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

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Summary

The No Child Left Behind Act (P.L. 107-110) amended and reauthorized the Safe and Drug-Free Schools and Communities Act (SDFSCA) as Part A of Title IV, 21st Century Schools. Funds are authorized for the SDFSC program, which is the federal government's primary initiative to prevent drug abuse and violence in and around schools. Through the program, state educational agencies, local educational agencies, and outlying areas are awarded grants by formula to create programs deterring drug abuse and violence among elementary and secondary students. Discretionary funds support national programs for various national leadership projects to prevent drug abuse and violence among students from preschool through postsecondary educational levels.

The 107th Congress considered and approved reauthorization legislation to extend and amend the Elementary and Secondary Education Act (ESEA) and SDFSCA. For FY2004, the President has proposed \$694.3 million for the program, a \$50 million increase over his FY2003 request, but \$21.7 million less than the FY2003 appropriation.

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

Most Recent Developments

For FY2004, the President has proposed \$694.3 million for the program, a \$50 million increase over his \$644.3 million FY2003 request. For FY2003 (P.L. 108-7, Consolidated Appropriations Resolution, 2003, February 20, 2003), Congress

appropriated \$716 million¹ for the SDFSC program, \$30.8 million less than the \$746.8 million FY2002 appropriation, but \$71.1 million more than his FY2003 request.

Introduction

The 107th 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) amended and reauthorized SDFSCA as Part A of Title IV – 21st 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

¹ This figure reflects the required 0.65% across-the-board budget reduction for federal agencies as estimated by the ED Budget Service in its table entitled, *Dept. of Education Fiscal Year 2004 President's Budget*, March 5, 2003. The FY2002 and FY2003 appropriation funding totals in this CRS report include **all** activities that are authorized under the SDFSC Act. Therefore, in some instances funding totals differ from those reported in the ED Budget Office's table, which lists appropriations for national program grants for community service for expelled or suspended students, and alcohol abuse reduction separately from the rest of the SDFSC Act.

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.² 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.

²This 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.

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-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

For FY2002, a total of \$746.8 million was appropriated for the SDFSC program. Of this sum, \$472.0 million were for state grants, \$274.7 million for national program activities, which include \$134.7 million to support a variety of federal programs to help prevent drug abuse and violence among students (including \$100 million for the Safe Schools/Healthy Students initiative) and for program evaluation, \$10 million for Project SERV (School Emergency Response to Violence),³ \$37.5 million for the National Coordinator Initiative, \$17.5 million for Mentoring programs, \$50 million for Community Service for Expelled or Suspended Students, and \$25 million for Alcohol Abuse Reduction.

³ Conferees on the legislation stipulated that the availability of funds for the two emergency activities be extended through September 30, 2003.

For FY2003, the President requested \$644.2 million for the SDFSC program. For FY2003 (P.L. 108-7, Consolidated Appropriations Resolution, 2003, February 20, 2003),⁴ however, Congress appropriated \$716 million⁵ for the program, a \$71.1 million increase over the President's request, but a \$30.8 million decrease over the FY2002 appropriation. For state grants, \$468.9 million were appropriated, a \$3.1 million decrease from FY2002, and \$247.1 million were appropriated for national program activities, a \$17.7 million deduction from the FY2002 appropriation. For FY2003, funding decreases occurred for all national program components – including support for various federal activities to improve school safety, prevent illegal drug use by students, and for program evaluation (from \$134.7 million in FY2002 to \$134.1 million in FY2003), Project SERV (from \$10 million to \$4.97 million), the National Coordinator Initiative (from \$37.5 million to \$16.1 million),⁶ Mentoring program (from \$17.5 million to \$17.4 million), Community Services for Expelled or Suspended Students (from \$50 million to \$49.7 million), and Alcohol Abuse Reduction (from \$25 million to \$24.8 million). No specific funding levels were mentioned for the Safe Schools/Healthy Students initiative. The Conference Committee left FY2003 spending for this program to the discretion of ED.⁷

