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EXAMINING STATE AND FEDERAL RECOMMENDATIONS FOR ENHANCING SCHOOL SAFETY AGAINST TARGETED VIOLENCE

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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EXAMINING STATE AND FEDERAL RECOMMENDATIONS FOR ENHANCING SCHOOL SAFETY AGAINST TARGETED VIOLENCE

THURSDAY, JULY 25, 2019

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Romney, Scott, Hawley, Peters, Hassan, Sinema, and Rosen.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good morning. I would like to call this hearing to order. The title of this hearing is "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence."

First of all, I want to welcome everybody to the hearing room. I certainly want to thank our witnesses for taking the time for your testimony. In particular, I want to shout out to Max and Tom and your families and the other families of the tragedies for attending here and for just your unbelievable dedication, turning your tragedy into hopefully some positive action that can prevent tragedies for other families. It is just remarkable what so many of the families have done in reaction to so many of these tragedies, which really date back to about 1998 when we really had sort of the first directed attack. The number was 56. I know in your testimony, Sheriff, you are talking about 710 shootings since Columbine in 1999. At Columbine, 13 people were killed—12 students, 1 teacher. Twenty-one were injured. At Sandy Hook, in 2012, 26 killed, 2 were injured. And Parkland, at Marjory Stoneman Douglas School, 17 killed and 17 injured.

The death and casualty toll is simply unbelievable, quite honestly. I grew up in the 1950s and 1960s. We were concerned about nuclear holocaust. We would hold drills and we would tuck ourselves under our desks. We never had to worry about somebody entering our school and opening fire.

So this is a tragedy in terms of the lives lost, people injured, the families destroyed. But it is a tragedy from the standpoint of the psychological effect on our Nation, on our States, on our schools, on

our children and our families. And so what I am hoping this hearing will be about is take a look at the thoughtful recommendations of so many of these commissions that have been established afterwards, both State and the Federal Government one, with the help of parents and families that have experienced these tragedies.

I want to ask the question: To what extent have these recommendations, these common-sense, obvious recommendations, to what extent have they been implemented? And if they are not—and I know they are not universally implemented—what is the holdup? And what can we do to make sure that we can take some of these obvious, relatively simple actions as at least a first step to, if not completely prevent these things from happening in the future, at least mitigate the casualties when one of these attacks occurs?

I think moving forward, what I want the result from this Committee hearing to be is let us, again, take a look at all the recommendations, let us find out what is common. What do we agree on? It is something this Committee does a pretty good job of. There are plenty of differences. There are all kinds of things that Gary is wrong about. [Laughter.]

But what this Committee is pretty good at doing is we identify a problem, we figure out, OK, well, what do we agree on? What is a common-sense solution that we agree on? Kind of set the divisions, the differences, aside to maybe be brought up when it is possible to do so.

I want to really examine: What are the most effective actions that we can take that we agree on? What are the fastest and the easiest to implement? Part of that equation will be, what is the most cost-effective, too? Let us do those things.

I always go back to after September 11, 2001 (9/11). I really think the most cost-effective and the most effective action taken after 9/11 was we just hardened the cockpit door. We have all this other security theater and Transportation Security Administration (TSA) and, we spend billions. But the most effective thing is we just hardened the cockpit door. So let us make sure in schools we are at least doing that.

This Committee does not have a whole lot of legislative jurisdiction, but in this space there may be some that we can consider. So we certainly want to do everything we can do as part of this Committee in addition to holding this hearing to highlight the issue and examine these recommendations.

So, with that, I will turn it over to Senator Peters.

OPENING STATEMENT OF SENATOR PETERS[1]

Senator PETERS. Well, thank you, Mr. Chairman, for holding this hearing today.

This is an extremely important and difficult conversation. There is no question that schools must be safe places for children to learn and to grow. And every single life lost in a school shooting is an unspeakable tragedy.

As adults and as policymakers, our number one responsibility is to protect our children. And we are failing.

[1] The prepared statement of Senator Peters appear in the Appendix on page 39.

I want to recognize the many survivors that we have with us today, especially Mr. Schachter and Mr. Hoyer for joining us today as witnesses. And thank you for your courage and your action.

I cannot even begin to grasp the incomprehensible pain of losing a child to gun violence. I know that I must—and that we must—honor the memory of those who are no longer with us by taking action to stop these preventable tragedies.

I am grateful to you both and to Sheriff Gualtieri and to Dr. Temkin for helping the Committee better understand how we can protect children in our schools and work toward ensuring that no other families have to endure the loss of a loved one to senseless violence in schools.

Strengthening safety in our schools is not a partisan issue, and I look forward to a productive discussion on the actions that we can take to make school campuses more secure, improve first responders' capabilities in an emergency, and, most importantly, stop these shootings before they ever happen.

Today's conversation will be about solutions, and we want to leave here with a clear road map for addressing this problem. We cannot forget exactly who we are doing this for: For Alex. For Luke. For the hundreds of children killed or injured in their schools. For the families, students, teachers, and staff whose worlds have been irrevocably changed by this violence. And for the millions of students who will be entering classrooms this fall.

Thank you for being here. I look forward to your testimony and our discussion. Mr. Chairman, my office has received over 32 letters of support for our discussion today on a wide variety of topics, and I would like to enter those letters into our official record.[1]

Chairman JOHNSON. Without objection.

I will ask that my written statement be entered into the record.[2]

We have a letter from Senator Rubio that will be entered in the record as well.[3]

I do want to recognize Congressman Ted Deutch, who is the Congressman in Parkland, Florida. We obviously offer all of you our condolences and recognize how completely inadequate that is.

We have the unique situation here where your former Governor, who established this commission and appointed and asked many of you to be involved, is here. Senator Scott would like to say a few words and introduce some of the members of the audience. I have also asked him to read the list of those killed in the Parkland shooting, and then we will have a moment of silence after he does that. Senator Scott.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. First, I want to thank Senator Johnson and Senator Peters for doing this. What they said is actually really true in this Committee. People do work together and work hard to get things done. There are a lot of tough issues to deal with up here. There is probably not a more important issue than the safety of our kids and our grandkids. I have six grandsons, and I think about their safety all the time.

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[1] The letters referenced by Senator Peters appear in the Appendix on page 71.
[2] The prepared statement of Senator Johnson appears in the Appendix on page 37.
[3] The letter referenced by Senator Johnson appears in the Appendix on page 41.

I want to thank all the witnesses for being here today. This is not an easy discussion. It was not easy to deal with the aftermath, but it is nothing like what these families have gone through.

This February marked the 1-year anniversary of the Marjory Stoneman Douglas High School shooting in Parkland that claimed the lives of 17 innocent victims. I think there is not a day that goes by that I do not think about that day and the amazing people that were lost at the hands of a madman. One thing that has happened since then is many of these families I have spent a lot of time with, and every day you still feel their pain.

I would like to thank the families, students, and the loved ones of the victims who are here today: Max and Tom, Gina, Phil, and Debbie and Tony. Thank you all for being here.

Let us go through a little bit of background. Max's son Alex—and, by the way, everybody has a copy of this. They just gave me a copy of this this morning, but you can go and see the pictures of these kids, and I can just tell you, in the last year and a half, you get to know them just by all the stories you hear. But Max's son Alex was 14 years old. He played trombone in the band at the school. He was very vocal in seeking changes at schools and served on the High School Public Safety Commission.

Tom and Gina's son Luke was only 15. He was a sweet young man who loved playing sports. A lot of these parents, but his parents have been leading efforts to make change, and Gina, when we signed the Marjory Stoneman Douglas High School Public Safety Act into law, was there with me.

Tony, if you will stand up so they recognize you. Tony's daughter Gina was 14 and a freshman at Marjory Stoneman Douglas. She was a member of the school's winter guard team. She was known to be a great dancer with an infectious smile who made friends everywhere she went. Tony is the president of Stand with Parkland, an organization founded by the parents of victims, and I attended some of the funerals, and your heart goes out to all of them. And, Gina, I should have had you stand up. Gina, I should recognize you. Gina is Tom's wife, and they are just a sweet family. So thank you for being here. Gina has become a good friend of my chief of staff.

Phil, if you will stand up. Phil's daughter Carmen was a dedicated student who wanted to become a medical researcher and find a cure for Amyotrophic lateral sclerosis (ALS). She was just 16 years old. Both Phil and his wife, April, and their family have been incredible activists nationwide. Thank you for being here.

Debbie Hixon. Debbie's husband, Chris, was a loving father and United States veteran. He served as the athletic director and a wrestling coach at Marjory Stoneman Douglas and made an impact on the lives of so many of his students. His legacy lives on with the Chris Hixon athletic scholarship, which helps further the education of student athletes. This is a story about what Chris did to run into danger, without any ability to do anything, no weapon or anything, to try to save these kids. It is remarkable. So thanks for being here.

Let me just read off the rest of the names. I have done this, and it has always been hard. Alyssa Alhadeff, Scott Beigel, Martin Duque Anguiano, Nicholas Dworet, Aaron Feis, Jaime Guttenberg,

Chris Hixon, Luke Hoyer, Gina Montalto, Alex Schachter, Meadow Pollack, Helena Ramsay, Carmen Schentrup, Peter Wang, Cara Loughran, Joaquin Oliver, and Alaina Petty—I can tell you a story about Alaina. I had actually met her family because, after we had Hurricane Irma, her brother, who was just up here the other day, Patrick, he was going on his 2-year mission—they are Mormons—and her dad were working out in Everglade City to do cleanup. I remember meeting them before this ever happened.

Every one of these families, it is just a horrible story of just wonderful family members that these families lives have been changed forever.

And so there is no question we have to figure out how to change this. The remarkable strength and dedication you all have shown in the aftermath of such an unspeakable tragedy is inspiring. As we have seen many times, solutions after tragedy unfortunately get lost in politics. But there are a lot of reasons why this happened, I think, but we were able to cut through that in Florida, and I am hopeful that we can continue to work together to make our schools safer.

Sheriff Gualtieri, we have great law enforcement officers in our State, and Sheriff Gualtieri is somebody I met right after I got elected back in 2010. But the sheriff is very dedicated, is a member of the Statewide Sheriffs Association, and has been very dedicated in getting good legislation passed. But what we did was we put together a group right after it happened on Wednesday. By Friday we had put together a group of people to work together. One group was educators. One was mental health. One group was law enforcement. And by Tuesday night, we came up with what we thought we should do, and by Friday we made a proposal. And then, fortunately, we were in session, and so within 3 weeks we got not exactly what we all would have passed. We would have done some things a little bit differently. But we got some good legislation passed.

But Sheriff Gualtieri has a great family. He is a great friend. He is a very dedicated public servant. Max was saying at breakfast he does not know how he works the hours he does. But he has shown incredible leadership for our State when we need it, and it is because of people like Bob that we are at a 48-year low in our crime rate in our State. So I used to brag as Governor. Of course, you are supposed to brag as a Governor. We did 1.7 million jobs. We had number one higher education, and we are at a 48-year low in our crime rate. But we all worked together to pass the Marjory Stoneman Douglas High School Public Safety Act with the goal of preventing this tragedy again. The goal is that it never, ever happens again.

We also established the commission to work to identify issues, and they did an incredible job. Sheriff Gualtieri led it, but we had, I think, 15 people or so on it. But Max and Ryan Petty, another parent, served on the commission. And this commission actually did a good job, and they put out good information, and they are still doing things that are going to have a positive impact.

So I think what you all are going to hear today, you are going to hear about people that have really gone above and beyond to try to change things. Unfortunately, you cannot bring back these lives,

but I think every one of us, especially when we think about this, we think about our children and our grandchildren, and we do not want this to ever happen again in our country. And I think it is very important that all of us take responsibility to do everything we can to make sure this does not happen again.

I was disheartened by a recent report from the grand jury on the progress of implementation of safety measures by certain Florida schools. It is unbelievably disappointing—I am sure they will all talk about this—when we have talked about what we need to do and then you see people that, for whatever reason, do not take this seriously. I guess they just do not think it is ever going to happen in their school.

So today I am sending a letter to school superintendents, board members, and administrators of those schools demanding action. I am deeply disappointed in the response, but I am confident that—and we talked about this a little bit at breakfast. We are not going to stop fighting, and I think the right things are going to happen long term. Unfortunately, a lot of us have—all of us want to be here. It cannot be more important than what you guys are going to talk about. But others have to be at committees. After I finish, I am going to have to go to Armed Services for a mandatory meeting.

So thank you for being here, and thank you for your testimony. And I think every Senator up here cares deeply that this does not ever happen again.

Chairman JOHNSON. Well, thank you, Senator Scott.

I think it would be appropriate if we just have a moment of silence in memory of and out of respect for those who have lost their lives and for those lives have been forever altered by these tragedies.

[Moment of silence.]

Thank you.

It is the tradition of this Committee to swear in witnesses, so if you will all stand and raise your hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SCHACHTER. I do.

Mr. HOYER. I do.

Mr. GUALTIERI. I do.

Ms. TEMKIN. I do.

Chairman JOHNSON. Thank you.

As Senator Scott said, there are a lot of competing committee meetings. I know Senator Romney and others probably are going to have to go in and out. Do not take that as a sign of disrespect. It is just how this place does not work.

But, anyway, our first witness is Max Schachter. Max is the co-founder and Chief Executive Officer (CEO) of Safe Schools for Alex. Max has advocated for improved school safety and security across the Nation and at the highest levels of the Federal Government ever since his son Alex was killed at Marjory Stoneman Douglas High School on February 14, 2018.

I was talking to Max before the hearing, and he has—I called it his "rap sheet," but if you see the list of his activities since he lost

his son, it is just unbelievable how much time and energy he has devoted to this. So, Max, I look forward to your testimony.

TESTIMONY OF MAX SCHACHTER,[1] FOUNDER AND CHIEF EXECUTIVE OFFICER, SAFE SCHOOLS FOR ALEX

Mr. SCHACHTER. Thank you, Senator.

