

# CRS Report for Congress

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## **The Safe and Drug-Free Schools and Communities Act: Reauthorization and Appropriations**

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### **Summary**

The 107<sup>th</sup> Congress considered and approved reauthorization legislation to extend and amend the Elementary and Secondary Education Act (ESEA) and the Safe and Drug-Free Schools and Communities Act (SDFSCA). Also, legislation to make FY2002 appropriations to continue funding for the program was approved. The President signed both measures into law.

For FY2003, the President proposed \$644,250,000 for the SDFSC program, which is a \$102,500,000 decrease from the FY2002 appropriation, eliminating three activities under national programs – mentoring, community services for expelled or suspended students, and alcohol abuse reduction. The Senate Appropriations Committee recommended for FY2003 (S.Rept. 107-216), \$654,250,000 (\$10 million more than the budget request) to continue funding for the SDFSC program. No final action has yet occurred on FY2003 funding.

This report will be updated to reflect relevant legislative and/or executive branch activities.

### **Most Recent Developments**

For FY2003, the President requested \$644,250,000 for the SDFSC program. On July 18, 2002, the Senate Appropriations Committee reported S. 2766 (S.Rept. 107-216) recommending \$654,250,000 for FY2003 SDFSC program funding. Of this sum, \$485,017,000 would be used for state grants, \$169,233,000 for national programs, of which \$7,000,000 would be used for Project SERV (School Emergency Response to Violence). No specific funding levels were mentioned for the National Coordinator Initiative, the Safe Schools/Healthy Students initiative, mentoring programs, community service for expelled or suspended students, or for alcohol abuse reduction. The Committee suggested, however, that \$850,000 be included to continue the National Recognition Awards program under the guidelines of Section 120(f) of P.L. 105-244 (the Higher Education Amendments of 1998) “to provide models for innovative and effective

alcohol and drug abuse prevention programs in higher education and to focus national attention on exemplary alcohol and drug abuse prevention efforts.” The Committee observed that changes to formula allocations from SEAs to LEAs for drug, and violence prevention and education programs might have created dramatic changes in funding for some LEAs. Consequently, the Committee requested ED to compile nationwide data for Congress by May 1, 2004, providing a breakdown of funding changes at the LEA level.

## Introduction

The 107<sup>th</sup> Congress considered and approved reauthorization legislation to extend and amend the Elementary and Secondary Education Act (ESEA) and the Safe and Drug-Free Schools and Communities Act (SDFSCA). This report discusses the SDFSCA reauthorization and appropriations to fund the SDFSC program. For background information about the program, see CRS Report RL30482, *The Safe and Drug-Free Schools and Communities Program: Background and Context*.

## The Safe and Drug-Free Schools & Communities Program: Authorizations

The No Child Left Behind Act (P.L. 107-110), amends and reauthorizes SDFSCA as Part A of Title IV – 21<sup>st</sup> Century Schools. It authorizes funds for the SDFSC program, which is the federal government’s major initiative to prevent drug abuse and violence in and around schools. It awards state grants by formula to outlying areas, state educational agencies (SEAs), and local educational agencies (LEAs) in all 50 states, the District of Columbia (DC) and the Commonwealth of Puerto Rico. Also, funds go to a state’s Chief Executive Officer (Governor) for creating programs to deter youth from using drugs and committing violent acts in schools. National programs are supported through discretionary funds for a variety of national leadership projects designed to prevent drug abuse and violence among all educational levels, from preschool through the postsecondary level.

**State Grants.** For FY2002, \$650 million was authorized for state grants and such sums as necessary for each succeeding fiscal year through FY2007. Of the funds authorized, 1% or \$4,750,000 (whichever is greater) is reserved for Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands; 1% or \$4,750,000 (whichever is greater) is reserved for the Secretary of the Interior to administer programs for Indian youth; and 0.2% is reserved to provide programs for native Hawaiians. The remaining funds are distributed to the states, DC, and Puerto Rico, by a formula of 50% based on school-aged population and 50% based on ESEA Title I, Part A concentration grants for the preceding fiscal year. No state receives less than the greater of one-half of 1% (0.5%) of the total allotted to all of the states or the amount for FY2001, under prior law. State grant funds in any amount may be redistributed to other states if the Secretary determines that a state will not be able to use the funds within 2 years of the initial award. Also, a limitation is included stipulating that funds appropriated for national programs may not be increased unless state grant funding is at least 10% more than the previous fiscal year’s appropriation.

