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*Safe and Drug-Free Schools and Communities Act: Program
Overview and Reauthorization Issues*

Gail McCallion, Domestic Social Policy Division

May 19, 2008

Abstract. Many issues are likely to be considered during reauthorization of the SDFSCA program. Issues discussed in this report include the Administration's proposal, recommendations of the Safe and Drug-Free Schools and Communities Act Advisory Board, recommendations of the Secretaries of the U.S. Department of Education (ED) and the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Justice (DOJ), following the Virginia Tech tragedy, and issues of potential concern to Members of Congress.

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CRS Report for Congress

Safe and Drug-Free Schools and Communities Act: Program Overview and Reauthorization Issues

May 19, 2008

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Prepared for Members and
Committees of Congress

Safe and Drug-Free Schools and Communities Act: Program Overview and Reauthorization Issues

Summary

The Safe and Drug-Free Schools and Communities Act (SDFSCA), Title IV-A of the Elementary and Secondary Education Act (ESEA), is the federal government's major initiative to prevent drug abuse and violence in and around schools. It was most recently reauthorized by the ESEA, as amended by the No Child Left Behind Act (P.L. 107-110), in January of 2002. Like all No Child Left Behind Act programs, it is being considered for reauthorization in the 110th Congress.

The SDFSCA supports two major grant programs — one for states and one for National Activities. State Grants are distributed to the states, the District of Columbia, and Puerto Rico, by a formula that allocates 50% of the funds on the basis of school-aged population, and 50% in proportion to ESEA Title I, Part A, concentration grants for the preceding fiscal year. State governors are permitted to use up to 20% of their state's grant for comprehensive activities that deter youth from using drugs and committing violent acts in schools. National Activities grants are awarded by the Secretary for a variety of National Activities to prevent substance abuse and support violence prevention. States award grants to local educational agencies (LEAs) using a formula that allocates 40% of an LEA's grant on the basis of school enrollment and 60% on the basis of an LEA's relative share of total Title I-A grants for the preceding fiscal year. The statute permits LEAs to use funds for a wide variety of activities intended to enhance violence prevention efforts and reduce drug and alcohol abuse.

For FY2008, \$513 million was appropriated for the SDFSCA. The majority of these funds are provided for State Grants (\$295 million), with the remaining funds (\$219 million) supporting National Activities. For FY2009, the Administration has requested \$282 million for the SDFSCA. Under this proposal, appropriations for State Grants would be reduced to \$100 million, and appropriations for National Activities would be decreased to \$182 million. In justifying the requested reduction in State Grant appropriations, the Administration has argued that the structure of the State Grants program is flawed and spreads funding too broadly to support quality interventions.

Many issues are likely to be considered during reauthorization of the SDFSCA program. Issues discussed in this report include the Administration's proposal, recommendations of the Safe and Drug-Free Schools and Communities Act Advisory Board, recommendations of the Secretaries of the U.S. Department of Education (ED) and the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Justice (DOJ), following the Virginia Tech tragedy, and issues of potential concern to Members of Congress.

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Safe and Drug-Free Schools and Communities Act: Program Overview and Reauthorization Issues

Overview

The Safe and Drug-Free Schools and Communities Act (SDFSCA), Title IV-A of the Elementary and Secondary Education Act (ESEA), is the federal government's major initiative to prevent drug abuse and violence in and around schools. The SDFSCA supports two major grant programs — one for states and one for National Activities. It was most recently reauthorized by the ESEA, as amended by the No Child Left Behind Act (P.L. 107-110), in January of 2002. Like all No Child Left Behind Act (NCLB) programs, it is being considered for reauthorization in the 110th Congress.¹

State Grants

The SDFSCA supports two major grant programs — one for States and one for National Activities. Of the funds authorized for State Grants, 1% or \$4.75 million (whichever is greater), is reserved for Guam, American Samoa, the Virgin Islands, and the Commonwealth of Mariana Islands; and the same amount is reserved for the Secretary of the Interior to administer programs for Indian youth. In addition, 0.2% is reserved to provide programs for Native Hawaiians. The remaining funds are distributed to the states, the District of Columbia, and Puerto Rico, by a formula that allocates 50% of the funds on the basis of school-aged population, and 50% in proportion to ESEA Title I, Part A, concentration grants for the preceding fiscal year.² States are guaranteed to receive the greater of one-half of one percent of the total allotted to all states, or the amount the state received for FY2001. State governors are permitted to use up to 20% of their state's grant allocation for comprehensive activities that deter youth from using drugs and committing violent acts in schools.