My name is Max Schachter. My son Alex was one of 17 people that were brutally murdered at Marjory Stoneman Douglas High School last year. After I buried my son, my next priority was to make sure my other three children were safe in their schools. I traveled the country and came to realize that in all of the 139,000 K–12 schools in this country, each principal has to now become an expert in door locks, access control, cameras, et cetera. It made no sense to me that each school had to go and reinvent the wheel.

The idea that crystallized for me was the need to create National School Safety Best Practices at the Federal level. Those best practices would be housed on a clearinghouse website so that all schools had a one-stop shop for all of the most relevant and important school safety information.

I was pleased to see this idea highlighted in President Trump's Federal Commission on School Safety report last year. I am extremely encouraged that the Department of Homeland Security (DHS) is moving forward to create this clearinghouse. In fact, they are convening their first meeting July 30, next week.

We know that we cannot prevent 100 percent of these school mass murders. But we know that we can absolutely mitigate a lot of the risk to students, teachers, and staff when they do happen. Every school can do things today that can improve school safety. Many of those things are basics that cost little or no money.

Chairman Johnson, I really want to commend you for your commitment to focusing on practical solutions that can save lives right now and for shining a spotlight on that through the hearing that you are holding today.

In my view, there are two main reasons the national school security crisis has continued with no end in sight: The first is we do not implement lessons that we have been painfully learning for two decades; and, two, we are not being honest to parents and communities about the real situation with safety in our schools.

On the first point, we do not implement lessons learned from dozens of incidents that have taken place. The State of Virginia is a rare exception. After the Virginia Tech massacre, Virginia implemented threat assessment teams in all of their schools. They used the United States Secret Service's National Threat Assessment Center (NTAC) model, and they have not had a school shooting since. That is why I support the Eagles Act. Unfortunately, no other State besides Florida has followed suit and implemented threat assessment teams in all their schools.

After Columbine, all responding officers were required to rapidly deploy directly to the threat. Yet in Parkland, eight deputies waited outside for 11 minutes while children and staff were being slaughtered in their classrooms. In Parkland, first responder radios failed and were not interoperable, delaying help for victims. SWAT

[1] The prepared statement of Mr. Schachter appears in the Appendix on page 49.

teams had to resort to hand signals to avoid shooting each other because their radios failed. Yet as a country we have not truly committed to solving the communications problems. We cannot force all agencies to use a single radio system, but we can make it possible for them to communicate no matter which system they are using.

After Sandy Hook, each school should have trained their students and staff how to respond to active shooters. Sadly, many did not. During the 2017–18 school year, Marjory Stoneman Douglas High School did not hold a single Code Red drill that year, so students and staff did not know what to do when the murderer started firing an AR–15 into classrooms and killing their classmates. No staff member called a Code Red for 3 minutes after the shooting had already started. And by then all 17 people were dead, including my little boy Alex.

The second sad reality—which most people do not realize—is that schools are not being truthful about the violence on their campus. For example, for the years 2014 through 2017, Marjory Stoneman Douglas reported to the State zero bullying, zero harassment, zero trespassing incidents, and many other zeroes. It is not just Broward County that is inaccurately reporting these incidents. This is pervasive across the entire country. The result is a false sense of security which leads to complacency in implementing school safety best practices.

On college campuses, the Federal Cleary Act imposes financial penalties for inaccurate reporting of campus crime statistics. But in K–12 there is such no requirement. The result is that when you go online to look at school ratings, many of them, including Marjory Stoneman Douglas, have an "A" rating. Academics are important, but if the children do not come home to their families and staff do not come home, nothing else matters. That "A" rating that Marjory Stoneman Douglas has has nothing to do with safety of that institution. There is no school safety rating system currently to inform parents and teachers of whether or not their school has implemented the best practices to prevent and mitigate the number of casualties during the next school attack. Schools should not be able to get an "A" rating like Marjory Stoneman Douglas did if they never held a Code Red drill for the entire school year. They should not be rewarded if they did not train their teachers and their staff what to do during an active assailant emergency. If a school safety rating system existed, it would influence change nationwide. The car industry's rating system has improved car safety and reduced fatalities. Before you buy a car, you review their safety and crash test ratings. For parents there is nothing. No way to know if your child's school is safe or not.

It has been 20 years since Columbine, and children continue to be murdered in their classrooms. We know the next school mass murderer is already out there. The next gun that he will use is already out there. It is not a question of if; it is a question of when. We know what can be done to prevent it, and we know what must be done to mitigate the risk of more lives being lost. I hope this Committee will help get us where we need to be.

I thank you for your commitment, Mr. Chairman and Senator Peters, and I look forward to your questions.

Chairman JOHNSON. Thank you, Max.

Our next witness is Tom Hoyer. Tom currently serves as the treasurer of Stand with Parkland, which advocates for public safety reforms. Stand with Parkland was formed by the families of those killed in the Marjory Stoneman Douglas High School attack, including Tom, who lost his son Luke. Tom.

TESTIMONY OF TOM HOYER,[1] TREASURER, STAND WITH PARKLAND—THE NATIONAL ASSOCIATION OF FAMILIES FOR SAFE SCHOOLS

Mr. HOYER. Good morning, Chairman Johnson, Ranking Member Peters, and Members of the Committee. Thank you for having me here today.

My name is Tom Hoyer, and I am the treasurer of Stand with Parkland-The National Association of Families for Safe Schools. Stand with Parkland was founded by the families of the children and spouses murdered in the Parkland school massacre, and I appear today on behalf of our organization.

We are fundamentally a nonpartisan group. The safety of our kids and teachers in schools is not a political issue. We are willing to work with anyone who shares our goal for safe schools, and we appreciate your decision to hold this hearing today.

I am here today because I lost my youngest son, Luke, on February 14, 2018. He was one of the 17 wonderful souls who was murdered at Marjory Stoneman Douglas High School in Parkland, Florida. My son was one of the first to die. The police tell me that he felt the impact of the bullets before he heard the shots. One moment he is standing outside a classroom looking forward to the end of the school day, carefree. And the next moment he is on the floor, unable to move and dying. Many times I have wondered what his last thoughts were. I think about my wife, Gina, who gave birth to Luke 15 years earlier and who had to watch the casket close on her youngest son.

This is my story. There are 16 others just like it in Parkland. The murder of our beloved spouses and children while at school was devastating. Our families are forever changed. Our community is forever changed. The trauma of that day haunts all the survivors—the students, the teachers, and the first responders.

Our experience in Parkland has led us to conclude that there is no single solution that can effectively solve this complex problem. That is why Stand with Parkland advocates for three key goals: securing the school campus, improving mental health screening and support programs in the schools, and responsible firearms ownership.

The first element of our platform is bringing people together around the idea of securing the school campus. Our schools need a clearinghouse of best practices that they can use as a tool, and our country needs Federal minimum school safety standards such as a single point of entry on a school campus. We also need to explore Federal funding for school security enhancements through national infrastructure bills.

The next element of our platform is improvement mental health screening and support programs. We need funding to promote sui-

[1] The prepared statement of Mr. Hoyer appears in the Appendix on page 51.

cide intervention programs because more than two-thirds of mass shooters are suicidal. We also need congressional action to relax regulations so that schools, law enforcement, and mental health professionals can share information.

My son's killer was known to the school. He was known to the sheriff's office, a local mental health agency, and the Federal Bureau of Investigation (FBI). He was known as an angry, violent, and potentially dangerous person. My son and 16 other innocent human beings are dead because these agencies never shared information. They never connected the dots. And in order to effectively address these potential risks, we have to fund research into threat assessment tools and practices. The Eagles Act, which is bipartisan, does exactly that. We urge you to support and act on that legislation.

The last component of our platform is responsible firearms ownership. We must find ways to keep firearms out of the hands of those who should not have them. This starts with enforcement of existing laws.

Another important step is safe storage of firearms at home where many school shooters obtain their weapon.

An additional tool is extreme risk protection orders, or red flag laws, which empower family members or law enforcement to get a court order and temporarily remove firearms from a potentially dangerous situation.

Finally, we need comprehensive background checks, including for sales that occur online.

These three goals—securing the school campus, improving mental health screening and support programs, and responsible firearms ownership—can stem the tide on school shootings. Last year we took important first steps on school safety with the bipartisan passage of the Stop School Violence Act and Fix National Instant Criminal Background Check System (NICS) Act. Additionally, although we do not agree with all of its recommendations, the recently issued report of the Federal Commission on School Safety was one of our Government's most comprehensive pieces on school safety ever. However, this is not an academic discussion. Kids and teachers have been dying. School starts in less than 2 months. Now is the time to build on the progress that we made last year. Please do not let another anniversary of my son's death and the death of 16 others pass without concrete steps toward making our kids and teachers safe in school.

Again, thank you for the opportunity to appear today. We appreciate your decision to hold this hearing to advance the discussion on school safety.

Chairman JOHNSON. Thank you, Tom.

Our next witness is Bob Gualtieri. Sheriff Gualtieri has served as the sheriff of Pinellas County, Florida, since 2011. Sheriff Gualtieri also serves as vice president of the Florida Sheriffs Association and on the Board of Directors of the Major County Sheriffs of America. In 2018, then-Governor Rick Scott appointed him to serve as the Chair of the Marjory Stoneman Douglas High School Public Safety Commission. Sheriff.

TESTIMONY OF THE HONORABLE BOB GUALTIERI,[1] CHAIR, MARJORY STONEMAN DOUGLAS HIGH SCHOOL PUBLIC SAFETY COMMISSION, AND SHERIFF, PINELLAS COUNTY, FLORIDA

Mr. GUALTIERI. Good morning, Mr. Chairman, Ranking Member Peters, and Members of the Committee. Thank you for the opportunity to appear today and share some thoughts about school safety.

For the last 16 months, I have chaired the Marjory Stoneman Douglas High School Public Safety Commission. We submitted a 500-page report to the Florida Governor and the legislature regarding what happened at Stoneman Douglas on February 14, 2018, and made recommendations on how to improve school safety.

It is debatable whether the incident at Stoneman Douglas was entirely avoidable, but what is not debatable, in my view, based on the evidence, is whether the harm could have been mitigated. Simply put, the shooting did not have to be as bad as it was.

Thirty-four people were shot and/or killed in 3 minutes and 51 seconds in Building 12 of the Stoneman Douglas campus, with 24 of those shot and/or killed in 1 minute and 44 seconds on the first floor alone.

Missed intervention opportunities, ineffective safety on the part of the school, and an ineffective law enforcement response contributed to the magnitude of this tragedy. At the time of the shooting, the Broward County Public Schools did not have an active shooter response policy. There had been no active shooter drills on the Stoneman Douglas campus in the year before the shooting. There had been only one minimal 1 hour of training for school staff, and that occurred just a few weeks before the shooting. There had been no formal training for the students. Gates at the Stoneman Douglas campus were left open and unattended, building and classroom doors unlocked, and teachers and staff lacked adequate communication infrastructure. In fact, the shooter shot and/or killed all but two of his victims before the first staff member on the Stoneman Douglas campus called a Code Red to alert others of the active shooting that was occurring that day. People simply did not know what to do or how to do it because there were no policies, no drills, and little to no training.

Please keep in mind that this was the state of school security in Broward County, Florida, the second largest school district in the third largest State, 19 years after Columbine and 6 years after Sandy Hook.

As to the law enforcement response, the school resource officer (SRO) stood by outside, hiding in a place of personal safety while the shooter shot and/or killed 10 people on the third floor. The SRO never went in the building that day, and he hid for 48 minutes before leaving the area. Several other Broward County sheriff's deputies stood by outside the school despite hearing gunshots, and they, too, did not enter the school in an effort to save lives. The SRO and several of the deputies have been fired, as they should have been, and the SRO has been criminally charged for his inaction.

[1] The prepared statement of Mr. Gualtieri appears in the Appendix on page 62.

We have made improvements in school safety, but we have a ways to go. As much of the talk of the day is on prevention, which should be the goal, the immediate emphasis and urgency must be on harm mitigation, and there is a difference between the two.

The hard thing to say, but it is the reality, is that it will happen again, and the question is when and where. But the most pressing question, the big question, is: What are we doing differently today to drive a different outcome than what happened at Marjory Stoneman Douglas High School on February 14, 2018? Because we must have a different outcome. Thirty-four people shot and/or killed in 3 minutes and 51 seconds is unacceptable. Today there is not full compliance with the laws in Florida and the best practices that make our schools safe. I do not believe that this void is limited only to Florida schools. I believe the noncompliance is caused in part by complacency and an attitude that it cannot happen here. Remember, we are 20 years post-Columbine.

The Broward County School District, ground zero for this mass killing, just passed its first ever active shooter response policy in February 2019. It took more than a year after the Stoneman Douglas shooting for the Broward County School District to enact that policy, and that is unacceptable.

There has to be a sense of urgency and an immediate focus on the main tenets of harm mitigation, and those are identifying the threat, communicating the threat, and reacting to the threat. All schools must immediately have effective active shooter response policies. They must train their personnel to identify threats, empower all personnel to communicate a threat, have adequate communication infrastructure so that all students and staff can receive messages of a threat, and there must be regularly conducted drills so that students and staff know how best to react to a threat.

We cannot be here 20 years from now, like we are today, 20 years post-Columbia, talking about the voids and the most basic concepts of school safety that should have been implemented years ago. Most, if not all, of these basic school strategies cost little to nothing to implement. They only require the will of a decision-maker to ensure it happens, and, unfortunately, that has not occurred across the board. There has to be accountability for those not immediately implementing the basic school safety necessities.

I encourage you to use your power and require any school district receiving Federal funding demonstrate compliance with certain basic and core safety components as a requirement to receiving Federal money.

Thank you for the opportunity to appear before you today, and I look forward to fleshing out how we can do a better job of making sure what must be a daily priority across this country, and that is that our kids are as safe as they can be in our Nation's schools. Parents have a right to expect that when they send their kids to school in the morning, they come home alive in the afternoon, and we need to meet that expectation.

Thank you.

Chairman JOHNSON. Thank you, Sheriff.

Our final witness is Dr. Deborah Temkin. Dr. Temkin is the senior program area director for Child Trends. She also serves as a senior adviser to Federal Technical Assistance (TA) Centers that

are devoted to student health and school safety. Prior to her work at Child Trends, Dr. Temkin directed the Federal initiative on bullying prevention at the U.S. Department of Education. Dr. Temkin.

