

# 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 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, 21<sup>st</sup> 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.

For FY2005, Congress appropriated \$671.961 million for the program. For FY2006, the President has requested \$317.274 million. The House approved \$601.844 million for FY2006 (\$70.117 million less than the FY2005 appropriation, but \$284.570 million more than the President requested). The Senate approved \$532.807 million (\$215.533 million more than the President's request, but \$69.037 million less than the House approved for the program).

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

### **Most Recent Developments**

For FY2006, the House approved \$601.844 million for the SDFSC program. This figure includes \$400 million for state grants (although the President's budget request had solicited no funding for FY2006 state grants), and \$201.844 million for national programs (\$115.430 million less than the FY2006 budget request). The Senate approved \$532.807 million for the program — \$300 million for state grants and \$232.807 million for national

programs for FY2006 — which is \$69.037 million less than the House approved for the program.<sup>1</sup>

## 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) amended and reauthorized 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 two 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. Language in the FY2005 Consolidate Appropriations Act negates the "limitation" provision.

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

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<sup>1</sup> The House passed H.R. 3010, the Department of Education Appropriations Act, 2006 on June 24, 2005. The Senate passed the measure on Oct. 27, 2005.

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>2</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. Funding for this initiative, however, was terminated in FY2004.

National program funds may be made available as formula grants 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-

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<sup>2</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.

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. 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 in middle schools to assist them in successfully making the transition to secondary school.

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 FY2005, Congress appropriated \$671.961 million<sup>3</sup> (\$44.016 million less than the President's \$715.977 million request) for the program. For FY2006, the President has requested \$317.274 million for the program (\$354.687 million less than the FY2005 appropriation).

For FY2005, Congress appropriated \$437.380 million for state grants and \$234.580 million for national programs.<sup>4</sup> The FY2006 President's request would eliminate funding for state grants and seek funds only for national programs. The Program Assessment Rating Tool (PART)<sup>5</sup> found that the SDFSC state grants component was "ineffective" because it was unable to demonstrate that these programs worked and because state grant funds were distributed too thinly to support quality interventions. By comparison, funding for national programs would be increased because the Administration believes that such activities provide direct support to LEAs in amounts adequate to make a difference in drug prevention and school safety efforts. Under such conditions, grantees

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<sup>3</sup> This figure and all FY2005 figures reflect the 0.80% across-the-board cut required by the FY2005 Consolidated Appropriations Act (P. L. 108-447).

<sup>4</sup> Ibid.

<sup>5</sup> PART is an instrument developed by the Administration to examine the performance of certain programs across federal agencies.

and independent evaluators could measure progress, hold projects accountable, and decide which interventions were most effective.<sup>6</sup>

Included among FY2006 national program funding requested by the Administration is \$49.307 million (the same as the FY2005 appropriation) to pay for continuation costs for school-based mentoring programs.<sup>7</sup> FY2006 would be the first year of a two-year phase-out of the mentoring program, which the Administration believes would meet its objectives by FY2007.<sup>8</sup> For FY2006, the House and Senate approved the same amount the President requested for mentoring.

Under national programs for FY2005, the Administration would have eliminated funding for the Alcohol Abuse Reduction (AAR) program because it was believed to be duplicative of other SDFSC-funded activities. Congress, however, appropriated \$32.736 million for AAR for FY2005. Similarly for FY2006, the President has not requested funds for AAR. Likewise, the House did not recommend FY2006 funding for AAR, but the Senate approved \$33.5 million for AAR.

For FY2006, the House approved \$601.844 million for the SDFSC program. This figure includes \$400 million for state grants (for which the Administration requested no funding), and \$201.844 million for national programs (\$115.430 million less than the President's request). The Senate approved \$532.807 million for the program. The figure includes \$300 million for state grants (\$100 million less than the House) and \$232.807 million for national programs (\$30.963 million more than the House approved, and \$84.467 million less than the President's request) for FY2006.

**Table 1** below presents an appropriation funding history for the program.

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<sup>6</sup> "Safe Schools and Citizenship Education, Safe and Drug-Free Schools and Communities: State Grants," *Department of Education, Fiscal Year 2006, Justifications of Appropriation Estimates to the Congress*, vol. 1, pp. F21-F22.

<sup>7</sup> Department of Education Fiscal Year 2006 President's Budget, Feb. 7, 2005, p. 7.

<sup>8</sup> "Safe Schools and Citizenship Education," *Department of Education, Fiscal Year 2006, Justifications of Appropriation Estimates*, vol. I, p. F-17.

**Table 1. SDFSC Appropriations Funds, FY2000-FY2006,  
by Grant Program<sup>a</sup>**  
(\$ in thousands)

Program	FY2001	FY2002	FY2003 <sup>d</sup>	FY2004	FY2005	FY2006 Pres. Req.
State grants	\$439,250	\$472,017	\$468,949	\$440,908	\$437,381	\$0
National programs	\$205,000 <sup>b</sup>	\$274,733 <sup>c</sup>	\$247,079 <sup>d</sup>	\$233,295 <sup>e</sup>	\$234,580 <sup>f</sup>	\$317,274 <sup>g</sup>
<b>Total funding</b>	<b>\$644,250</b>	<b>\$746,750</b>	<b>\$716,028</b>	<b>\$674,203</b>	<b>\$671,961</b>	<b>\$317,274</b>

**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*, Feb. 26, 2003, pp. 5-6, *Department of Education Fiscal Year 2005 Congressional Action*, Dec. 9, 2004, p. 7, the ED Budget Office (telephone conversation with spokesman), Dec. 21, 2004, and *Department of Education Fiscal Year 2006 President's Budget*, July 18, 2005.

- a. SDFSC is a forward-funded program. Total funds usually are available from July 1 of the fiscal year appropriated through Sept. 30 of the following fiscal year. All FY2004 figures reflect the FY2004 Consolidated Appropriations Act (P.L. 108-199), and the required 0.59% across-the-board budget reduction, as estimated by the ED Budget Service for the Department of Education.
- b. Includes \$50 million for FY2000 and for FY2001 National Coordinator Initiative, respectively.
- c. 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.
- d. 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.
- e. Includes \$8.06 million for the National Coordinator Initiative, \$29.8 million for Alcohol Abuse Reduction, \$49.7 million for the Mentoring Program, and \$94.4 million for Safe Schools/Healthy Students. No new funds were appropriated for Project SERV.
- f. All FY2005 figures reflect the 0.80% across-the-board reduction through the FY2005 Consolidated Appropriations Act, but are still subject to change. Includes \$49.307 million for the Mentoring Program, \$32.736 for Alcohol Abuse Reduction, \$89.280 million for Safe Schools/Healthy Students, \$29.760 million to improve student safety and security, and \$9.920 million for drug testing programs for students. No new funds were appropriated for Project SERV.
- g. Includes \$49.3 million for the Mentoring Program, \$88.5 million for Safe Schools/Healthy Students, \$30 million for the school emergency preparedness initiative to coincide with the inclusion of the nation's schools in the Dept. of Homeland Security's National Critical Infrastructure Plan; \$25.4 million for drug testing programs for students; \$87.5 million for additional grant assistance to LEAs to implement drug and violence prevention programs that research has proven to be effective and for scientifically based evaluation of additional approaches that show promise of effectiveness; and \$5 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 one 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.