¹ The SDFSCA was initially enacted in 1994 in response to concerns about increased school violence and drug use among school-aged youth. This legislation extended, amended and renamed the Drug-Free Schools and Communities Act of 1988 (DFSCA), extending the DFSCA's mission of drug abuse prevention to include violence prevention. For more detailed information on the history of this program, see CRS Report RL30482, *The Safe and Drug-Free Schools and Communities Program: Background and Context*, by Edith Fairman Cooper.

² CRS Report RL33731, *Education for the Disadvantaged: Issues for ESEA Title I-A Under the No Child Left Behind Act*, by Wayne C. Riddle.

Of funds remaining after the governor's share, states are permitted to use up to 3% of their allotment on state administrative activities, and up to 5% of their allotment on other state activities. States must use 93% of their allotment to make formula grants to local educational agencies (LEAs). Practically, this requirement of allocating 93% of state allotments to LEAs means that states must reserve less than the maximum percentage set-aside for state administration or other state activities.

Governors' Grants. Governors are to use their grants for comprehensive activities targeted to children and youth not normally served by State Educational Agency (SEA) or LEA programs, or to children and youth that need special services or additional resources (such as children and youth who are in juvenile detention, runaways or homeless, pregnant or parenting youth, or school dropouts.) Governors award these funds as discretionary grants to LEAs, community based organizations (CBOs), other private or public entities, or consortia thereof. Governors may reserve up to 3% of their grant for administrative costs.

Local Educational Agency Grants. States award grants to LEAs according to a formula that allocates 40% of an LEA's grant on the basis of school enrollment³ and 60% on the basis of an LEA's relative share of total Title I-A grants for the preceding fiscal year. To receive an SDFSCA grant, all LEAs are required to submit an application to their SEA that includes a detailed explanation of the LEA's comprehensive plan for drug and violence prevention.⁴ The LEA must also provide assurances that the LEA or the schools to be served have appropriate policies in place to prohibit, among other things, the illegal possession of weapons and that the school has prevention activities designed to create and maintain a safe, disciplined, and drug-free environment. An assurance must also be included that the LEA or schools to be served have a crisis management plan for responding to violent or traumatic events on school grounds.⁵ LEAs may reserve up to 2% of their award for administrative costs. No more than 40% of an LEA's award after reservations may fund school security activities. Of that amount, no more than 50% may be used for security activities other than hiring and training security personnel.

The statute permits LEAs to use funds for a wide variety of activities.⁶ Because the list of specifically authorized activities is quite lengthy, these activities have been grouped here into six broad categories.

³ Allocations are based on relative enrollments in public and private nonprofit elementary and secondary schools within the LEA's boundaries compared to total such enrollment for all LEAs within the state.

⁴ ESEA, Section 4114(d).

⁵ ED maintains a website that provides links to resources of potential use to school leaders developing a crisis management plan. More information is available at [<http://www.ed.gov/admins/lead/safety/emergencyplan/index.html>].

⁶ ESEA, Section 4115.