TESTIMONY OF DEBORAH TEMKIN, PH.D.,[1] SENIOR DIRECTOR OF EDUCATION RESEARCH, CHILD TRENDS

Ms. TEMKIN. Thank you. Chairman Johnson, Ranking Member Peters, and Members of the Committee, thank you for holding this important hearing to identify effective ways to keep students safe in school.

I cannot imagine the pain of losing a child or surviving a school shooting. As a parent, in addition to a researcher, I share my fellow panelists' commitment to ensuring that our schools are safe. The tragedies at Parkland and elsewhere shocked our collective system. We can—and we must—do more.

I have dedicated my career to identifying evidence-based strategies to improve school health and safety, and through that work I offer three recommendations:

First, maintain the decades-long trajectory of school safety initiatives that encourage States and communities to address the full spectrum of issues that contribute to school violence. The research is clear. To keep students safe at school, we must prioritize their overall well-being. Preventing school violence requires an investment in building a positive school climate as well as building skills to form healthy relationships.

Several Federal investments in safe schools were built upon this research and showed significant improvements in school safety measures. Beyond competitive grant programs, schools—and the policies that support them—have fundamentally shifted toward making student wellness a priority. This includes expansion under the Every Student Succeeds Act (ESSA) to include an indicator of school quality and student success and to fund the Student Success and Academic Enrichment formula grant program.

School violence has gone down over the past 20 years. The percentage of 9th to 12th graders who carried a weapon on school property significantly decreased from about 7 percent in 1999 to just under 4 percent in 2017. For this group, over the same time period, the percentage of physical fights on school property also decreased from about 14 percent to 8.5 percent. It is more difficult to ascertain a trend in school shooting incidents, in part because, while devastating, they are statistically rare occurrences.

Although progress has been made, there is clearly much more we can do. No community should ever have to experience a school shooting. Three movements are bringing us closer to this goal. first, increased awareness of the prevalence of adverse childhood experiences and their potential for resulting trauma; second, further integration of social, emotional, and academic learning; and, third, the bridging of school and community resources through integrated student supports.

My second recommendation is to limit strategies that could harm students and communities. It may seem logical that adding security technology or additional law enforcement would prevent a

[1] The prepared statement of Dr. Temkin appears in the Appendix on page 65.

school shooting, but the research we have is mixed, at best. Security measures are often designed to keep the bad guys out. But history shows us that the vast majority of school shootings are perpetrated by current students at the school—students who know the security procedures, as well as the blind spots.

The effectiveness of school-based law enforcement, access control, metal detectors, and other security measures on improving school safety has not been well researched. We do know, however, that many schools that experience active shooter incidents over the past 20 years had security measures in place. Certain forms of security may help and pose little risk to students. These include strategies such as identification procedures or basic lockdown drills, which are different than active shooter drills. Emerging evidence, however, suggests that more intensive security measures in schools may lead to unintended consequences, including increased levels of fear among students and staff, decreased perceptions of school safety, increased student referrals to the criminal justice system for minor offenses, and, particularly for low-income students, reduced academic achievement.

Active shooter drills are particularly concerning. These drills often use actors to portray a school shooter using realistic guns and plastic bullets. We do not know whether these drills work. In addition, researchers and educators alike are raising concerns that such drills may traumatize the school community or de-sensitize students to the seriousness of an attack. We need to know much more about these intensive security measures before risking our children's well-being.

My final recommendation is ensure there are mechanisms to assess the impact of school safety strategies. There is still much to learn about keeping schools safe. Research allows us to understand whether finite resources are being spent effectively and where improvements could be made.

In Fiscal Year 2018, funds were reallocated away from the Comprehensive School Safety Initiative out of the National Institute of Justice, which was the only dedicated funding stream to support school safety research. Without such research support, we will continue to debate the issues raised today.

I will close with this: Our children go to school to learn. When our children are afraid and when we tell them they should be afraid by installing metal detectors, hiring security officers, and requiring active shooter drills, it becomes harder for them to learn. Making school safe is not about turning schools in fortresses to keep the bad guys out. Our children's safety is paramount, and that safety must start from within the school itself. To truly make schools safe, we must prioritize mutual trust and provide the social, emotional, and academic supports that prevent violence and help our kids thrive.

Thank you.

Chairman JOHNSON. Thank you, Dr. Temkin.

I am going to yield my questioning slot to Senator Scott.

Senator SCOTT. Thank you. Thank you all for being here. And for Tom and Max, it has to be hard to talk about it. Just listening to it is hard.

One person I want to recognize is Hunter Pollack. Hunter, if you would stand up. He lost his sister, Meadow, who was 18 at the time, and she died trying to save another student. So thank you for being here, Hunter.

Sheriff Gualtieri, what do you think is the most important takeaway from your commission?

Mr. GUALTIERI. I think, as in my remarks, it is that it did not have to be as bad as it was. Harm could have been mitigated if there was not complacency and people had done what they should have and learned lessons from what happened 20 years ago. The law enforcement response was ineffective. When you have a district that a particular school had done no drills, had done one minimal training, people did not know what to do or how to do it. I think that was shocking to us as we uncovered and looked at the facts and the evidence. And there is still too much complacency and not enough being done. They say they take it seriously, but as I say, the proof is in the pudding and the proof is in the actions, not what you say. And to this day, there is not enough being done.

As I said, when I appeared before the Broward County School Board in February of this year, in the last week of February, it was not until the week before that—it took them a year to pass an active shooter policy. There are other districts in the Florida within the last couple of months that still do not have active shooter response policies. You have districts that are not compliant with the law to have a safe school officer on every campus. You have schools that do not have threat assessment teams.

So the lack of compliance with the basic tenets I think is the most shocking and I would say appalling to me that we uncovered.

Senator SCOTT. So, Sheriff Gualtieri, we have 67 school districts in Florida. We know the way ours is. And I do not know if every State is set up this way, but every county has an elected school board, and they have a lot of autonomy, and then probably, what, Sheriff, about half of them are elected superintendents and half are appointed by the school board probably. So they have a lot of autonomy. So everything that we all worked hard to get passed, it did not get implemented by the State. It has to get implemented locally.

So what is your experience so far? Who is the best? Who is your biggest disappointment in implementing? Just forget what everybody is trying to do is come up with the right ideas, just doing the things that we said you had to do.

Mr. GUALTIERI. Well, there are some that are doing it well. I can tell you as an example one that I think is doing it well, and I just came from there before I came here this week, which was Pensacola and Escambia County. I think that they have stepped up, and the superintendent there gets it, and they have implemented the right policies and procedures. We have other counties, probably the ones that are most problematic as we sit here today where we are seeing the most voids as far as compliance with it would be in South Florida, in Miami-Dade, Broward, Palm Beach. And there are some others.

Recently, up until a couple of months ago, in Orange County they were not complying with the requirement that there be a safe school officer on every campus.

Senator SCOTT. So the legislation we passed required there be a public safety officer at every school. And so what were they doing?

Mr. GUALTIERI. So the law——

Senator SCOTT. It is a requirement of the State law, and we provided funding for this.

Mr. GUALTIERI. Correct, and you provided as the Governor and the legislature provided $67 million. What the law said was that there has to be assigned to every charter, elementary, middle, and high school campus a safe school officer. And they interpreted the word "assigned" to mean assigned on paper and they do not have to be there. This is the type of manipulation and disingenuous approach that is maddening and it is upsetting, because, what a legislative body supposed to do, this Congress or a State legislature, is you pick words, and clearly the intent was that there be a good guy with a gun, a safe school officer on every campus. And so you had lawyers, who are part of the problem—and I say that as a lawyer because they are not doing a service to the people that they are representing. When they interpret words of "assigned" and they go through these machinations and say, well, "assigned" can be interpreted to mean you do not have to have somebody there. Tell that to one of these parents who somebody has to go knock on the door because they had one deputy for six campuses because they did not follow the law. It is just not right. And this is the type of attitude that has to change.

Senator SCOTT. So, Sheriff, talk about the fact that if they had done an active shooter drill at Marjory Stoneman Douglas, where would the students have gone when they know there was a shooter in the room? And where did the students go?

Mr. GUALTIERI. So, unfortunately——

Senator SCOTT. It is so simple.

Mr. GUALTIERI. Right. So they had not identified any of the safe spaces or what some people call "hard corners" in classrooms. And simply the teachers and the staff did not know what to do or how to do it. And for those that did try and get the kids into those safe spaces or the hard corners in the classrooms is they were full of stuff, meaning bookshelves and desks and immovable objects. And it is a hard thing to say. It is a very hard thing to say. But kids died on the line because they could not get into the hard corners, because they were being pushed out by others because they were so full.

There were two kids who were unable to get into one of those safe areas, and they were hiding behind a TV set and a filing cabinet at the other end of the classroom. TV sets and filing cabinets do not stop AR–15 rounds. Both of those kids are deceased. If they had been able to get in those safe areas or hard corners, this harm would have been mitigated, and it would not have been as bad, because the shooter that day never went into any one classroom. He only shot people that he could see, line of sight, only shot people in hallways. So when he looked through the doors, the windows in the doors, and he saw people, he shot them. If they were in the hard corners—because it worked on the second floor. The shooter was on the second floor for 41 seconds. He fired rounds. He did not shoot or kill anybody on the second floor because they had an opportunity to respond appropriately.

So what we teach works. The first floor, 24 people shot and/or killed. Third floor, 10 people shot or killed. Second floor, nobody. So what it is implemented, it works.

Senator SCOTT. But, Sheriff, go through it. So by the third floor, did they know that there was a shooter and know what was going on and how long had he been there?

Mr. GUALTIERI. The third floor initially treated it as a fire drill, and when I met with some of your staff, Chairman Johnson, I showed them some of the photos. If anybody sees the photos of the third floor, it was wall to wall, shoulder to shoulder kids, because nobody communicated anything to them other than it was a fire drill because the fire suppression system was activated, and nobody communicated. So the first floor, they got caught off guard. Second floor, they heard the gunshots. Third floor, if the shooter arrived on the third floor at the time he arrived on the second floor, he had over 200 AR–15 rounds left, and it was wall to wall, shoulder to shoulder, thick, kids, we would be having a much different discussion, and it would be worse than Vegas.

So because of the lack of communication, because of the lack of training, because of the lack of policies, because of the lack of so much, it was as bad as it was. And it could have been worse.

Senator SCOTT. So I know my time is up, but what is frustrating is that there is a lot of—whether it is the FBI—I do not know. Do you want to talk about—the FBI had two instances before this happened. I was a Governor for 8 years, had five mass shootings, and I think in every case the FBI had prior warning. As far as you know, who has been held accountable at the FBI for not—was it about 30 days ahead of time?—not passing on the tip to the FBI, to their hotline, and not passing it on to the—I guess it would have been the Miami office. Have you heard of anybody being held accountable?

Mr. GUALTIERI. No.

Senator SCOTT. Nobody. All they had to do was pass it on, make one phone call, send an email. Nothing happened, is my understanding, and nobody has been held accountable. This is just disgusting. And how do we know if anything has changed?

Well, thanks for being here.

Chairman JOHNSON. Thank you. Senator Peters.

Senator PETERS. Thank you for all of your testimony. Powerful testimony.

Dr. Temkin, in your testimony you stated that school shootings are the extreme end of the continuum of violence, and so I want to talk a little bit about some of the evidence behind that statement as we try to drill down on evidence-based solutions here.

What does the data tell us about who the perpetrators of school shootings are likely to be?

Ms. TEMKIN. So, unfortunately, there is no one profile of a school shooter, and this is actually coming directly from the FBI, having examined several of the previous school shooting incidents. Previous school shooters have been popular; they have also been loners. School shooters have been both female and male. We cannot necessarily say that there is any one particular profile that is going to lead to someone becoming a school shooter, but there are cer-

tainly warning signs and risks, and those include both the intra individual as well as the contextual risks toward school violence.

We know that when communities have increased levels of trust, students are not likely to bring weapons to school, and they are much more likely to report to school officials when they suspect that there is a threat from one of their peers. This is why it is so important for us to actually focus in on building a positive school climate as a way for prevention.

Let me be clear. I am not saying we should not invest in school security measures, but I think that is only one part of a much broader effort to actually create safe schools, and we need to make sure that as we are implementing safe school measures, they are not going to cause harm to our children.

Senator PETERS. So are these perpetrators of school shootings, are they outsiders, or are they folks from within the school?

Ms. TEMKIN. The vast majority of school shooters have come from within the school, either current students or, as in the case of Parkland, a former student. These are students who would very likely know exactly what the school is doing for school security measures, and if they are determined to do something at that school, probably would find a way around that. I think that is why it is so important for us to focus both on prevention as well as securing our schools.

Senator PETERS. Well, if they are from the school and they may know safety measures or they may know drills, I think is what you are saying, then how do we design systems given that? What is your recommendation?

Ms. TEMKIN. I think we absolutely need to continue doing things to help secure the school. But I think we have to really invest in actually trying to get to the root causes of the violence. So we need to help students identify challenges and provide supports. That is really the theory behind threat assessment, which says that when there is a viable threat, we need to identify what those challenges are and find the supports that are actually going to prevent that student from carrying out those threats.

Senator PETERS. Mr. Schachter, I would like to acknowledge first your vision and the work in the establishment of a Federal clearinghouse for best practices that will benefit all schools, and you talked a great deal about that in your opening statement, and I appreciate that. And as you know, the Department of Homeland Security, along with a number of Federal partners, is going to be releasing this report in the next few months, hopefully sooner rather than later.

But my question is: What are you specifically watching for as the DHS implements this clearinghouse and other specific aspects that you believe are most critical for us to use as a tool and you are hoping to see in the best practices?

Mr. SCHACHTER. Yes, so on July 30 will be our first meeting, and we are inviting over three dozen different stakeholders from all different aspects—mental health, law enforcement, superintendents, everyone. All the stakeholders need to be at the table so that we can sit down and come up with national school safety best practices. There are common-sense solutions that—lessons learned that came out of Columbine, Sandy Hook, and now Parkland that need

to be implemented. And so if we have everybody agreeing and have buy-in, I am hoping that, once we establish these best practices, it will be put up on a Federal website, and then that will be implemented through all States and into school districts across the country.

