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BUC -
Gun-Free Schools Act

FYI
from Dept. of Ed.

Questions and Answers - GFSA Report, 1999

Q. The total numbers of expulsions in this year's Gun-Free Schools Act (GFSA) report have been reduced significantly from those reported for school year 1996-1997 (5,724 in 1996-97 to 3926 in 1997-98, a 31% decline).

How do you account for the decline?

A. First, we believe that the policy is having its desired effect - it is discouraging students from bringing firearms to school. This national data is consistent with information reported in last year's *Journal of the American Medical Association*, based in secondary analysis of the Centers for Disease Control's Youth Risk Behavior Surveillance System. According to this data, between 1993 and 1997, the percentage of students who carried a gun decreased from 25%, from 7.9% to 5.9%. The percentage of students carrying a weapon on school property decreased 28% in the same time period, from 11.8% to 8.5%.

The GFSA data is also consistent with information reported in anecdotal conversations earlier this year with school security officers from many of the nation's largest school systems. Generally, they reported finding fewer firearms and other weapons in school settings during the past year.

Some of the decline may also be accounted for by improved data collection efforts during the 1997-1998 school year. For example, some States that had reported on expulsions for "all weapons" for school year 1996-1997 were able to provide data for the 1997-1997 school year only for expulsions for firearms and other weapons consistent with the GFSA.

Q. It appears that in several States, a significant number of students expelled under the GFSA have had their expulsion modified. Why is this occurring?

A. We believe that the GFSA requirements address an important issue - students that bring firearms to the school environment can't be tolerated. We are concerned that according to the data provided by some States, a significant majority of expulsions under the GFSA are being modified. While a modification of the expulsion requirement could be necessary to permit GFSA requirements to be implemented in a manner that is consistent with the requirements of the Individuals with Disabilities Education Act (IDEA), in some instances State data indicates that most expulsions were also being modified for students that are not covered by IDEA. The Secretary has already contacted States whose data raises questions about modifications of GFSA expulsions to ask the States to examine the circumstances regarding the modifications.

Q. The data supplied for the report by States indicates that only about 43% of students expelled under the GFSA are referred to an alternative placement. What happens to students that are not provided with alternative placements so that they can continue their education?

A. We remain committed to the idea that students and unauthorized firearms simply do not mix in school environments, and believe that the provisions of the Gun-Free Schools Act have been effective in encouraging local school districts to remove student violators from their regular educational placement. However, we are very troubled by the long-term results of separating these expelled students from a stable educational environment. We believe that expulsions without continuing educational services disconnect troubled students from caring adults in their school settings, take away hope for the future, and feed into increased crime and delinquency.

Our ESEA reauthorization proposal requires States and their local educational agencies to implement sound and equitable discipline policies, including the provisions of appropriate supervision, counseling and educational services that will help suspended or expelled students continue to meet the State's challenging standards.

Q. Are all LEAs in compliance with the Gun-Free Schools Act?

A. Three States (Alabama, California, and Tennessee) have reported that some local educational agencies in their States have not implemented the required GFSA expulsion or referral to criminal justice policies. We have contacted those States to remind them that local educational agencies who have failed to implement the one-year expulsion and referral to law enforcement requirements are not eligible to receive funding under any Elementary and Secondary Education Act program.

Q. What steps are you proposing to ensure that all State and local educational agencies are implementing the provisions of the GFSA?

A. We believe enforcement of the GFSA provisions is critically important, and will implement a number of activities designed to focus on strengthening enforcement. First, issues related to implementation of the GFSA will be discussed at each of three Improving America's Schools Regional Conferences, being held between October and December 1999. ED staff will highlight possible issues with implementation and enforcement of the GFSA provisions and encourage States to review and analyze their GFSA data so that they can better understand the nature and extent of the problem of guns in schools.

We have also asked the Office of the Inspector General to examine how State educational agencies and local school districts are implementing the requirements of the GFSA, including issues concerning consistency of enforcement and whether or not alternative educational services are being provided to expelled students.

AUG-10-1999 TUE 08:13 AM OFC OF SEC/PUBLIC AFFAIR FAX NO. 202 260 7753

In cooperation with the U.S. Department of Justice, ED will be issuing a publication designed to provide technical assistance to schools about strategies they can employ to detect firearms and to create environments that make it difficult for students to conceal such weapons.

Q. Are schools finding all firearms that come into schools?

A. Data about the number of students carrying firearms and other weapons to school make it clear that schools are not identifying all students that possess firearms at schools.

Q. What changes are you proposing to the GFSA as part of the ESEA reauthorization?

A. The ESEA reauthorization proposal contains several significant revisions to the current GFSA, including:

- GFSA would be part of Title IV (currently part of Title XIV – General Provisions), but all ESEA funds would still be in jeopardy if States fail to comply with its requirements.
- GFSA would require local school districts to refer a student that possesses firearms in school to a mental health professional for an assessment as to whether that student poses an imminent threat of harm to himself or others and needs appropriate mental health services before readmission to school.
- Students who pose an imminent threat of harm must receive appropriate mental health services before being permitted to return to school.
- Students expelled under the GFSA are subject to the provisions concerning sound discipline policies, found in the proposed Title XI. [Title XI requires that States receiving ESEA funds require their local school districts to implement sound and equitable discipline policies. These policies must provide for appropriate supervisions, counseling, and educational services for students who are suspended or expelled from school.]