1. Security Activities

- Acquiring and installing metal detectors and related devices
- Reporting criminal offenses committed on school property
- Developing and implementing comprehensive school security plans or obtaining technical assistance on such plans
- Supporting safe zones of passage for students to and from school
- Hiring and mandatory training, based on scientific research, of school security personnel

2. Student Testing and Data Reporting

- Drug testing and locker checks (consistent with all legal requirements)
- Establishing or implementing a system to transfer suspension and expulsion records to other schools

3. Education Activities

- Drug and violence prevention activities designed to reduce truancy
- Violence prevention and education activities to reduce victimization due to prejudice and intolerance
- Alternative education programs for violent or drug abusing students, particularly students who have been or are at risk of being suspended or expelled
- Developing and implementing character education programs as part of drug and violence prevention that takes into account the views of students' parents
- Providing for community service and service learning projects

4. Counseling, Mentoring and Other Student Support Activities

- Expanded and improved school-based mental health services including early identification of violence and illegal drug use, assessment, and counseling services for students, parents, families, or school personnel by qualified providers
- Conflict resolution programs, including peer mediation programs and youth anti-crime and anti-drug councils and activities
- Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance from qualified mental health service providers
- Programs that encourage students to confide in and seek advice from trusted adults regarding violence and illegal drug use
- Establishing and maintaining a school safety hotline
- Programs that respond to the needs of students who are faced with domestic violence or child abuse

5. Training and Monitoring of School Personnel

- Professional development and training in prevention education, early identification and intervention, mentoring, or rehabilitation referral, for school personnel, parents and interested community members
- Conducting background checks on all school personnel and prospective employees to see whether they have been convicted of a crime that bears upon the employee's fitness

- Creating an action plan and providing training to school personnel on how to prevent youth suicide

6. Family, Community, and Emergency Activities

- Activities involving families, communities, and drug and violence prevention providers that set expectations and explain the consequences of illegal drug use and violence
- Dissemination of drug and violence prevention information to schools and the community
- Community-wide planning and organizing activities which may include gang activity prevention

Reporting Requirements. The SDFSCA requires states to establish a Uniform Management Information and Reporting System (UMIRS) for the collection and reporting of information related to school safety and drug prevention.⁷ Under this system, states must collect and make publicly available the following information:

- truancy rates;
- the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary and secondary schools in the state;
- the types of curricula, programs, and services provided by the state's chief executive officer, the state educational agency (SEA), LEAs, and other recipients of funds under the act; and
- the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of violence and drug use by youth in schools and communities.

The first 2 items must be collected and reported on a school-by-school basis; states determine the frequency of data collection. The SDFSCA also includes a gun-free schools provision that requires all states receiving ESEA funds to have a law imposing at least a one-year expulsion for any student who brings a firearm to school. Each state must report data collected from LEAs on any such incidents to the Secretary annually.⁸

States are also required to submit a report annually on the progress they have made on their identified performance measures; this information is submitted as part of the Consolidated State Performance Report required by NCLB. LEAs are required to submit information which is needed by the state to complete this report. States must make this information available to the public. In addition, the statute requires NCES to collect data on the incidence and prevalence of illegal drug use and violence in elementary and secondary schools. NCES does collect data regarding crime and

⁷ ESEA, Section 4112(c)(3).

⁸ ESEA Title IV-A, Subpart 3. The chief administering officer of a local educational agency may modify this expulsion requirement on a case-by-case basis. In addition, the LEA may provide the student with educational services in an alternative setting (Section 4141).

violence occurring in schools.⁹ NCES does not collect data on drug use in schools because three surveys are already collecting this data: The Centers for Disease Control and Prevention's (CDC) *Youth Risk Behavior Survey*, HHS's *National Survey on Drug Use and Health (formerly the National Household Survey on Drug Abuse)*, and the HHS-funded University of Michigan *Monitoring the Future* study.

Program Performance. The U.S. Department of Education (ED) is currently conducting a study on the extent to which LEAs are implementing research-based drug and violence programs; and whether the programs are being implemented consistently with that research. Data for this study were collected from a nationally representative sample of school districts for the 2004-2005 school year; follow-up data are being collected for the 2007-2008 school year. These two questions also serve as Government Performance and Results Act (GPRA) measures for the State Grant program. (Assessment of progress on meeting these goals cannot be made until 2007-08 data are collected and analyzed).