But that is my main concern, that we need to ensure that the school districts adopt these best practices as soon as possible. We cannot let another day go by where lessons learned that will save and mitigate lives and prevent these school tragedies do not get implemented. And, hopefully, once we have these best practices, they are going to be tied to the grant dollars, because that is a major problem right now.

To give you an example, Broward County got half a million dollars to implement analytic cameras last year, and they did not even have a formal active assailant response policy. In the Marjory Stoneman Douglas Public Safety Commission that I am on, we developed tiers, so Tier 1 would be low-cost/no-cost measures that every school can implement. No matter if it is a school in Iowa or a school in Miami, they should implement those. And then Tiers 2, 3, and 4 would be more expensive and longer-term implementation. So schools should not be implementing a Tier 4 strategy—in other words, analytic cameras—if they have not done the basics, if they have not installed a formal active assailant response policy. So once we have those best practices, they need to be tied to the grant dollars to ensure compliance.

Senator PETERS. Alright. Thank you.

Mr. Hoyer, in your testimony you discussed the role that the U.S. Secret Service's National Threat Assessment Center has played in advancing research used by threat assessment teams. Mr. Schachter, I think you discussed that as well in your testimony. So for both you, starting with Mr. Hoyer, but also Mr. Schachter as well, what role should threat assessment teams play in the overall safety landscape as you have looked at this?

Mr. HOYER. As I look at it, I think it is a pretty central role. It is one of the prevention measures. In our situation, the shooter had around 69 interactions, disciplinary interactions with the school. He had 21 calls from the police, numerous sessions with a local mental health agency. I cannot help but think if months or years before somebody had done a threat assessment on this shooter that my son would still be here. I think it is critically important to step in and try to help those individuals, but also, if you cannot, know who they are and deal with them appropriately.

Senator PETERS. Alright. Thank you.

Mr. Schachter, I know you mentioned this as well. Would you like to add anything to the threat assessment team?

Mr. SCHACHTER. Yes, absolutely. It is critical—we have identified a major gap, that these information silos, you had this violent individual from age 3 that had a tremendous amount of disciplinary actions inside the school, and then you had all these law enforcement interactions. Well, these were two silos that were never connected, and so these threat assessment teams that were instituted after Virginia Tech and now after Florida are to be to sit down and be proactive, not reactive. And I would recommend threat assessment teams in every State in every school. They will save lives. And so

that is why I support both the Eagles Act, which will reauthorize the National Threat Assessment Center inside Secret Service, and also the Threat Assessment, Prevention, and Safety (TAPS) Act as well.

Senator PETERS. Alright. Thank you.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chair and Ranking Member Peters, for your continued attention to the issue of school safety.

First, I just want to thank all of today's witnesses for taking the time to speak with us and to help ensure that our children are protected as we make our schools safer.

A special thank you to Mr. Schachter and Mr. Hoyer for your tireless efforts to honor your children and to protect and support all of our children.

And to all of the other family members who are here today who have lost their loved ones, I thank you as well for being here and for adding your voices and your presence and your witness to this issue.

Mr. Schachter, I would like to start with a question for you. I share your view that we need to acknowledge that school shootings pose a very real threat that impacts communities nationwide, and that we need to focus on what we can do to protect students and prepare them for the unimaginable.

I became Governor of New Hampshire shortly after the horror of the Sandy Hook shooting, and in New Hampshire, we took action. The State Department of Safety worked to expand a number of school safety initiatives, including a statewide initiative to improve school emergency notification systems, to improve security assessments for schools, and to improve information sharing between schools and first responders.

The notification system reduced law enforcement response times by allowing the school computers to connected directly with dispatch and notify law enforcement officers closest to the school during an emergency. The State also worked with schools to conduct security assessments to identify gaps in safety that could be addressed.

Mr. Schachter, I know you have talked about some of this today, but in your work through Safe Schools for Alex, have you found that these kinds of measures are important in ensuring that schools and local law enforcement are more prepared in case of an emergency?

Mr. SCHACHTER. Senator, you are 100 percent correct. Unfortunately, in our commission we did an analysis of the last 20 years of active shooters, and what we found was that a majority of these shootings are over in 4 to 5 minutes. As the sheriff talked about, in 3 minutes and 51 seconds everyone was dead. And, unfortunately, even though our law enforcement will do their best to try to get to the scene, they are not going to get there in time. Even if the SRO on campus was a courageous individual, which he was not, it still took him a minute and 44 seconds on a golf cart to get to the front of that building. By the time that happened, 24 children and staff were already shot and/or killed.

So law enforcement is not going to get there in time. That is why an immediate notification to law enforcement is critical, and if we look at the safest school in America, in Indiana, each teacher wears a key fob on their neck, so in 2 seconds, depressing that key fob tells law enforcement exactly what is happening, and then law enforcement has access to the cameras, which Broward County refused to give law enforcement. They did now, but law enforcement did not have access to the cameras inside the school prior. And then in Indiana, once they hit that button and it is depressed, law enforcement can look inside the school, see exactly where the school shooter is, and has live, actionable intelligence so it knows exactly where to go, where to send the officers, and to interdict and stop the attack as soon as possible.

Senator HASSAN. Right. And the other critical piece that we need to continue to work on is it needs to be the closest available law enforcement officer. It should not matter whether it is a county sheriff or a municipal officer or a State trooper. The fact is whoever is closest needs to be able to get that information and respond.

Thank you again for your work, and I look forward to continuing to work with you and all of the witnesses.

Mr. Hoyer, as you have discussed, we need to focus as well on prevention efforts. Prevention includes increasing school safety but also recognizing the role of mental health and making sure that individuals who exhibit behaviors that are a threat to themselves or others do not have access to firearms and other deadly weapons. This is one of the reasons that I have been a strong proponent of expanding the extreme risk protection orders, also called "red flag" laws, which allow courts to issue time-limited restraining orders to restrict access to firearms when there is evidence that individuals are planning to harm themselves or others. To do this effectively, we also need to make sure that students know where to report suspicious activity and how to seek help.

Mr. Hoyer, in your experience with the National Association of Families for Safe Schools, what have you found to be best practices for building a comprehensive prevention approach that ensures that students experiencing a mental health crisis receive the help that they need and are kept as safe as possible?

Mr. HOYER. It starts with something pretty simple. One of the things we are advocating for is suicide prevention or intervention. So there are proven off-the-shelf programs out there.

Senator HASSAN. Right.

Mr. HOYER. Columbia Protocol is one. It used to be called the "Lighthouse Project." Columbia Protocol is a fairly simple one card, six questions. It tells you the question. It tells you how to respond to the answer. And it could be anything from "I will sit here with you for a little while and pat you on the back" to "I am going to stay here with you until somebody comes to help."

Senator HASSAN. Right.

Mr. HOYER. It empowers people, colleagues, family members, and friends to actually ask the questions and get people to seek help. We are advocating funding and promotion of those already proven programs. Our friends at Sandy Hook have a program, Start with Hello!, and these programs have existed for a while. The one at Columbia Protocol was implemented in the Marines. They saw a 22-

percent reduction in suicide. I just think that starting there, starting with something simple, something easy to implement, would be a first step to implementing a real comprehensive program, which eventually is going to have to include mental health, talking with the school, possibly the police, the whole threat assessment that we were just talking about.

Senator HASSAN. Thank you.

Dr. Temkin, I wanted to touch on a couple of points that I know you have made. Your expertise in prevention is critical as we examine how to balance increasing student safety while avoiding unintended effects.

I am particularly concerned with trauma experienced by students and teachers during active shooter trainings and the potential for disproportionate impacts on students of color and students who experience disabilities. Can you share concerns you have with some active shooter drills and how some school hardening efforts could result in disproportionate impact of certain students? Obviously, we have to balance all of these issues, and we all want to make our schools safe. But, again, if you can help us understand what those best practices might look like and how we could avoid some traumas to students, that would be really helpful.

Ms. TEMKIN. Absolutely. And to be clear, there have not been rigorous evaluations of many of these active shooter drills that are what folks call "multioption" or may have been referred to as "ALICE." These drills can often be very realistic such that teachers have reported in media, which, without rigorous evaluations, are probably the best that we have at the moment, that they have been absolutely traumatized by seeing their colleagues get shot with plastic bullets, by seeing them trip over each other and saying, this was more traumatizing than it was training.

In terms of disparities, we have to be very careful in thinking about both staffing as well as the impact of staffing, so particularly when it comes to school resource officers, we know that school resource officers, when they are present and especially when they are involved in the discipline at school, will drive up suspension, expulsion, and criminal justice referrals for minor, nonviolent offenses. And we know that there is extensive disparities for both students with disabilities and students of color in receiving such discipline. So we have to be careful when we are recommending these that we consider these unintended consequences.

Senator HASSAN. Thank you very much. Thank you all for your testimony.

Chairman JOHNSON. Senator Rosen.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you. Thank you, Mr. Chairman, Ranking Member Peters. I want to thank Senator Scott for his work in bringing you here today.

As I think about how you must feel as parents, as community members or students and children and families and grandchildren, the impact on what you experienced in the personal level, it has an impact on all of us. And I never want to imagine what you have gone through. I never want another family to go through what any of these families are going through. And I hope sincerely that we

can work on honoring the loss of your most precious loved ones by our action in the future.

And so I agree with the panel that we have to emphasize multimodal approaches to address this issue. It is not just one thing. It is many things, because each incident is going to be different. Schools have to foster safe and supportive learning environments for all students. We have to have an adequate number of school-based mental health professionals to reach students in crisis, suicidal, angry, whatever that is. You cannot learn if you do not feel safe for the other students who may be scared of someone who they see that has issues.

In Nevada, the Nevada Association of School Psychologists, they recommend a ratio of one psychologist for every 500 to 700 students. In Nevada, we have 1 for every 3,000 students. It is just a ticking time bomb. And the Nevada Association, they really worked with—the school psychologists have worked closely with our State legislators. We actually just passed recently S. 89 that requires our State Board of Education to develop recommendations for ratios of pupils to specialized support personnel—counselors, psychologists, social workers, nurses—and to develop a strategic plan to achieve those ratios. I am going to ask that a letter from the Nevada Association of School Psychologists be entered into the record.[1]

Chairman JOHNSON. Without objection.

Senator ROSEN. Thank you.

And so, Dr. Temkin, thinking about this multimodal approach, I have a two-part question. How do you think schools can work to identify and support students needing more intensive interventions to assure they receive the appropriate attention before, God forbid, a tragedy could happen? And can you speak a little bit to the necessity of Federal support both through guidance and funding to support these efforts? Because that is what we can do.

Ms. TEMKIN. Absolutely. In terms of identifying students, I subscribe to a public health model, meaning that universal approaches, things like bringing in prevention programs, can reach about 80 percent of our students, but about 15 percent probably need a little bit more intensive support and about 5 percent really need targeted interventions.

When we institute these multitiered systems of support, we can actually help identify those students through data collection bringing in teams that are not just law enforcement but mental health providers to really understand a student and identify their challenges.

One thing I want to flag about threat assessment is that it is not just about identifying and eliminating a threat. It is really grounded in supports. It is grounded in let us find a way to help the students so they can succeed, not just to prevent a tragedy.

In terms of Federal support, we have seen over the course of the last 20 years, starting with response to Columbine, a series of investments that the Federal Government has made in school safety that have really focused on prevention: the Safe Schools Healthy Students Initiative, the Safe and Supportive Schools grant program in 2010. These really helped schools, and we saw significant reduc-

[1] The letter referenced by Senator Rosen appears in the Appendix on page 181.

tions in school safety indicators, so school violence indicators, as a result. But they are very limited. We are hopeful to see the results of what is going to come from the Every Student Succeeds Act that we have invested in Title IV funding. But I should note that the Student Success and Academic Enrichment grant program covers a whole host of things, not just school violence prevention. So when schools are deciding what to use those funds for, they may not be investing there either.

So Federal support and Federal guidance toward where those funds would best be prioritized is very important.

Senator ROSEN. And can you speak a little bit more about national guidelines and standards for school staffing and the evidence behind needing these specialized staff?

Ms. TEMKIN. Absolutely. One thing I would flag is that we know that it is not just an underrepresentation of school psychologists and other support personnel. It is a disparate representation. So we know that majority black schools are much more likely to have a school resource officer than they are to have a mental health professional compared to majority white schools.

Now, this is problematic. Again, as I mentioned, school resource officers can perpetuate disparities in school discipline. So when your only resource is a school resource officer and not a mental health professional, that is going to be where your default lies. So we have to balance our investments in school resource officers with school mental health professionals.

Senator ROSEN. We need to increase our number of mental health professionals across the board, I suppose.

I want to talk about what Senator Hassan talked about, the impact—she talked about the trauma on students just going through these drills, because it is frightening to come home, especially if you have an elementary school. Preschoolers are having drills. And so the impact of that is great. But God forbid there is a tragedy.

What is the impact of this trauma going forward on the students, the teachers, people who remain who have to continue to maybe not go back to that school but have to go back to some school, go back to their profession? How do we support people who have been through a horrific event like this?

Ms. TEMKIN. We need to invest in trauma-informed approaches, and that means really acknowledging trauma and finding individualized ways to actually help support that person to feel comfortable in their environment.

Now, I will stress there is no one-size-fits-all model for any of this. It is going to depend on the particular community as well as the particular individual.

I should say that not everyone responds to traumatic events the same way. We talk a lot about adverse childhood experiences, for instance, as a driver of trauma, but not every child who experiences an adverse childhood experience is actually going to experience trauma. And we have to be careful, for instance, when we are doing screenings that we are not just labeling a child who has experienced something hard in their life as someone who is damaged. We have to really tailor this to each individual situation.

Senator ROSEN. Thank you. I appreciate your testimony, and I think an approach with mental health and school safety in hard and soft ways is the way we move forward.

My time is up. Thank you.

Chairman JOHNSON. Thank you, Senator Rosen.