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**UNITED STATES
DEPARTMENT OF EDUCATION****NEWS****EMBARGOED FOR RELEASE
10:30 A.M., August 10, 1999****Contact: Melinda Kitchell Malico
(202) 401-1008****EXPULSIONS OF STUDENTS WHO BROUGHT GUNS TO SCHOOL
DROPS SIGNIFICANTLY**

In U.S. public K-12 schools, 3,930 students were expelled for bringing a firearm to school in school year 1997-98, the U.S. Department of Education reported today. The number is down 31 percent from the previous year's reported figure of 5,724.

The new findings are published in the *Report of State Implementation of the Gun-Free Schools Act - School Year 1997-98: Final Report 1999*.

"The Gun-Free Schools Act aims to tighten up school safety by making sure that students understand that there are serious consequences if they bring a gun to school," said U.S. Secretary of Education Richard W. Riley. "We cannot compromise the safety of the millions of students who do obey the rules -- by allowing those who don't to remain in the same classrooms. Strong consequences for unacceptable behavior can and do make a difference.

"This new and promising data, coupled with last week's findings from the Centers for Disease Control, shows that fewer young people are carrying guns or taking them into schools. This is good news coupled with the fact that the overall rate of school violence is down. But communities need to continue to use comprehensive approaches to keeping schools, students and educators safe. And they need to focus on critical school reform issues such as smaller class size, smaller schools, modern classrooms, well-trained teachers and challenging standards."

AUG-10-1999 TUE 08:11 AM OFC OF SEC/PUBLIC AFFAIR FAX NO. 202 260 7753

2

The Gun-Free Schools Act of 1994 requires states to pass laws requiring school districts to expel any student who brings a firearm to school. All states have passed such laws and this report is the second state-by-state look at implementation of the federal law.

The overwhelming majority of the expulsions -- 62 percent -- were for handguns brought to school. Seven percent were for rifles or shotguns, and 31 percent were for some other type of firearm; including bombs, grenades or starter pistols. Fifty states and two territories reported this data by state. Guns prompted expulsions in all school levels. Most expulsions, 57 percent, were in high schools, 33 percent were in junior highs and 10 percent were in elementary schools. These data were reported by school level in 50 states and three territories.

The department has published an *Annual Report on School Safety* and an *Early Warning Timely Response: A Guide to Safe Schools* to help states and communities head off school violence through comprehensive prevention and intervention programs.

Riley also noted that schools must continue to address the needs of troubled students: "After removing violators from schools, educators must do everything possible to help expelled students reach the high standards that are expected of all students. A student who gets expelled for bringing a gun to school should not be left to just hang out on the street. To help young people get their lives back on track, communities should work towards offering counseling and alternative learning opportunities."

The Educational Excellence for All Children Act of 1999, President

Clinton's proposal to reauthorize the Elementary and Secondary Education Act (ESEA), asks school districts to develop equitable discipline policies and hold schools accountable for their policies. If a student is expelled, states should assure that schools provide for appropriate supervision, counseling and educational services to help students reach high standards, the administration proposed in the legislation.

States must submit annual reports on the number of students expelled by firearm type and school level; the number of expulsions that were modified on a case-by-case basis; how many of those cases were not for students with disabilities; and the number of expelled students who were referred to an alternative school or program. The report includes state-by-state data for these categories; however, not all states and territories submitted data for each category.

Other findings from the report include:

- 44 percent of expulsions were shortened to less than one year, with 49 states and territories reporting this data. The law permits flexibility by allowing school districts to modify the expulsion requirement on a case-by-case basis;
- 48 states reported on the disability status of the students who received shortened expulsions, revealing that 62 percent of these students were not considered disabled; and,
- 48 states reported that 43 percent of the expelled students were referred for an alternative placement.

The findings contained in the report should be interpreted with caution, as some states submitted data on all weapons, not just firearms, while others submitted aggregate data not broken out by school level and/or type of weapon. Data collection is improving since implementation of the law, but the quality of data on expulsions varies widely state-to-state. Following corrected data submissions by states, the previously reported total figure for expulsions in 1996-

AUG-10-1999 TUE 08:12 AM OFC OF SEC/PUBLIC AFFAIR FAX NO. 202 260 7753

4

97 was adjusted from 6,093 to 5724.

The Gun-Free Schools Act is authorized under the Elementary and Secondary Education Act as amended in 1994. States and districts jeopardize loss of all ESEA funds if they do not enforce complementary state laws.

The report will be available by calling 1-877-4ED-PUBS or through the department's web site at www.ed.gov/offices/OESE/SDFS.

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