For FY2004, the President has requested \$694.3 million for the SDFSC program, which is a \$21.7 million decrease from the FY2003 appropriation. In the FY2004 request,⁸ state grant funding is decreased by \$46.9 million, from \$468.9 million appropriated for FY2003 to \$422 million. This funding request, ED states, recognizes that there are weaknesses in the SDFSC program, including a lack of definitive ways to measure program outcome.⁹ Funding for national programs, however, would increase by \$25.1 million, from the \$247.1 million FY2003 appropriation to a proposed \$272.2 million. The President has included \$100 million to develop and expand school-based mentoring programs for middle school students who lack strong positive role models and are at-risk for educational failure, dropping out of school, or criminal or delinquency activities.¹⁰

Table 1 presents an appropriation funding history for the program.¹¹

⁴ *Department of Education Fiscal Year 2003 Congressional Action*, February 26, 2003, pp. 5-6.

⁵ This figure reflects the required 0.65% across-the-board budget reduction for federal agencies as estimated by the ED Budget Service for the Department of Education, February 26, 2003.

⁶ This figure reflects final funding for the National Coordinator Initiative Program, which will have completed its mission as a demonstration project by the end of FY2004.

⁷ Discussed in a telephone conversation with a spokesman in the ED Budget Office on February 20, 2003.

⁸ *Department of Education Fiscal Year 2004 Congressional Action*, January 27, 2003, p. 7-8 and *Department of Education Fiscal Year 2003 Congressional Action*, p. 6.

⁹ "Safe Schools and Citizenship Education: Summary of Request," *Department of Education, Fiscal Year 2004, Justifications of Appropriation Estimates to the Congress, Appropriations Language and Narrative Justifications*, Vol. I, p. F-4.

¹⁰ *Ibid.*

¹¹ The FY2002 and FY2003 appropriation funding totals in **Table 1** include **all** activities that are authorized under the SDFSC Act. Therefore, in some instances funding totals differ from (continued...)

**Table 1. SDFSC Appropriations Funds, FY1999-FY2004,
by Grant Program**
(\$ in thousands)

Program	FY1999	FY2000 ^a	FY2001	FY2002	FY2003 ^c	FY2004 Pres. Req.
State Grants	\$441,000	\$439,250	\$439,250	\$472,017 ^b	\$468,949	\$422,017
National Programs	\$125,000	\$160,750 ^d	\$205,000 ^d	\$274,733 ^e	\$247,079 ^f	\$272,233 ^g
Total Funding	\$566,000	\$600,000	\$644,250	\$746,750	\$716,028	\$694,250

Source: *Department of Education FY2004 Justifications of Appropriation Estimates to the Congress*, Vol. I, pp. F-5, F-14 and *Department of Education Fiscal Year 2003 Congressional Action*, February 26, 2003, pp. 5-6 and *Department of Education Fiscal Year 2004 Congressional Action*, January 27, 2003, pp. 4, 8.

^a 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).

^b 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, \$142.0 million became available on July 1, 2002, and will remain available through September 30, 2003. The remaining allotment, \$330 million, became available October 1, 2002, and will remain available through September 30, 2003.

^c FY2003 funds reflect the required across-the-board reduction by 0.65% pursuant to Division N of the 2003 Consolidated Appropriations Resolution.

^d Includes \$50 million for FY2000 and for FY2001 National Coordinator Initiative, respectively.

^e Includes \$37.5 million for the National Coordinator Initiative, \$50 million for the Community Service for Expelled or Suspended Students grant, \$25 million for Alcohol Abuse Reduction, \$17.5 million for the Mentoring Program, and \$10 million for Project SERV.

^f Includes \$16.1 million for the National Coordinator Initiative, \$49.7 million for the Community Service for Expelled or Suspended Students grant, \$24.8 million for Alcohol Abuse Reduction, \$17.4 million for the Mentoring Program, and \$4.97 million for Project SERV.

^g Includes \$8.1 million for the National Coordinator Initiative, \$100 million for the Mentoring Program, and \$10 million for Project SERV.

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.

¹¹ (...continued)

those reported in the ED Budget Office's table which lists appropriations for national program grants for community service for expelled or suspended students, and alcohol abuse reduction separately from the rest of the SDFSC Act.