I want to start with something that I think really surprised me to hear, that in the school in Parkland there was not controlled access. I visit schools all the time, and there is only one point of entry. It is hard for me to get into a school. It is also true of most businesses. So is that pretty common in Florida? Was that not implemented? I would kind of ask my colleagues, do you find the same thing? Do you have pretty much one point of entry in your schools? Sheriff, can you comment on that?

Mr. GUALTIERI. Yes, it is very inconsistent, and single points of entry, fenced campuses are not across the board. It is inconsistent. I will give you an idea, and it is also how it is implemented.

At the Stoneman Douglas campus, the campus was fenced, but here is the practice: They open the gates for arrival time at 5:30 in the morning for a 7:40 school start time. They open the gates in the afternoon at 2:15 for a 2:40 dismissal, and when the gates were opened, they were unstaffed. And we asked the question during the investigation: Why? It is just the way we have always done it. So why even bother having closed and lock gates? Because, as Dr. Temkin said—and she is absolutely right—the majority of these—in fact, in the last 20 years, there have been 46 targeted attacks on K–12 schools; 43 of them were done by insiders, so 94 percent.

In the case of this situation, the shooter exploited it. He knew that that gate was going to be open. He arrived at 2:19 p.m. The gate was opened at 2:15. So it is inconsistent. And when there are gates, if they are not staffed, if they do not have somebody standing there that has the adequate communication device to alert others, it is all useless.

So I would say it is very inconsistent. We are making progress. It is getting better in some places, but there is still a lot of voids.

Chairman JOHNSON. So controlled entry would be a Tier 1 action, correct?

Mr. SCHACHTER. It depends. In Florida, Marjory Stoneman Douglas is a very large campus. There are 13 buildings. And a lot of the schools around the country, one building, it is much easier to have a single point of entry, to have a visitor vestibule or a mantrap, and so it is easier that way.

Chairman JOHNSON. You brought up a point I was going to bring up with Dr. Temkin. Just basic school size, we have these massive schools nowadays versus go back 100 years, single-room—I am not suggesting we go back to single-room schoolhouses, although, things like Acton Academies, I mean, there is somewhat of a movement toward that way. I think these massive schools are dehumanizing in many respects, and so it is pretty easy to understand how kids get lost in this and the bullying and that type of thing. Can you just comment on the large school sizes? And is that part of the solution, to start going toward smaller schools again?

Ms. TEMKIN. It certainly could be. I think we should definitely do more research into that. The data that I have seen is that there

is not necessarily a significant difference in the rates of violence, I think in part because it depends on the investments each particular school is making into both school safety and school climate. At least when it comes to bullying, as you mentioned, we know that there is really not a correlation between school size and rates of bullying.

Chairman JOHNSON. I want to kind of go back to Parkland. What was notable about that perpetrator is how well known his problems were, and it just was not communicated. I know, Tom, in your testimony you talked about modifications to, relaxation, clarification for the Family Education Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA). Sheriff, was that part of the problem here? Did those Federal laws prevent that sharing of information? Was it also just negligence? Or to what extent was it both?

Mr. GUALTIERI. All of the above, a combination. FERPA has been around for 40 years. It has not been updated. I think there is a lot of room and a lot of opportunity to update some of that so there can be better information sharing. HIPAA is, of course, more recently enacted, but I will say this: As far as both of those laws are concerned, they are overly applied by the people who are charged with interpreting them and applying them, and the exceptions are not as understood as they need to be. So there is a lot of room to do more training and to have more effective communication so that those dots can be connected.

There are some questions and discussion about behavioral threat assessment teams. Behavioral threat assessment teams are only as good as the information they receive. If they are not receiving comprehensive information that is going to tell the whole story, then they are not going to make a good decision. So that information sharing and having the laws that allow that are vitally important.

Chairman JOHNSON. In our system of justice, innocent until proven guilty is a bedrock principle. So it is an issue. Just what do you do if they are not guilty yet?

Mr. GUALTIERI. Well, and it is not so much—it is true, and they are not guilty, but there are things that can be done. I think the behavioral threat assessment teams, I would take it a step further or maybe a step differently in the behavioral threat assessment process. I think if we wait until we have threats, we are waiting too long. We really need to get it back here where there are behavioral indicators of concern, and we need to catch it before it manifests as a threat so that something can be done and there can be intervention.

One of the places that is really lacking is in care coordination. You have community-based mental health providers. You have school-based providers. You have private providers. Many of these kids, we see that they are under multiple treatment plans. There needs to be more case management, more coordinated care to catch it earlier.

Also, again, it comes back to identifying the threat and doing something about it. There was a campus monitor that saw the shooter, and the campus monitor is a security person at the school. He saw the shooter walk through that gate unfettered, and it took the shooter a minute and 30 seconds to walk through the gate to

the east door of the building where he walked in because it is unlocked. He identified him, eyes to the shooter, and said to himself, "That is crazy boy and he is carrying a rifle bag." He did nothing about it.

So this is where the importance of harm mitigation is and being able to identify a threat, communicate the threat so others can react to it. If they do not know how to identify it, then there is nothing to communicate. In this case it was identified. He saw him and we have him on tape saying that he saw "crazy boy carrying a rifle bag." He knew it was a rifle bag. He did nothing about it, so it was not communicated and people could not react to it. So it really is a combination of things that have to be done.

Chairman JOHNSON. I want to follow up on what Senator Scott was talking about in terms of the—is it school safety officers?

Mr. GUALTIERI. Yes.

Chairman JOHNSON. I want to know a little bit more about that. So, first of all, what is the profile of a school safety officer? Are they supposed to be armed? Are they supposed to be former law enforcement, former military?

Mr. GUALTIERI. So the requirement of Florida is that on every charter, elementary, middle, and high school campus there be what is called a "safe school officer." A safe school officer can be a police officer, a deputy sheriff, or a guardian. A guardian is not a law enforcement officer, but it is somebody that goes through a rigorous background and screening process and rigorous training and is that person on campus who is authorized under law to thwart that active assailant event.

The guardians could be school employees who perform it as a collateral responsibility, so they could be the athletic director, they could be the counselor, or they could be the principal. Or they could be somebody that is hired dedicated just for that role.

Chairman JOHNSON. OK. So the State actually allocated money. What happened to the money? What was it used for if it was not used for a safe school officer?

Mr. GUALTIERI. It is still sitting there because it was—in last year's budget, the State allocated $67 million in nonrecurring funds, and this year the legislature rolled it over again. So of the $67 million that was allocated originally, there is probably at least $50 million of it, probably more, still sitting there that is available to implement the guardian program.

Chairman JOHNSON. So schools did not take the money and reallocate it to something else?

Mr. GUALTIERI. No.

Chairman JOHNSON. They just did not take the money. Was there resistance to having an armed individual on—I mean, was there that political argument there?

Mr. GUALTIERI. Yes, and the resistance was to the guardians. What too many of the school boards, the school superintendents, and the district wanted is what they cannot have. They wanted only cops. And the reality of it is that that cannot happen. First and foremost, in law enforcement today probably one of the most pressing challenges we have is recruitment and retention. In the State of Florida alone, today there are 1,500 openings for police officers. There are 4,000 schools in the State of Florida, and only

about half of them have cops. So where are we going to get 3,500 cops? So it does not work. You have to use alternatives, and it comes down to what can you live with. And the guardians provide a good alternative.

The problem was they did not like it, and so if they did not like it, they did not want it, so they threw the "this is an unfunded mandate" flag—which it was not—and said, "We are just not going to do it." And so that has resulted in where we are.

Chairman JOHNSON. By the way, I think we have a real shortage of mental health professionals as well.

Senator Peters, I have a ton more questions, but I will turn it over to you if you have some.

Senator PETERS. I have a couple, and then we can go back.

Sheriff Gualtieri, the other thing that has been highlighted in the after-action report was the problems with the communications systems and the interoperability of them. Now, these are not new. We hear about that across all sorts of law enforcement agencies now, but, obviously, this is absolutely critical because speed is a matter of life and death, the quicker you get folks and you can communicate and be able to find out where that shooter is and coordinate your activity.

So my question to you is: What is your recommendation, what can we be doing today to help the communications systems or invest in communications systems and coordinate? What sort of action should we be thinking about doing in this Committee to deal with that problem across agencies, across the country?

Mr. GUALTIERI. So two issues. One would be ensuring that there is radio interoperability, which means that all police officers and deputy sheriffs and all law enforcement entities can speak to each other. That was not the case in Parkland. The Coral Springs police officers—Coral Springs and Parkland abut, and the south end of the Stoneman Douglas campus is the city line between Parkland and Coral Springs. The Coral Springs police officers and the Broward County sheriff's deputies who provide police services in Parkland could not communicate because they did not have radio interoperability. They did not have each other's radio channels installed in the radios, and they were relying on a system of patching the two channels. But you cannot patch that which you do not have. Nobody installed the Coral Springs channels in the Broward County console, so they could not patch it. So you had two totally separate operations. That is unacceptable, obviously, and those types of things can be fixed, and they need to be fixed. But there needs to be complete interoperability.

Second is in the 911 centers. Way too many counties in Florida and across the country have multiple 911 centers in their counties. Most people think—and they are wrong—that when you pick up the phone and you call 911, the person who is answering your call is going to be able to dispatch help for you. That is not true. That was not the case in this situation. The first girl who called 911 from the first floor at Building 12, her 911 call was answered by the Coral Springs Police Department because they set it up that 911 calls in Parkland went to the Coral Springs 911 center, not the Broward sheriff's office 911 center. So that first call that came in was answered in Coral Springs. That call taker waited 28 seconds

before he then transferred it over to the Broward County sheriff's office. It took 57 seconds to process the call at the Broward County sheriff's office where the story had to be told again. And then it was a minute and 24 seconds before the first dispatcher put voice to radio to dispatch the first law enforcement officer. A minute and 24 seconds. On the first floor, 24 people were shot or killed in a minute and 44 seconds.

Those are the things that need to change. And as soon as somebody calls 911, that call needs to go out immediately. Seconds matter. And an irony is that when finally they did dispatch a Coral Springs police officer, the first officer, he arrived in 19 seconds. So if it had been done properly and the work flow had been set up differently, maybe somebody would have been there a little earlier that could have helped.

Senator PETERS. Yes. Dr. Temkin, my State of Michigan is a State rich in diversity, including folks in rural areas, urban areas, also students of various racial and ethnic backgrounds. And I know there is no one-size-fits-all approach to school safety, and we need to be thinking about that as we are looking at putting together national policies.

My question to you is: What are some of the unintended consequences we should be aware of when discussing school safety measures that may not look the same across very diverse communities?

Ms. TEMKIN. Well, I think it is important that we recognize that it cannot be a one-size-fits-all solution. I can say that the high school that I attended in Arizona was not laid out as a traditional high school. We had multiple buildings, something similar to Marjory Stoneman. The security measures that it would take to secure that school would have been very different than the schools here in D.C., which are largely held in a single building.

We have to not restrict the solutions that we can give schools, and we also need to recognize that every context is going to be different. In a rural area, it may take even longer than the sheriff has mentioned for a police officer to reach a campus, and we have to recognize that in developing whatever recommendations we give to schools.

Senator PETERS. Thank you.

Chairman JOHNSON. I do not know to what extent there is still a sense of urgency in Colorado. I know the sense of urgency there is in Florida. I have a sense there is still a pretty high level of urgency in Connecticut.

The question I have is: How do we create the sense of urgency that exists right now in Florida after these tragedies? How do we find champions in States where the tragedies have not already occurred, people like Tom and Max and all the other families that are involved here? How do we do that? I am completely supportive of the clearinghouse. That will have the information. But we will still need within the States those champions.

I will certainly try and be that champion in Wisconsin. I think it should be incumbent on every Senator to do that. But you still need people that are there pretty much full-time driving this process. Are there any suggestions?

Mr. SCHACHTER. Absolutely, and it is that mindset that needs to change, that we had in Parkland, that they had in Sandy Hook. That is not going to happen here, and my schools are safe. And, if you have that mindset, it prevents you from having a security mindset.

The principal at Marjory Stoneman Douglas, when he was interviewed and asked, "If there was a threat to shoot up your school, do you expect to know about it?" His answer was no. He was completely disinterested and uninvolved in the threat assessment process and the security of his campus.

So that needs to change, and it is not an easy answer, but I think part of the way we do that is by, number one, having that school safety rating system to show the public whether or not your school is safe. Right now there is no way for a parent to go online to see if their school is safe, and if we can take that information and push it out to the public, I think that it will put nationwide pressure on school districts to implement the best practices that are going to be developed in the clearinghouse, and I think that is one of the major ways.

Then, also, it is the best practices because, as we travel around to schools, they ask us, "What can I do? Show me where to go." Well, the clearinghouse is going to develop those best practices, and they are going to be up on schoolsafety.gov very shortly, hopefully.

Chairman JOHNSON. So I want to talk about your best practices and your tier system here. I think Senator Scott used the words "things we just had to do." I am assuming Tier 1 is things we just had to do, it is so obvious. What is the criteria you are setting as you are setting those tier levels? Do you have multiple criteria, no-cost, low-cost, people agree on it, most effective? What do you use as your criteria?

Mr. SCHACHTER. Yes, so, Tier 1 would be low-cost/no-cost where, for instance, in an active assailant response policy, we are not talking about implementing massive amounts of technology that would cost a lot of money and would be a very short time to implement.

Also, another example is locking doors. You lock your door when you leave your house. Every teacher should be teaching with a locked door.

And then you go to Tier 2, 3, and 4. Tier 4 would be, a long time to implement and very costly. So, implementing those, the Marjory Stoneman Douglas Commission laid that out, Tier 1, 2, 3, and 4. And, I think that the clearinghouse is going to be hopefully doing that as well.

Chairman JOHNSON. In my briefing—this is a relatively thick briefing packet I got—I saw the summary recommendations from your commission, from Sandy Hook, from Columbine, from the Federal commission. And then they set up a matrix for me in terms of here are the four columns. Here are all the recommendations, which commission was recommending which. There are a fair amount of differences. A lot of commonality but a fair amount of differences. But there were a lot of recommendations.