There are five other GPRA measures for the State Grants Program. These five are the percentage of students in grades 9-12 who were offered, sold, or given an illegal drug on school property during the past 12 months; the percentage of students in grades 9-12 who used marijuana one or more times during the past 30 days; the percentage of students in grades 9-12 who had five or more drinks of alcohol in a row one or more times during the past 30 days; the percentage of students in grades 9-12 who were in a physical fight on school property one or more times during the past 12 months; and the percentage of students in grades 9-12 who carried a weapon such as a gun, knife, or club on school property one or more times during the past 30 days. The 2005 targets (the latest data available) for the first 3 indicators were exceeded; the remaining two indicators did not meet their 2005 targets (but the results were not statistically significant). However, these data do not compare participants in SDFSCA programs to non-participants, rather they are nationally representative data from the CDC's Youth Risk Behavior Surveillance System.¹⁰

In addition, ED is conducting a national evaluation of the impact of a particular intervention on reducing middle school violence. This evaluation is assessing the impact of combining a curriculum-based program (Responding in Peaceful and Positive Ways) with a whole school program (Best Behavior), that among other things, is intended to improve teachers' classroom management skills. This evaluation is to compare disruptive, aggressive and violent incidents in 20 middle schools randomly assigned to participate in this program to 20 other middle schools serving as the control group. The first year of data were collected for the 2005-2006

⁹ Currently it conducts a survey of school principals called School Survey on Crime Safety and it has a supplement (School Crime Supplement) to the U.S. Dept. of Justice's (DOJ) National Crime Victimization Survey of students ages 12 through 18.

¹⁰ The program has also been evaluated with the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) twice. The OMB issued the PART to help assess the management and performance of executive agency programs. In 2002, the SDFSCA State Grants program was rated "ineffective," in 2006, the program was rated "results not demonstrated."

school year. Three years of data are to be collected; results from the study are expected to be released in 2010.

National Activities

The SDFSCA provides general authority to the Secretary to award grants for a variety of National Activities to prevent substance abuse and support violence prevention. The following programs are currently receiving SDFSCA funding under National Activities.

- **Alcohol Abuse Reduction.** Grants to LEAs to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools. ED may transfer up to 20% of the appropriation for alcohol abuse reduction to the Substance Abuse and Mental Health Services Administration (SAMHSA) of HHS to provide technical assistance to grantees. Grantees are required to implement one of the programs that SAMHSA has determined to be effective in reducing underage alcohol abuse.
- **Mentoring Programs.** Grants are provided to LEAs, non-profit community based organizations (CBOs), or partnerships thereof, to support mentoring programs for children at risk of: educational failure; dropping out of school; involvement in criminal or delinquent activities; or for children who lack positive role models. Priority is to be given to programs that are school-based. Funding must be used for (but is not limited to) training and hiring mentors and other staff, and disseminating outreach materials. However, mentors may not be paid out of grant funds.
- **Impact Evaluation.** Currently impact evaluation funds are used for the study, described above, on the extent to which LEAs are implementing research-based drug and violence programs, and whether they are being implemented consistently with the research based model. Other evaluations are being financed by general National Activities funding.
- **Project Serv (School Emergency Response to Violence).** This program provides education-related services to LEAs that have been disrupted by a violent or traumatic crisis. Project Serv funds may be used for a wide variety of activities, including mental health assessments, referrals, and services for victims and witnesses of violence; enhanced school security; technical assistance on developing a response to the crisis; and training for teachers and staff in implementing the response. Appropriations for this program are requested on a no-year basis; funds remain available for obligation at the federal level until needed. Thus, funds can be carried over from year to year in the event that there are no school-related crises in a given year.
- **Drug Testing.** Supports drug testing programs for K-12 students; funds are also awarded to Institutions of Higher Education for drug prevention and campus safety.