Of the total state allotment, 20% goes to the Governor to award competitive grants and contracts to LEAs, community-based groups, other public entities, private groups and

associations. The Governor may use not more than 3% of the funds for administrative costs.

An SEA must distribute at least 93% of its allotment to LEAs for drug and violence prevention and education programs and activities. Of those funds, 60% are based on the relative amount LEAs received under ESEA Title I, Part A for the previous fiscal year, and 40% are based on public and private school enrollments. Also, of the amount received from the state, LEAs may use not more than 2% for administrative costs.

SEAs may use up to 3% of its allotment for administering the program. In FY2002, they may use in addition to the 3% administrative costs, 1% of the state's allotment (minus funds reserved for the Governor) to implement a uniform management information and reporting system (UMIRS). Funds may be used directly or through grants and contracts to create the UMIRS, which is designed to collect information on truancy rates; the incidence, seriousness, and frequency of violence and drug-related crimes that result in suspending and expelling students in elementary and secondary schools in a state; the kinds of curricula, programs, and services provided by the Governor, SEAs, LEAs, and other fund recipients; and the incidence and prevalence of drug use and violence among minors, age of onset of such behavior, and the perception of health risk and social disapproval for such behavior. SEAs may use not more than 5% of allotted funds for state activities for planning, developing, and implementing capacity building; providing technical assistance and training, evaluation, and program improvement services; and for coordinating activities for LEAs, community-based groups, and other public and private entities.

**National Programs.** The authorization for national programs was such sums as necessary for FY2002 through FY2007. Funds available under national programs allow the ED Secretary to consult with the HHS Secretary, the Director of the Office of National Drug Control Policy (ONDCP), and the Attorney General to administer programs aimed at preventing violence and illegal drug use among students and promoting their safety and discipline. Also, from national program funds, up to \$2 million may be reserved for evaluating the national impact of the SDFSC program, and an amount necessary is reserved to continue the Safe Schools/Healthy Students initiative.<sup>1</sup> In FY1999, the National Coordinator Initiative was created under national programs allowing LEAs to recruit, hire, and train persons to serve as SDFSC program coordinators in middle schools. ED officials believed that middle school students were at the age where they were most likely to begin experimenting with drugs and becoming more involved in violence and crime. The new law continues this permissive activity by expanding coverage for national coordinators to serve as drug prevention and school safety program coordinators in all schools with notable drug and safety problems.

National program funds may be made available as formula grants to states for administering programs that require students expelled or suspended from school to perform community service (see below for FY2002 appropriations provided for this activity). Grants would be made to states with 50% of allotted funds based on school-

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<sup>1</sup> This initiative is funded jointly with HHS and the Department of Justice to assist school districts and communities in developing and implementing community-wide projects in order to create safe and drug-free schools and encourage healthy childhood development.

aged population and 50% based on ESEA Title I, Part A concentration grants for the preceding fiscal year. No state would receive less than one-half of 1% (0.5%) of the total allotted to all of the states. Competitive grants may be awarded, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration (SAMSHA, within HHS), to LEAs allowing school districts to develop and implement programs to reduce alcohol abuse in secondary schools (see below for FY2002 appropriations provided for this activity). In addition, grants may be awarded to LEAs, non-profit community-based groups, or to a partnership between an LEA and such an organization for assistance in creating and supporting mentoring programs and activities for children with greatest need (see below for FY2002 appropriations provided for this activity).

Other permissive initiatives authorized under national programs include allowing the ED Secretary to make grants to LEAs and community-based groups to assist localities most directly affected by hate crimes; creating a School Security Technology and Resource Center at the Sandia National Laboratories in partnership with the National Law Enforcement and Corrections Technology Center – Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, to be administered by the Attorney General as a resource for LEAs to assess school security, develop security technology, evaluate and implement such security, and to provide technical assistance for improving school security; and establishing a National Center for School and Youth Safety to be jointly created by the ED Secretary and the Attorney General to provide emergency assistance to local communities in response to school safety crises, to establish an anonymous student hotline so students can report possible violent behavior, to provide consultation to the public regarding school safety, to compile information about best practices related to school violence prevention, and to provide outreach to rural and impoverished communities.

## **Appropriations and Funding History**

The conference agreement on the FY2002 appropriations for the Departments of Labor, Health and Human Services, and Education, provides funding to continue provisions of the SDFSC program. A total of \$746,750,000 was appropriated for various authorities under the program. Of this sum, \$472,017,000 are for state grants, \$34,733,000 for national programs, \$10,000,000 for Project SERV (School Emergency Response to Violence),<sup>2</sup> \$37,500,000 for the National Coordinator Initiative, \$100,000,000 for the Safe Schools/Healthy Students (SS/HS) initiative, \$17,500,000 for mentoring programs, \$50,000,000 for community service for expelled or suspended students, and \$25,000,000 for alcohol abuse reduction.