Mr. SCHACHTER. But there are things that every school can do. No matter if you are in Indiana, in rural Indiana, or in Miami, every school should be doing these no-cost/low-cost things.

Chairman JOHNSON. Again, that is what I appreciate about the structure you have brought to this, the tiers, the priority in terms of what we need to be doing in this, and then, again, a national clearinghouse. It does not require a big old government program, but it just requires the National Government to be that clearinghouse and do it thoughtfully and highlight it. From my standpoint, the legislation ought to be action-inducing to create that pressure, to find those champions in the States so this is a driven at a State and, even more important, at the local level because schools are a local issue. It just really is.

You mentioned Indiana. I have met with so many people on this issue. I think I met with the folks that have really hardened—kind of an Exhibit 1 of a hardened school. It cost $300,000. Can you tell me a little bit more about that and talk about all the things they have done?

Mr. SCHACHTER. Yes, and the reason there was such a high cost is because they have bulletproof glass in that school. Obviously that is not, scalable, but the things that that school does do, number one, you would never know that it has the best security. It does not look like a prison at all. You would not even notice that. It does not even have metal detectors. But what it does have is it has that immediate notification to law enforcement, and it has—they drill, they practice, because if you do not train your teachers and your staff, you see what happens, like my son was murdered. That is what happens if you do not drill and you do not train. And when I went to that school, I arranged a private tour right after the tragedy in Parkland, and one thing that I thought was very illuminating was we talked to teachers, we talked to children in that school, and they felt safer knowing that they knew what to do in an emergency. They know that if there is an active shooter, they know exactly where to go in that classroom.

Another Tier 1 measure would be, they have a red line in that classroom, in the corner of that classroom, so that every child knows where to go. He is out of the sight line of that window. Alex was murdered because the murderer targeted him through that window, and the kids on the second floor, like the sheriff talked about, a lot of them were in those corners. So that is another thing. It is low-cost/no-cost, and the training is very important, training for law enforcement officers. In the Marjory Stoneman Douglas shooting, the active shooter training that law enforcement had, they only trained active shooter every 3 years. So active shooter training, whether it is law enforcement or staff and children, it is muscle memory. You need to know what to do. And these are life skills. We do not live in Kansas anymore. This is happening around our country. Children and staff need to be trained no matter if they are in a movie theater or they are in a school. They need to be equipped with these life lessons to be able to protect themselves in case of an emergency.

Chairman JOHNSON. I should know this. Did you all see each other's testimony before today?

Mr. SCHACHTER. Negative.

Chairman JOHNSON. So you have not seen Dr. Temkin' written testimony.

Mr. SCHACHTER. Negative.

Chairman JOHNSON. I think it is interesting. Dr. Temkin, you mentioned about, live fire drills, basically, using plastic bullets. I kind of have to scratch my head, but the type of drill and the type of—do you have any problems with what Max is talking about in terms of, like we used to do, we would crawl under our desk—I did not really feel particularly traumatized by that. I realize it was pretty stupid. But, we do need to prepare, just like you have to do fire drills, that type of thing. Do you see any problem with that?

Ms. TEMKIN. I absolutely agree that we need to prepare, but I think it is the way we frame how we are doing the training as well as the types of training we are doing. I think we have to be careful that these do not become so routine that when an incident unfortunately happens, students do not feel complacent, "Oh, this is just another drill." That is a risk of overdoing some of these things.

I also think that we have to make it clear that we are not doing this because there is an imminent threat. I think that is where kids get scared, when they think that the community they are in and the community their peers, the teachers that are around are going to in some way harm them, they become scared to come to school. And so we need to prevent that option as well. I think there has to be that balance.

Chairman JOHNSON. So in preparing and in listening to the testimony and that type of thing, I am thinking about an issue we are dealing with all the time, and that is the problem on our border. And before Senator Peters starts rolling his eyes on this one, I see a similarity in terms of what we are dealing with here, because right now we have a crisis at the border, there is a specific problem in here now. And oftentimes the solution—which, by the way, it is a solution. If we could develop those countries, if we could get rid of the drug cartels, if we could end the extortion rackets and provide opportunity, you would not have a migrant flow out of Central America. But that is a very long term solution.

With all respect, Dr. Temkin, an awful lot of things you are talking about, better mental health treatment, again, we do not have enough mental health practitioners now. So how do we separate out and how we do make sure that the kind of longer-term solutions, which are completely valid and we would all love to do them, do not get in the way of the Tier 1, the things we must do right now? Really take that long-term viewpoint, because the next thing I am going to ask is some of the controversial proposals as well, that those do not get locked up or get included in these things and prevent action.

Ms. TEMKIN. So I think the main issue is that there is a limited amount of resources to go to this, so we have to balance our investments in what we do to defend our schools with what we are doing to actually prevent school violence and build our students up. When we are given such a limited amount of resources, our schools are incentivized to do the visible, easy security systems and less incentivized to really engage in the systematic prevention efforts that are really necessary to create safe schools. So we have to incentivize both.

Chairman JOHNSON. OK. I am a big proponent of the principle: "Keep it simple, stupid (KISS)." OK? So what I am asking—I hate to give folks like you a homework assignment, but, again, I have

seen the recommendations. And I know you have done the tiering. But work with this Committee to design the most simple but most effective piece of legislation under our jurisdiction that can grab people's attention, that can create that sense of urgency, that can have the Federal Government do what it can do so that we are actually taking action as opposed to what often happens around here, oh, well, we just need more funding for X, Y, and Z. OK? I think the most important things we need to do here do not require a whole lot of funding. So let us concentrate first on that because to me the number one thing we have to do is create that sense of urgency so that every community, every school, and every State is implementing at least those Tier 1. And if we can get their attention on that, if we get them active, you take that first step—I come from a manufacturing background, continuous improvement. If we can make that incremental improvement, take that first step, you are going to get people's attention, and they will be looking at Tier 2, Tier 3, and Tier 4 without arguing over the more controversial things. OK?

One final question that I have is I do want to address the controversial issues. We talked about red flag laws. What did you say, 15 States have enacted those? What has always frustrated me about the whole gun control debate is I really do think there is common ground, but what ends up happening is, well, you have to take all of mine or all of mine, and just people do not—OK, what do we agree on? I mean, let us at least enact what we agree on. It seems to make an awful lot of sense to me that you want to keep guns out of the hands of dangerous people or people that have serious mental health problems. But at the same time, I fully respect due process. There is a real serious concern about what do you do if they are not guilty yet. So how do you come together—that is just one of—I would say that is probably one of the more controversial aspects of this whole thing, the gun control debate. How do we get by that? Any suggestions? Does anybody want to comment on that at all? I probably should not have even brought it up, but I was advised not to have this hearing, too.

Mr. GUALTIERI. We have in Florida, as a result of the legislation last year, passed a red flag law, a risk protection order law, and it is extremely effective, and it has a lot of due process built into it, where law enforcement has the ability to seek an order immediately from a judge, and then a final hearing has to be held within 14 days. Then they are good for a year, and they can be renewed, and it is a full adversarial hearing.

Finally, we also have now authority when we do take somebody into custody under what we call the "State's Baker Act law"—every State has a version, which is an involuntary commitment for mental health evaluation. Up until last year, we did not even have the authority when we take somebody into custody because they threaten somebody, let us say, with a firearm, we could not even seize the firearm. We can do that now.

So those are very important and effective, but they also have a lot of process built into it so that it is being done with the right people, and it is not just blanket and sweeping across the board.

Chairman JOHNSON. Obviously, because of Parkland, that was something—it is easier to pass that. Was it designed pretty well so

it was also noncontroversial? Had you been a State where you did not have Parkland——

Mr. GUALTIERI. Oh, no. Of course, it was controversial.

Chairman JOHNSON. But how controversial?

Mr. GUALTIERI. I think it was, I would say moderate to very controversial. There had to be a lot of discussions and negotiations. As we all know, and you would know better than I in the legislation process, it is all about compromise and getting it to a place where we could get something through. It is not perfect, but it is better than where we were.

Senator, I just want to add this. I think that there are a number of things that can be done across the board that are low-cost/no-cost, and probably the best thing is to set minimums on what should be done, but recognizing that we are a very diverse country and there has to be local control in local communities, and that we tell and you tell and others who are in a position to tell people, tell them what to do but not necessarily how to do it, to allow for that local control, like with drills as an example. You have to have drills, but do not get into telling them the specifics of it, because they need to be age appropriate, and they are going to be different in different places. You have to have an active shooter response policy. Let them craft it. If we can just get to a place where every school district in this country had five, six, seven basic core security competencies in place, we would be much further ahead than where we are. So we need to make it so that it is palatable, so that it is the noncontroversial things that they will actually take and do.

So I am a big advocate of telling them here are the 5, 6, or maybe even 10 things you have to do. Let them figure out how to do it, and if we could get there, we would move the needle.

Chairman JOHNSON. I am not a real fan of the Federal Government here. I am all about local and State control, government close to the governed. I really do not want to create mandates, but I do realize the Federal Government can play a role, but I want it to be a constructive, facilitating role.

Do you have anything further you want to add?

Senator PETERS. No.

Chairman JOHNSON. I will give you one last chance. I will start with you, Dr. Temkin, if there is something you want to add to this—not necessarily what we just talked about but just to kind of close out the hearing.

Ms. TEMKIN. Sure. So there are a few points that I think are really important to consider here. One is: What is our definition of safety? So if our definition of safety is only about preventing school shootings, I think that security is clearly the way we want to go. But if we want our kids to actually feel safe in schools, if we want them to be protected against all forms of school violence ranging from bullying on up, we have to do more than just security. We have to make sure that we are thinking more broadly. We have to be thinking about school climate.

To Mr. Schachter's point about school safety scores, we know that several States are moving towards, within their ESSA plans, incorporating school climate surveys as part of their fifth indicator

for Title I. These are movements that I think could be helpful, but it will take a much broader view of what school safety means.

I think the other thing is we also need to build upon things that are already happening. One piece I want to make sure is known to the Committee is that there are several clearinghouses already in existence around school safety that are from the Federal Government and are available, as well as technical assistance centers. So I would encourage you to look at them and see what might be improved upon them. So crimesolutions.gov is a Federal website maintained by National Institute of Justice. That has many of the practices and programs available around school safety and the evaluations thereto, including those that have shown to both not work and had potential unintended consequences. So we have to consider that as we are thinking through these.

There are also several technical assistance centers from the Department of Education, including the readiness and emergency management TA center, which does a lot of this work as well. So I really encourage you, as you are thinking about the national clearinghouse, to look at what has already been funded and what is already in existence.

Chairman JOHNSON. Thank you, Dr. Temkin. By the way, I will start with the safe schools, one that kids do not get shot at, and then we will proceed from there. Sheriff.

Mr. GUALTIERI. I think we have covered it. I appreciate the opportunity, and thank you, Chairman and Ranking Member Peters, for shining a light on this problem and letting people know that we still have a lot of work to do. The needle does need to move further, and in some cases it needs to move to begin with. And what people need to know is that it is going to happen again and that we have to do things differently. So I appreciate the opportunity.

Chairman JOHNSON. Tom?

Mr. HOYER. Yes, I would just like to restate how much we believe this is such a complex problem, there is no single answer to this. A lot of school safety lies outside of the school way before a shooting ever happens. We think about these in like layers of protection, right? So mental health is the first layer where you try to detect and help kids who need the help. If they fall through the cracks there, we have to keep the firearm out of their hands. And if they fall through the cracks there, we have to have schools that are safe.

So you have to think about it that way. It is a much broader problem than just one thing.

Chairman JOHNSON. Max.

Mr. SCHACHTER. I want to address the mindset for the last 20 years that school safety is a local issue and the Federal Government really should not have a lot to do with that. In my opinion, schools have failed to protect their children since Columbine, and when those national crises happen, I think the Federal Government has a larger role to take and I think should take a larger role in protecting its schools and its children. And as far as the Federal Government's role, they have the power of the purse, and most schools receive money in some form or fashion from the Federal Government. There are many grant programs in the Department of Justice (DOJ) that give out money to schools, and once we develop these best practices and, for instance, these Tier 1 levels, I

would certainly advocate that no school gets money unless they have implemented these Tier 1 low-cost/no-cost measures. I think that that would move the needle.

Just to give you an example, Colorado just signed its law 20 year post-Columbine to lock all their doors when they teach. It has taken 20 years for that to happen. Florida, has that as well, is recommending that, but that needs to be nationwide. And as the sheriff talked about, we are just talking about trying to move the needle here to protect our children.

Chairman JOHNSON. Max, I have always been impressed with just your basic common sense and the way you have taken your tragedy and just turned it into a practical approach.

Mr. SCHACHTER. Thank you, Senator.

Chairman JOHNSON. Again, I truly appreciate that. Again, our sincere condolences. Thank you all for participating in this.

The hearing record will remain open for 15 days until August 9 at 5 p.m. for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 11:20 a.m., the Committee was adjourned.]

APPENDIX

Opening Statement of Chairman Ron Johnson
"Examining State and Federal Recommendations for School Hardening and Safety"
Thursday, July 25, 2019

I want to start today's hearing by expressing my sincere condolences to the parents, families, students, and teachers across the nation who have lost loved ones to school violence. To Mr. Schachter and Mr. Hoyer, and to your families, you have suffered an unspeakable tragedy. I have the utmost respect for your courage and strength, and your commitment to turn your tragedy into positive action that can help prevent tragedy for others.

Unfortunately, targeted mass attacks have become all too common. Since 1998, there have been 56 mass school attacks, including Columbine High School in Littleton, Colorado in 1999, Sandy Hook Elementary School in Newton, Connecticut in 2012, and Marjory Stoneman Douglas High School in Parkland, Florida in 2018.

Ninety-one percent of these 56 school attacks were committed by a student or former student, with 73 percent of attackers being between the ages of 14 and 19 years. Most of the casualties from these attacks occurred within the first four minutes. These facts indicate that schools must attempt to identify potential threats before they develop into an attack, but also be prepared to quickly and effectively react to minimize the casualties of an attack.