- **Readiness and Emergency Management for Schools.** Previously called the *Emergency Response and Crisis Management Grant Program*. This competitive grant program provides funds to LEAs to strengthen and improve their emergency response and crisis plans at the district and school levels. LEAs are required to form partnerships and collaborate with community organizations, local law enforcement agencies, heads of local government, and offices of public safety, health, and mental health as they review and revise these plans. Plans are required to be coordinated with state or local homeland security plans and must support the implementation of the National Incident Management System (NIMS). Grants may be used for training school safety teams and students, conducting facility audits, informing families about emergency response policies, implementing an Incident Command System (ICS), conducting drills and simulation exercises, preparing and distributing copies of crisis plans, and, to a limited extent, for purchasing school safety equipment. Grantees under this program may receive support in managing and implementing their projects and sustaining their efforts over time from the Emergency Response and Crisis Management Technical Assistance Center.¹¹
- **SDFSCA Advisory Committee.** This committee was created by ED's Secretary, Margaret Spellings in June of 2006. The Committee was given a mandate to examine several specific issues and has issued a report providing its responses and recommendations (discussed below).
- **Safe Schools/Healthy Students (SS/HS) Grant Program.** The SS/HS is funded jointly by ED and the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). The program is administered by ED, SAMHSA, and the U.S. Department of Justice (DOJ). The SS/HS initiative is a discretionary grant program that provides services for students, schools, and communities with federal funding via LEAs, to implement an enhanced, coordinated, comprehensive plan of activities, programs, and services that focus on healthy childhood development and the prevention of violence and alcohol and drug abuse. Grantees are required to establish partnerships with local law enforcement, public mental health, and juvenile justice agencies/entities.

Additionally, specifically authorized programs that previously have received SDFSCA National Activities funding are

- **National Coordinator Program** (funded from 1999-2004).
- **Community Service Grant Program** (funded in 2002 and 2003).

¹¹ Additional information is available at [<http://www.ercm.org/>] and [<http://www.ed.gov/programs/dvpemergencyresponse/resources.html>].

Specifically authorized programs that have never received SDFSCA National Activities funding are

- **Hate Crimes Prevention,**
- **School Security and Technology Resource Center,** and
- **National Center for School and Youth Safety.**

Funding

For FY2008, \$513 million was appropriated for the SDFSCA.¹² The majority of these funds are provided for State Grants (\$295 million), with the remaining funds (\$219 million) supporting National Activities. For FY2009, the President has requested \$282 million for the SDFSCA. Under this proposal, appropriations for State Grants would be reduced to \$100 million and appropriations for National Activities would be decreased to \$182 million. In justifying the requested reduction in State Grant appropriations, the Administration has argued that the structure of the State Grants program is flawed and spreads funding too broadly to support quality interventions.¹³

Reauthorization Issues

The following discussion of SDFSCA reauthorization issues and proposals is divided into 4 sections. Firstly, the Administration's proposal for a major restructuring of the SDFSCA program is discussed. Secondly, recommendations of the Safe and Drug-Free Advisory Committee are summarized. This Committee was convened by Secretary Spellings in June of 2006 to examine a variety of issues — including the SDFSCA state grants program and data collection. Thirdly, the findings of the Secretaries of ED and HHS, and the Attorney General, regarding proposals to improve violence prevention in light of the Virginia Tech incident are summarized. Finally, major reauthorization issues that are likely to be considered by Congress are addressed.

The Administration's FY2009 Reauthorization Proposal

The Administration has proposed restructuring the SDFSCA program by significantly decreasing the role of State Grants and refocusing National Activities. The Administration argues that currently State Grants are not targeted to LEAs most in need of funding, and that the grants received by LEAs are often too small to fund a quality program:

¹² The House passed an amendment to the FY2008 Labor HHS Education Appropriations bill that would shift \$46.5 million in funding from Reading First to the SDFSCA program, in order to maintain FY2008 funding (\$513 million) at roughly the FY2007 level.

¹³ U.S. Department of Education. *Justifications of Appropriation Estimates to the Congress: Fiscal Year 2009, Volume I.*

SDFSC State Grants provide more than half of local educational agencies (LEAs) with allocations of less than \$10,000, amounts typically too small to mount comprehensive and effective drug and school safety programs.¹⁴

Funding for State Grants would be reduced in FY2009 to \$100 million (FY2008 funding equals \$294.8 million) and would no longer be distributed by states to LEAs by formula. The Administration proposes that SEAs use these funds to provide training, technical assistance and information on effective programs to LEAs. States could also use funds to provide competitive grants to a limited number of LEAs.