For FY2003, the President requested \$644,250,000 for the SDFSC program. Of this sum, \$472,017,000 are requested for state grants and \$172,233,000 for national program activities. This request is a \$102,500,000 decrease from the FY2002 appropriation. It eliminates three activities under national programs – mentoring, community services for expelled or suspended students, and alcohol abuse reduction. On July 18, 2002, the Senate L-HHS-ED Appropriations Committee reported S. 2766 (S.Rept. 107-216)

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<sup>2</sup> Conferees on the legislation stipulated that the availability of funds for the two emergency activities be extended through September 30, 2003.

recommending \$654,250,000 for FY2003 SDFSC program funding. Of this sum, \$485,017,000 would be used for state grants, \$169,233,000 for national programs, of which \$7,000,000 would be used for Project SERV (School Emergency Response to Violence). No specific funding levels were mentioned for the National Coordinator initiative, the Safe Schools/Healthy Students initiative, mentoring programs, community service for expelled or suspended students, or for alcohol abuse reduction.

The Committee suggested that \$850,000 be included to continue the National Recognition Awards program under the guidelines of Section 120(f) of P.L. 105-244 (the Higher Education Amendments of 1998) “to provide models for innovative and effective alcohol and drug abuse prevention programs in higher education and to focus national attention on exemplary alcohol and drug abuse prevention efforts.” The Committee observed that changes to formula allocations from SEAs to LEAs for drug, and violence prevention and education programs might have created dramatic changes in funding for some LEAs. Consequently, the Committee requested ED to compile nationwide data for Congress by May 1, 2004, providing a breakdown of funding changes at the LEA level.

**Table 1** presents a 7-year appropriation funding history for the program.

**Table 1. SDFSC Appropriations Funds, FY1997-FY2003,  
by Grant Program**  
(\$ in thousands)

Program	FY1997	FY1998	FY1999	FY2000 <sup>a</sup>	FY2001	FY2002	FY2003 Pres. Budget Request
State Grants	\$555,978	\$531,000	\$441,000	\$439,250	\$439,250	\$472,017 <sup>b</sup>	\$472,017
National Programs	0	\$25,000	\$27,003	\$29,023	\$28,000	\$34,733	\$45,000
Project SERV	—	—	—	0	\$10,000	\$10,000	\$10,000
Coordinator Initiative	—	—	\$35,000	\$50,000	\$50,000	\$37,500	\$17,233
SS/HS	—	—	\$62,997	\$81,727	\$117,000	\$100,000	\$100,000
Mentoring	—	—	—	—	—	\$17,500	0
Community Service ...	—	—	—	—	—	\$50,000	0
Alcohol Abuse Reduction	—	—	—	—	—	\$25,000	0
<b>Total Funding</b>	<b>\$555,978</b>	<b>\$556,000</b>	<b>\$566,000</b>	<b>\$600,000</b>	<b>\$644,250</b>	<b>\$746,750</b>	<b>\$644,250</b>

**Source:** U.S. Department of Education Budget Service and Conference Report, H.Rept. 107-342, Making Appropriations for the Departments of L-HHS-ED and Related Agencies for the Fiscal Year Ending September 30, 2002, December 19, 2001, p. 124.

<sup>a</sup> FY2000 funds reflect the requirement that agencies reduce their FY2000 appropriation by 0.38%. ED rescinded a portion of the state grant appropriation (from the initial appropriation of \$445 million by \$5.7 million).

<sup>b</sup> The SDFSC is a forward-funded program. Total funds usually are available from July 1 of the fiscal year appropriated through September 30 of the following fiscal year. For FY2002, as for FY2000 and FY2001, the state grant appropriation was split. Of the annual appropriation, \$142,017,000 became available on July 1, 2002, and will remain available through September 30, 2003. The remaining allotment, \$330,000,000, became available October 1, 2002, and will remain available through September 30, 2003.

## **The Gun-Free Schools Act**

The Gun-Free Schools Act, which was Title XIV, Part F of the ESEA, was incorporated as part of SDFSCA because of its close relationship with the SDFSC program. This provision calls for each state receiving funds under the No Child Left Behind Act to have a law that requires LEAs to expel for 1 year any student bringing a weapon to school. The chief administering officer of an LEA, however, can modify the expulsion requirement on a case-by-case basis.