After the Columbine, Sandy Hook, and Parkland school attacks, commissions were formed to analyze events leading up to the attacks, determine what could have been done to prevent or mitigate those attacks, and recommend what should be done to prevent or mitigate future attacks. The commissions had many similar, if not identical, recommendations: requiring schools to develop and train personnel on emergency crisis plans; establishing threat assessment teams; understanding the roles and responsibilities for emergency response teams; sharing data between stake-holding institutions on students who pose a threat; and increasing training on large-scale emergencies. Other commonly agreed upon recommendations were: scheduling annual or more frequent crisis drills; establishing bullying and violence prevention programs; conducting risk assessments; and increasing children's mental health resources. Some proposals from these commissions are more controversial, such as arming teachers or increasing law enforcement presence in schools; amending state and federal privacy laws for mental health information sharing with schools and law enforcement; enhancing school disciplinary policies; and various gun control proposals.

The purpose of today's hearing is to review the work of these commissions to determine which recommendations have broad support, which would be most effective, and which could be quickly and easily implemented. We should also ask which recommendations from state commissions and the federal commission have been adopted or are being implemented today. To the extent effective, agreed upon recommendations are not being implemented, we should determine what is keeping schools or local officials from adopting them.

Again, I want to thank the witnesses for being here today and for your efforts to educate Americans on the recommendations of state and federal commissions. I also look forward to

your suggestions on how we can work together to help improve school security and keep our children safe and secure.

U.S. Senate Committee on Homeland Security and Governmental Affairs "Examining State and Federal Recommendations for Enhancing School Safety against Targeted Violence"

OPENING STATEMENT OF RANKING MEMBER GARY C. PETERS
JULY 25, 2019
AS PREPARED FOR DELIVERY

Thank you, Mr. Chairman, for holding this hearing today.

This is an extremely important and difficult conversation. There is no question that schools must be safe places for children to learn and grow. Every single life lost in a school shooting is an unspeakable tragedy.

As adults, and as policy makers, our number one responsibility is to protect our children. We are failing.

I want to recognize the many survivors we have with us today, especially Mr. Schachter and Mr. Hoyer who are joining us as witnesses.

Thank you for your courage and your action.

I cannot even begin to grasp the incomprehensible pain of losing a child to gun violence. But I know that I must – that we must – honor the memory of those who are no longer with us by taking action to stop these preventable tragedies.

I am grateful to you both, to Sheriff Gualtieri and to Dr. Temkin, for helping the Committee better understand how we can protect children in our schools and work towards ensuring that no other families have to endure losing a loved one to this senseless form of violence.

Strengthening safety in our schools is not a partisan issue. And I look forward to a productive discussion on the actions we can take to make school campuses more secure, improve first responders' capabilities in an emergency, and, most importantly, stop these shootings before they happen.

Today's conversation will be about solutions. And we want to leave here with a clear roadmap for addressing this problem. But we cannot forget exactly who we are doing this for.

For Alex. For Luke. For the hundreds of children killed or injured in their schools. For the families, students, teachers, and staff whose worlds have been irrevocably changed by this violence. And for the millions of students who will be entering classrooms this fall.

Thank you all for being here. I look forward to your testimony and our discussion.

Senator Marco Rubio Statement for the Record

United States Senate Committee on Homeland Security and Governmental Affairs

"Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

July 25, 2019

Chairman Johnson, Ranking Member Peters, and Members of the Committee:

Thank you for holding this very important hearing. I appreciate the committee's work on school safety and ensuring that the recommendations from both the Federal Commission on School Safety and the Marjory Stoneman Douglas High School Public Safety Commission receive the attention and consideration they warrant.

The work of those commissions and the important discussion today would not have been possible without the dedicated fathers testifying before you. Mr. Max Schachter and Mr. Tom Hoyer have channeled their unimaginable grief into action. I admire their commitment and resolve to help ensure that other families do not endure what they have.

I am confident both would be the first to say that their efforts are not unique among the families affected by that tragic day in February 2018, and I appreciate that they are contributing to today's hearing on behalf of many families who – though they

may not all always agree on all aspects of a solution to school safety or gun violence – remain a model as to how to take meaningful action where there is agreement and continue the discussion where there is disagreement.

I also want to commend Senator Rick Scott, who as Governor of the State of Florida convened the Marjory Stoneman Douglas High School Public Safety Commission and appointed Pinellas County Sheriff Bob Gaultieri to lead the commission. Together, the recommendations of the federal and state commissions are critical to the forward progress we can make together for our children to go to school and return home safely.

For example, the federal government should make clear that federal law, specifically the Family Educational Rights and Privacy Act (FERPA), does not categorically prevent schools from sharing with local law enforcement or mental health professionals important information related to student safety and should engage with school districts to ensure FERPA is not too broadly invoked and, therefore, misapplied. Congress, the administration, states, and school districts should take the appropriate steps to ensure that school discipline policies are reflective of and commensurate with the occasionally serious nature of student misconduct – sometimes even arising to criminal conduct yet punished as simple misbehavior. The federal government should support state and local efforts to create threat assessment teams to identify and assist students who need help. The federal government should ensure that school districts have a

reliable central authority or clearinghouse where they can find evidence-based and successful models for school safety measures. These are just a few of the recommendations on which the administration and Congress should continue to work together alongside state and local partners.

With regard to preventing targeted violence, Congress should enact my bipartisan *Threat Assessment, Prevention, and Safety (TAPS) Act*, which has been referred to this committee. Congress should also enact my bipartisan *Extreme Risk Protection Order and Violence Prevention Act* to keep guns out of the hands of dangerous individuals.

In October 2018, I led a bipartisan, bicameral letter to Secretary of Education Betsy DeVos and members of the Federal Commission on School Safety urging the inclusion of a recommendation for the creation of a central clearinghouse with a single authority to coordinate school safety measures among many federal agencies. I believe this central clearinghouse is needed to provide school districts with the tools necessary to improve school safety in an effective, cost-efficient manner, rather than relying on the latest gadget that someone is trying to sell.

I was pleased that the final report included a recommendation that the federal government develop a clearinghouse to assess, identify, and develop best practices in school safety and security. Yet, despite this clear recommendation, no visible progress

has been made to actually implement this central clearinghouse. I urge the committee to work with me to implement in a meaningful and enduring manner a clearinghouse that does not become a static, bureaucratic and inflexible office or resource incapable of meeting the demands of today's needs or the future's needs.

Thank you for the committee's ongoing work on the critical issue of school safety.

Congress of the United States

Washington, DC 20510

October 3, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary DeVos:

Thank you for your continued leadership on the Federal Commission on School Safety. We applaud the work and coordination between Departments of Education, Health and Human Services, Homeland Security and Justice to tackle this incredibly important issue and for bringing in expert witnesses to help you craft much needed recommendations.

There is an immense need to make a central point of information available to states and local education agencies on ways to improve school safety. Our nation's educators are trained to teach and are not always equipped to identify weaknesses in school safety. They are also not the experts on what are the best, most cost effective ways to harden schools. However, the federal government has the capability to compile best practices and resources for educators that would like assistance on how to improve school safety without detracting from school elements that are conducive to learning. This is why we must explore the feasibility of creating a central clearing house or repository to make sure all our efforts are being coordinated.

School safety is a top priority for this country. As a result, we are exposing the drastic inefficiencies of a patchwork of federal agencies performing important, but separate work in pursuing the same goal. Each agency is working independently and the lack of coordination and overall direction is hindering progress necessary to keep our children safe and prevent these tragedies from happening in the future. A central authority is needed to ensure tight coordination and collaboration of effort among all federal agencies that are working on different aspects of school safety in order to eliminate duplication, redundancy, and waste of valuable resources.

We urge you to include, as a recommendation in your final report, that a central clearing house be created and a central authority be identified. School safety deserves the considerable resources of the federal government to work in unison to keep America's children safe at school. Schools, districts, and states that are working to keep schools safe need to see a united effort by the federal government to support them.

We look forward to working with you on this issue and ensuring that our efforts are being properly focused on keeping our children, teachers and families across this nation safe.

Sincerely,

Marco Rubio
U.S. Senator

Bill Nelson
U.S. Senator

Ted Cruz
U.S. Senator

Mario Diaz-Balart
Member of Congress

Brian Mast
Member of Congress

Gus M. Bilirakis
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Ted Deutch
Member of Congress

Darren Soto
Member of Congress

Stephanie Murphy
Member of Congress

Carlos Curbelo
Member of Congress

Al Lawson
Member of Congress

Charlie Crist
Member of Congress

Dennis A. Ross
Member of Congress

Vern Buchanan
Member of Congress

Bill Posey
Member of Congress

Ileana Ros-Lehtinen
Member of Congress

John Rutherford
Member of Congress

Brian Fitzpatrick
Member of Congress

Alcee L. Hastings
Member of Congress

Leonard Lance
Member of Congress

Rod Blum
Member of Congress

Barbara Comstock
Member of Congress

Tom MacArthur
Member of Congress

Bradley S. Schneider
Member of Congress

Francis Rooney
Member of Congress

Steve Knight
Member of Congress

Susan W. Brooks
Member of Congress

Neal P. Dunn, M.D.
Member of Congress

Thomas J. Rooney
Member of Congress

Mike Coffman
Member of Congress

Lou Barletta
Member of Congress

Ted S. Yoho, D.V.M.
Member of Congress

Keith J. Rothfus
Member of Congress

Cc:
The Honorable Jeff Sessions, Attorney General of the United States
The Honorable Alex Azar, Secretary of Health and Human Services
The Honorable Kirstjen M. Nielsen, Secretary of Homeland Security

Testimony of Max Schachter
"Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"
July 25, 2019

My name is Max Schachter, my son Alex was one of 17 people that were brutally murdered at Marjory Stoneman Douglas High School last year. After I buried Alex, my priority was to make sure my other three children were safe in their schools. I traveled the country and came to realize that in all of the 139,000 K-12 schools in this country, each principal has to become an expert in door locks, access control, cameras, etc. It made no sense to me that each school had to reinvent the wheel. The idea that crystalized for me was the need to create National School Safety Best Practices at the federal level. Those best practices would be housed on a clearinghouse website so that all schools had a one-stop shop for all of the most relevant and important school safety information.

I was pleased to see this idea called out in the recommendations made by the Federal Commission on School Safety last year. And I am really encouraged that the Department of Homeland Security is moving forward to create the clearinghouse. In fact they are convening their first meeting July 30.

We know we can't prevent 100% of these school mass murders. But we know that we absolutely CAN mitigate a lot of risk to students, teachers, and staff when they do happen. Every school can do things TODAY to improve school safety. Many of those things – the "basics" – cost little or no money.

Chairman Johnson, I really want to commend you for your commitment to focusing on practical solutions that can save lives right now, and for shining a spotlight on that through the hearing you're holding today.

In my view there are 2 main reasons the national school security crisis has continued with no end in sight: The first is we do not implement lessons that have been painfully learned, two, we are not being honest to parents and communities about the real situation with safety in our schools.

On the first point, we do not IMPLEMENT lessons learned from dozens of incidents that have taken place. For example, after the Virginia Tech massacre, Virginia implemented threat assessment teams in all their schools. They have not had a school shooting since. Unfortunately, no other state has followed suit. After Columbine, all responding officers were required to rapidly deploy directly to the threat. Yet in Parkland, 8 deputies waited outside for 11 minutes while kids and staff were being slaughtered. In Parkland, first responder radios failed and were not interoperable, delaying help for victims. SWAT teams had to resort to hand signals to avoid shooting each other because their radios failed. Yet as a country we haven't truly committed to solving the communications problems. We can't force all agencies to use a single radio system, but we CAN make it possible for them to communicate no matter what system they are using.

After Sandy Hook each school should have trained their students and staff how to respond to active shooters. During the 2017-2018 school year, Marjory Stoneman Douglas did not hold a

single code red drill, so kids and staff did not know what to do when the murderer started fired his AR-15 into classrooms and killing their classmates. No staff member called a code red until 3 minutes after the shooting started. By then all 17 people were dead, including my little Alex.

The second sad reality – which most people don't realize – is that schools are not being truthful about the violence on their campus. For example, for the years 2014-2017 Marjory Stoneman Douglas reported to the state ZERO bullying, ZERO harassment, and ZERO trespassing incidents. It's not just Broward County that is inaccurately reporting these incidents. I have to believe this is pervasive across the country. The result is a false sense of security which leads to complacency in implementing school safety best practices.

On college campuses, the federal Cleary Act imposes large financial penalties for reporting inaccurate campus crime statistics. In K-12 there is such no requirement. The result is that if you go online to look at school ratings, many of them, including Marjory Stoneman Douglas, have an 'A' rating. Academics are obviously critical, but those ratings have nothing to do with the SAFETY of those institutions. There is no school safety rating system to inform parents and teachers if their school has implemented best practices to prevent and mitigate casualties during the next school attack. Schools should NOT be able to get an A rating like Marjory Stoneman Douglas did if they NEVER held a code red drill for the entire school year. They should NOT be rewarded if they did not train their teachers and students what to do in an active assailant emergency. If a safety rating system existed, it would influence change nationwide. The car industry's rating system has improved car safety and decreased fatalities. Before you buy a car you review their safety and crash test rating. For parents there is nothing. No way to know if your child's school is safe.

I wish everyone would realize that if students and staff do not make it home alive to their families at the end of the day, nothing else matters. Implementing school security best practices– starting with the basics – has to be a priority. Any federal grants that can be used to enhance school safety and security should be tied to those best practices.

It has been 20 years since the Columbine massacre and children continue to be murdered in their classrooms. We know the next school mass murderer is already out there. The gun that he will use is already out there. It is not a question of IF, it is a question of WHEN. We know what CAN be done to prevent it, and we know what MUST be done to mitigate the risk of more lives lost. I hope this committee will help get us where we need to be. Thank you for your commitment, Mr. Chairman and Senator Peters. I look forward to your questions.

Prepared Testimony

of

Tom Hoyer
Treasurer, Stand with Parkland – The National Association of Families for Safe Schools

before the

United States Senate
Committee on Homeland Security & Governmental Affairs

on

Examining State and Federal Recommendations
for Enhancing School Safety Against Targeted Violence

Thursday, July 25, 2019

Chairman Johnson, Ranking Member Peters, and Members of the Committee, thank you for the opportunity to appear before you today. Nothing is more important than the safety of our nation's children and I appreciate your decision to hold this hearing on school safety.