National Activities would be funded in FY2009 at \$182 million (FY2008 funding was \$218.6 million) and reorganized into a single flexible grant program focusing on four broad areas: emergency planning; preventing violence and drug use, school culture and climate; and emerging needs. According to the Administration most of these grants would provide direct support to LEAs

... in sufficient amounts to make a real difference, for targeted projects that address key national concerns and are structured in a manner that permits grantees and independent evaluators to measure progress, hold projects accountable, and determine which interventions are most effective.¹⁵

Related programs authorized under ESEA provisions other than Title IV include Mentoring, Physical Education, Elementary and Secondary School Counseling, and Civic Education. All four would be eliminated under the Administration's proposal.¹⁶ In addition, Character Education would no longer be a distinct program with its own authority (currently it is authorized by ESEA Title V-D, Subpart 3), but it would continue to receive funding under the National Grants Program in the FY2009 proposal.

The SDFSCA Advisory Committee Recommendations

The SDFSCA Advisory Committee was created in June 2006 by ED Secretary, Margaret Spellings.¹⁷ The Committee is made up of representatives from several Federal agencies, state and local government representatives, and individuals with relevant expertise. The Committee was asked by the Secretary to examine the SDFSCA State Grants Program, the NCLB unsafe school choice option (discussed briefly below), and the collection of safety data. Following the Virginia Tech tragedy, the Secretary asked the Committee to also examine three additional issues: trauma; nonpublic schools; and urban/rural challenges.

¹⁴ U.S. Department of Education. *Justifications of Appropriation Estimates to the Congress: Fiscal Year 2009, Volume I*, p. F-20.

¹⁵ U.S. Department of Education. *Justifications of Appropriation Estimates to the Congress: Fiscal Year 2008, Volume I*, p. F-15.

¹⁶ Physical Education and Elementary and Secondary School Counseling are authorized by ESEA, Title V, Part D, Fund for the Improvement of Education. Civic Education is authorized by ESEA, Title II, Part C, Subpart 3.

¹⁷ It is authorized by ESEA, Section 4124.

On June 11, 2007, the Committee issued a report with its findings and recommendations regarding the issues it was charged with examining.¹⁸ The Committee held six meetings, conducted six conference calls, and heard testimony from 38 witnesses. The Committee's recommendations are summarized below by issue (recommendations on trauma, nonpublic schools and urban/rural challenges are incorporated within the discussion of the other issues).

State Grant Issues. According to the Committee's report:

Underlying all of the Committee's recommendations is the need for clearer standards for all recipients of grant funds, including the Governors portion of the program.¹⁹

The Committee expressed support (with some reservations) for allowing states to use a larger share of SDFSCA state grants for state purposes, in particular, to provide technical assistance and help with data collection to LEAs. There was also support for making changes to the Governors funds. Proposals included making the funds contingent on the collection of data on school safety and drug abuse, or shifting the funds back to the states.

The Committee noted that presently there is no consensus at the federal or state level on the definition of safety and drug and alcohol problems, and as a consequence no consensus on desired outcomes or measures of effectiveness. The Committee report stated: "...at all levels, the current implementation of the State Grants Program has not required the use of data to determine needs." It recommended that ED provide states and LEAs with clear measurable outcomes of success, encourage improved program assessment, and provide clear guidelines on effective prevention programs. These changes would require collection of uniform data on key indicators of safety and drug and alcohol abuse from all schools and LEAs.

Because of limited federal funding for the SDFSCA program, the Committee recommended that there be more incentives incorporated into the program to foster local partnerships, possibly including a requirement for local matching funds. In addition, there was significant support among the Committee members for changing the program from the current system of allocating funds to all LEAs by formula), to a system in which funds are controlled by states and grants are awarded competitively to LEAs to fund priority needs.

