (R-LA))
  - School Resource Officer Act of 2019 (Mitchell (R-MI))
- Hearings related to school safety? DeVos to testify?
- Attempts to add appropriations riders?

# The Future of School Safety

- May see some tweaks to grant programs at federal level
- Don't expect much guidance from ED
- Remains largely a State/local decision





# ■ Data to Consider in Your Discussions



- Physical changes to schools (“hardening” schools)
- Other training or incident policies (prevention and response)
- Disciplinary and referral policies
- Student privacy laws and policies
- Liability for presence of weapons
- Cost and source of funds
- Stakeholder engagement and buy-in



## Resources

- ED School Safety Website: <https://www.ed.gov/school-safety>
- Final Report from Federal Commission on School Safety:  
<https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>
- Secret Service Guide on Threat Assessment:  
[https://www.dhs.gov/sites/default/files/publications/18\\_0711\\_USSS\\_NTAC-Enhancing-School-Safety-Guide.pdf](https://www.dhs.gov/sites/default/files/publications/18_0711_USSS_NTAC-Enhancing-School-Safety-Guide.pdf)
- FERPA/School Safety Guidance:  
[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/SRO\\_FAQs\\_2-5-19\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/SRO_FAQs_2-5-19_0.pdf)



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