The Committee recommended increased emphasis be placed on program compliance with the SDFSCA "Principles of Effectiveness," and on the identification and testing of promising innovative programs. It encouraged ED to develop separate guidelines for rural and urban schools appropriate to the unique challenges faced by each in implementing drug and alcohol prevention programs and safety efforts. And, it recommended the development of explicit guidelines on the requirements LEAs

¹⁸ U.S. Department of Education, Safe and Drug-Free Schools and Communities Advisory Committee, *Enhancing Achievement And Proficiency Through Safe And Drug-Free Schools*, Washington, D.C., June 2007.

¹⁹ Ibid.

must meet in working with nonpublic schools. In addition, the Committee recommended that cooperation among the Federal agencies providing support for drug and alcohol prevention and increased safety be improved and enhanced.

Unsafe School Choice Option (USCO). USCO is authorized by the ESEA, Title IX-E-2, Section 9532, not as part of the SDFSCA. It requires states to establish statewide policies under which any student who attends a persistently dangerous public elementary or secondary school, or who becomes a victim of a violent crime while in or on the grounds of the public elementary or secondary school he or she attends, must be offered the opportunity to transfer to another public school within the same LEA. (For information on USCO see CRS Report RL33371, *K-12 Education, Implementation Status of the No Child Left Behind Act of 2001 (P.L. 107-110)*.) The Committee found the USCO “has not been as effective as the need it addresses requires.” The Committee made several recommendations for improvements including the following.

- Allowing, in addition to consideration of violent incidents, other indicators (such as substance abuse, bullying, gang activity, racism) of school safety to be factored into the determination of whether a school is safe.
- The provision, by ED, of training for administrators, teachers and other school personnel on how best to assist students who are victims or victimizers, including transfer options.
- Reexamination of the term “persistently dangerous.” The Committee felt that this terminology stigmatizes schools and unduly penalizes schools that accurately report violent incidents. It recommended using more neutral terminology; for example, schools might be put on a “watch list” and given priority for SDFSCA state grant funding. The Committee also recommended assistance be provided to schools experiencing significant safety problems.
- The provision, by ED, of guidelines for schools with safety problems on ways to improve safety including information on best practices. ED could also provide support and technical assistance to these schools.
- Improving the ability of schools to cope with potential tragedies by educating school personnel on how these events can affect students and on how to identify warning signs that a student needs intervention (such as counseling). ED could provide assistance by distributing information on best practices and providing training on how to identify and refer students at risk for assistance early on.

Data Requirements. The Committee recommended that serious consideration should be given to what data are most important and whether it is possible for states and LEAs to collect it. Data collection could be coordinated by agencies working on alcohol and drug abuse and safety to minimize the burden on states and LEAs. ED could play an important role in coordinating data collection by federal agencies so that only one set of data are being collected. Coordination between federal agencies and state and local governments would also be useful. Consideration should be given to formulating a uniform set of questions for states and LEAs to use for program evaluation.

The Secretary's Recommendations

Following the Virginia Tech tragedy, President George W. Bush asked Secretary Margaret Spellings, Secretary Mike Leavitt of the Department of Health and Human Services and Attorney General Alberto Gonzales of the Department of Justice to meet with local officials and experts across the country, and to report on their findings on issues raised by the tragedy. On June 13, 2007, the group issued its report that included the following findings regarding important issues in need of local, state, and federal action.

- Information sharing is critical in instances such as the Virginia Tech tragedy. However, there is confusion among education, public safety, and mental health staff regarding what information can be shared on individuals who are a threat to themselves or others.
- Information regarding individuals who may not legally own a gun is crucial, but currently is not always accurate and complete.
- Prevention of future tragedies requires improved awareness and communication.
- People with mental illnesses must get the services they need — currently some feel that there are insufficient resources available to meet this need, especially at colleges and universities.
- Make better use of current knowledge of best practices in emergency preparedness and violence prevention. Disseminate information on examples of successful programs, and facilitate their implementation.²⁰

Reauthorization Status in the 110th Congress

As of the date of this report there has been no action on legislation to reauthorize the No Child Left Behind Act in the U.S. House of Representatives or the U.S. Senate. A draft House reauthorization bill was circulated for public comment, but a bill has not yet been introduced. Some of the major SDFSCA reauthorization issues that may to be considered by Congress include the following.

- Whether (absent significant increases in appropriations) the funding level for the program is sufficient to support the allocation of funds to all LEAs by formula. Currently more than half of LEAs receive SDFSCA grants of less than \$10,000. Questions have been raised regarding whether such small grants can support effective programs.
- Although the last reauthorization adjusted the formula to put more emphasis on awarding grants on the basis of poverty, some argue that switching to competitively awarded LEA grants would allow for better targeting of school districts most in need of SDFSCA funds.
- Strengthened data collection and reporting requirements. Currently Uniform Management Information and Reporting System (UMIRS) data is collected by each state relying upon state definitions of

²⁰ Michael Leavitt, Margaret Spellings, and Alberto Gonzales, *Report To The President On Issues Raised By The Virginia Tech Tragedy*. June 13, 2007.

required data items. As a consequence data are not comparable across states. States are required to report these data to the public, but the frequency of collection and reporting is determined by each state. ED has recently issued a publication providing definitions of UMIRS reporting items titled *The Uniform Data Set: A Guide to Measures for the Uniform Management Information and Reporting System*. It would require states to report some required data items using these definitions, to the extent feasible. ED may accelerate these efforts once the data requirements adopted in a reauthorized program are known. During reauthorization the issue of uniform data standards may be considered. Reauthorization legislation may require annual reporting of these data to ED, as well as to the public.

- An increased emphasis on programs to prevent bullying and harassment (believed to be key to violence prevention). Bullying is a serious problem at many schools; in 2005, approximately 28% of 12 to 18 year old students reported that they were bullied at school in the last six months.²¹
- Provision of comprehensive mental health programs. The Virginia Tech tragedy and similar events heightened awareness that access to mental health services is an important component of preventing school violence.
- How to improve performance measures for the program. ED is currently collecting data on the extent to which LEAs are implementing research based programs, and if the implementation of those programs is consistent with the research based model. ED has collected data for 2005, which is serving as the base year. Targets for these measures have been set for 2008; these data are not yet available. In addition, ED collects data for five measures tabulating the percentage of students in grades 9-12 who (1) were offered, sold, or given an illegal drug on school property during the past 12 months; (2) had 5 or more drinks in a row during the past 30 days, (3) were in a physical fight on school property during the past 12 months, or (4) carried a weapon on school property one or more times during the past 30 days. These data are from the CDC's Youth Risk Behavior Surveillance Survey, which is based on a nationally representative biennial sample of students in grades 9-12. However, given the scope of SDFSCA programs under current funding levels, only a small percentage of students in grades 9-12 can be served by comprehensive violence and drug abuse prevention programs. As a consequence, some believe these national measures do not accurately reflect the program's performance.
- Emergency Management. Legislation to reauthorize the SDFSCA may increase the emphasis on enhancing local emergency planning for all potential hazards in and around schools through a variety of mechanisms, including increased cooperation with first responders,

²¹ Dinkes, R., Cataldi, E., and Lin-Kelly, W. (2007), *Indicators of School Crime and Safety*. National Center for Education Statistics, U.S. Dept. of Education and Bureau of Justice Statistics, U.S. Dept of Justice. Washington, D.C.

and relevant local, state, and federal agencies. A recent Government Accountability Office (GAO) report found that most school districts would benefit from more federal guidance in developing emergency plans.²² Its recommendations for ED (in cooperation with the Department of Homeland Security and HHS, as appropriate) included developing procedures for continuing student education during a prolonged school closure due to an emergency; the examination and identification of successful practices for evacuating and sheltering students and staff with special needs during emergencies; identifying the impediments to collaboration in emergencies between LEAs, first responders, and community partners, and the development and dissemination of strategies to enhance such cooperation.

²² GAO-07-609, *EMERGENCY MANAGEMENT: Most School Districts Have Developed Emergency Management Plans, but Would Benefit from Additional Federal Guidance*. U. S. Government Accountability Office, June 2007.