My name is Tom Hoyer. I am the Treasurer of Stand with Parkland – The National Association of Families for Safe Schools. Stand with Parkland was founded by the families of the children and school staff murdered in the Parkland school massacre on February 14, 2018 and I appear today on behalf of Stand with Parkland. I lost my 15-year-old son Luke on that day and have engaged in this activism because his death was preventable; it is our desire to keep any other parent from experiencing the profound loss that myself and others have gone through as a result of this tragedy.

We are now part of the many who bring a human face to these grim statistics: since Columbine there have been 710 school shootings in the United States; 341 people have been killed and 653 injured, including the seventeen killed and the additional seventeen injured in the Parkland shooting.[1] Using our unique and inclusive approach, Stand with Parkland has grown into a national organization focused on identifying and advocating for practical solutions that will keep our kids and teachers safe in school. We are fundamentally a non-partisan group. We believe that the safety of our kids and teachers in school is not a political issue and we will work with anyone who shares our goal for safe schools.

[1] Center for Homeland Defense and Security, "K-12 School Shooting Database," 2019.

Stand with Parkland's founding families have different political views, but when it comes to achieving safe schools, we all agree on three key factors: securing the school campus, better mental health screening and support programs, and responsible firearms ownership. We are committed to advocating for practical public safety reforms focused on these goals; without addressing all three of these components, we are not going to solve this uniquely American tragedy of mass shootings in schools.

Personal responsibility and a desire for change are paramount to this effort, and it will require action at all levels of government to make these goals a reality. Violence in our schools affects everyone. It is an American epidemic and it is time for us to come together as the American family to do something about it – to demand action from our elected leaders.

Even now, twenty years after Columbine, our nation is still grappling with this issue. It is extremely unfortunate that it took the murder of our loved ones at school to rekindle the national discussion. The voices of the surviving students kept this tragic story in the news. However, it has been the relentless pursuit of the facts and the determination of the victims' families that has driven change to both policies and laws across the country. Those changes began with the help of former Governor (now Senator) Rick Scott and the bipartisan support of the Florida legislature when the Marjory Stoneman Douglas High School Public Safety Act was passed in March of 2018. Stand with Parkland's advocacy began when our families spoke with lawmakers from both sides of the aisle about the importance of passing the law to protect students and staff members from harm. Our collective voice made a difference then and we will continue to use it to prevent anyone else from suffering a similar tragedy. We want to ensure that children and

staff members are safe at school and can focus on their true purpose: learning and growing into responsible young adults.

Our children are the future. This is a fairly common adage on which there is almost universal agreement. But it is not enough to merely acknowledge this and repeat it in public – that future is at risk and action is necessary. Before this tragedy, we had happy families. We had whole families. Now that is forever changed – our daughters, sons, and spouses never made it home from school that day.

When we look at the history of mass school shootings, we are here to point out that this issue affects all segments of America, all sharing the same misconception that it couldn't happen in their community. That false sense of security is dangerous.

This is not a Republican problem; it's not a Democratic problem; it cannot be laid at the feet of either end of the political spectrum or any group. This is an American problem that requires collective action. Our children are in danger; inaction in the face of that danger is not merely negligent but constitutes a dereliction of duty.

While our organization supports certain specific proposals, we recognize the importance of a fulsome discussion and building consensus as we develop and implement specific solutions. This model of discussion and willingness to compromise, while maintaining a steadfast commitment to meaningful action and fighting against mere window-dressing, was effective when we worked on school safety legislation in Florida – leaving partisan politics behind was instrumental.

As a result of this willingness to compromise, and the commitment to not permit perfection to stand in the way of meaningful progress, we supported the recent passage in Florida of SB 7030 — Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, even though we did not agree with all of its provisions.

While Stand with Parkland supports armed guardians at schools, we believe that arming teachers is a misguided idea that could actually undermine efforts to safeguard our schools against mass shootings like the one that took our loved ones. We believe our teachers should be focused on teaching and trained law enforcement or school security officers should be provided to protect the students and staff at school. However, even though we opposed this provision, we supported the majority of the bill and accordingly worked to ensure its passage.

Our nation needs an open and continuous discussion, that leads to the collective development of specific solutions. Stand with Parkland is firm in its advocacy for a wholistic approach toward improving the safety of all the nation's schools by:

1) Securing the school campus
2) Improving mental health screening and support programs
3) Supporting responsible firearms ownership

All of these issues must be addressed in a meaningful way and we have developed specific proposals that can help achieve our goals in each of these areas:

Securing the Campus – The Parkland shooter walked onto campus through an open and unmonitored gate; even though he was identified as he entered campus, nobody called a code red until more than three minutes after the shooting started. Furthermore, the school did not have an active-shooter policy or any plan for dealing with school shootings.

Securing the school campus starts with securing the perimeter and creating a single point of entry. Other low-cost items such as locked doors, safe corners in classrooms, and active shooter policies and drills are vital to protecting America's schools. Taking these straight-forward steps will give our students and teachers a chance of survival when confronted by a school shooter. I want to emphasize that we must encourage all of our school administrators to prepare for an active shooter by having a policy in place and training students and staff accordingly. In this same spirit, it is essential that we develop a federal standard for minimum school safety features and best practices, as well as bring the resources of our federal government to bear. We need Congress to provide continuous federal funding of school security enhancements, upon which state and local governments can rely.

There has been some progress – the Departments of Health and Human Services, Justice, Education, and Homeland Security are working together to create a clearinghouse website that will serve as a national resource. This clearinghouse will provide school safety best practices collected from various schools and related organizations. My colleague, Max Schacter, a founding member of Stand with Parkland and CEO of Safe Schools for Alex, has worked to promote this initiative from the beginning. Our organization has continued to be involved in this process and our entire membership strongly supports its continued development. In light of the

potential impact of this project, we hope that the Senate can lead the way with a bipartisan bill that will codify and provide funding for this groundbreaking initiative.

Improving Mental Health Screening and Support Programs – To improve mental health screening, support and intervention we need to take actions such as funding and promoting suicide detection and intervention programs because 67 percent of mass shooters are suicidal.[2] Additionally, congressional action is needed to relax and clarify Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) regulations, so that schools, law enforcement and mental health professionals are allowed to share mental health information, as well as permit the release of mental health information for threat assessments and background checks. Fixing these issues will allow for more effective use of the provisions enacted by the STOP School Violence Act, which was contained within the Consolidated Appropriations Act of 2018, and other existing laws. Permitting this exchange of information would allow a team of professionals – including school counselors, police, and mental healthcare providers – to assess at-risk individuals and likely prevent tragedies like the one that took our loved ones.

My son's killer, we've since found out, was known to the school, the sheriff's office, a local mental health agency, and the FBI – he was known to all of them as an angry, violent, and potentially dangerous person. They never shared information about him; they never connected the dots. Because of this, Luke's killer was able to purchase a rifle legally. Had an effective threat assessment been conducted, and a corresponding exchange of information permitted, there

[2] US DHS, US Secret Service National Threat Assessment Center March 2018.

may have been a better understanding of just how dangerous this individual was – my family could be whole today.

Additionally, more research is required to support threat assessments and their efficacy. The U.S. Secret Service's National Threat Assessment Center (NTAC) is dedicated to the advanced research that is the basic building block of all threat assessments. In today's environment of ever-increasing threats, the NTAC needs more funding and resources. One path to provide this is through bipartisan legislation that has been introduced in both chambers, the Eagles Act. This bill is named after Marjory Stoneman Douglas High School's mascot and would help provide a lasting legacy to our beloved children and spouses who were murdered that day. We urge the Senate to consider and vote on this important legislation, which will help protect not only students and staff members but help prevent any American from being subjected to similarly targeted violence.

Stand with Parkland also urges Congress to provide funding to support and implement successful "off the shelf" programs, such as Sandy Hook Promise's Know the Signs or It Starts with Hello. Additionally, there is a proven suicide prevention product developed by Columbia University, The Columbia Protocol, which provides an evidenced based threshold for determining imminent risk. This protocol has already been adopted by the Department of Defense and many other governmental agencies. In fact, a total force roll-out by the Marine Corps helped lead to a 22 percent reduction in suicides.[3] These are only a few of the highly effective non-governmental

[3] Columbia University, "C-SSRS Helping to Reduce Suicide and Decrease Workload via Evidence-Based Thresholds for Imminent Risk," 2016.

programs that could use a boost from the federal government to expand their reach and improve the safety of America's students and teachers.

Supporting Responsible Firearm Ownership – There are many elements that contribute to responsible firearms ownership. This starts with enforcing the laws already on the books and personal responsibility. Owners of firearms must ensure they are practicing safe firearm storage, such as ensuring they are kept out of the reach of children, because many school shooters get their weapon from the home.

Another important area is Extreme Risk Protection Orders (ERPO), or Red Flag laws, which can save lives by creating a way for family members and law enforcement to act before a situation escalates, providing an opportunity for the individual subject to the order to get help. ERPOs also touch on the mental health pillar of our holistic approach to school safety; they are powerful tools that enable law enforcement officers to protect themselves and the community at-large. In the wake of the Parkland tragedy Florida enacted Red Flag laws with strong bipartisan support; as of this past February, thirteen states had these powerful law enforcement tools in place and it is likely that they have already saved many lives. Had these laws been in place on February 14, 2018, the numerous warnings regarding the murderer of our loved ones would have provided law enforcement a chance to remove the firearms from his home and Parkland would still be an idyllic town and our families would be whole instead of broken.

This year, Senator Rubio has reintroduced the Extreme Risk Protection Order and Violence Prevention Act, with bipartisan support. This bill would utilize Department of Justice funds to encourage states to enact laws that provide law enforcement or family members the option of

obtaining a court order to prevent firearm purchases and possession by individuals who pose a significant threat to themselves or others, while providing due process protections. We strongly urge Senators to support this bill and hope it is swiftly brought to the Senate floor for a vote.

Finally, our nation must improve the current background check laws and make them more comprehensive. This can be achieved through legislation like H.R. 8, "the Bipartisan Background Checks Act of 2019" that has passed by the House of Representatives and we urge consideration and passage of similar legislation by the Senate. We need to do more than just talk about these measures – the American public expects that our representatives will take meaningful action to protect our children.

While we commend our national leaders for taking some action, such as the recently issued final Report of the Federal Commission on School Safety, which was created by the Trump Administration, these actions have continued the trend of only partially addressing the issue. The report contained recommended changes that address the first two items in our holistic approach, securing the school campus and better mental health programs, but little is mentioned regarding firearms. It is clear that the status quo is ineffective, or our loved ones would not have been shot and killed in their school on February 14, 2018.

We hope that the vast majority of Americans, who are in the ideological middle, come out and support the change for which Stand with Parkland – The National Association of Families for Safe Schools is advocating. Continued conversations about how we can't agree and what we don't agree on will not make our children safer. This Congress, and the nation as a whole, needs to have an open discussion and actively listen to one another. This cannot be a rhetorical battle

centered around partisan messaging and talking points – every step we take must be meaningful and make our children safer. We will be failing in the duty to protect our children and future generations of Americans if all we do is talk and take symbolic steps.

I would like to conclude by saying that there can be no more excuses. The safety of students and teachers at school is something that this country can unite around. We must stop the divisive rhetoric and work together to stop these uniquely American tragedies. Surely, where it concerns the safety of our children, there is more that unites than divides us.

Again, thank you for the opportunity to appear today and your willingness to address this vital matter.

Marjory Stoneman Douglas High School
Public Safety Commission

IN MEMORY OF:

Alyssa Alhadeff

Scott Beigel

Martin Duque Anguiano

Nicholas Dworet

Aaron Feis

Jaime Guttenberg

Christopher Hixon

Luke Hoyer

Cara Loughran

Gina Montalto

Joaquin Oliver

Alaina Petty

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Helena Ramsay

Alexander Schachter

Carmen Schentrup

Peter Wang

July 22, 2019

The Honorable Ron Johnson
United States Senate
Chairman, Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Gary C. Peters
United States Senate
Ranking Member, Committee on Homeland Security and Governmental Affairs
442 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

Since March 2018, I have chaired the Marjory Stoneman Douglas High School Public Safety Commission. The commission is a statutory body created under Florida law and it is charged with determining what occurred surrounding the February 14, 2018, mass killing at Marjory Stoneman Douglas High School in Parkland, Florida. The commission's particular focus areas include missed intervention opportunities due to the shooter's background, ineffective school security, and problems with the law enforcement response to the shooting.

The commission met monthly during 2018. We took testimony from over 60 witnesses, reviewed thousands of pages of documents and learned the results of over 300 witness interviews conducted by commission investigators. The commission submitted its initial report to the Florida Governor and presiding officers of the Florida Legislature on January 2, 2019. The 500 page report is available at http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf. The report details events surrounding the Stoneman Douglas shooting and makes recommendations to enhance school safety. The commission does not sunset under law until 2023 and has continued its work in 2019.

The shooter shot 34 people in 3 minutes and 51 seconds after entering Building 12 on the Stoneman Douglas campus, killing 17 people, including 14 students. Because of lax campus security, the shooter entered the campus unfettered through unlocked, open, and unstaffed gates and doors. Like the majority of past K-12 active assailant attacks, this shooting was over in a very short period of time — less than 4 minutes.

Marjory Stoneman Douglas High School
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The shooting ended lives, changed lives permanently, and left an indelible mark on the South Florida community and the broader school community throughout Florida. Things will never be the same in Florida schools post-Marjory Stoneman Douglas shooting, nor should they because there was much that could have been done to mitigate the harm on that devastating February day last year.

Because of legislative action and a commitment by many people, we have made progress since the shooting. Our school campuses are safer today than they were a year ago; however, there is still much work to be done. There is not enough across-the-board urgency to change and there is too much complacency. The complacency is a result of an erroneous belief by some decision-makers that such an event "can't happen here." The reality is that such an event can happen anywhere, including Parkland, Florida — named the Safest City in Florida two days before the shooting.

Our efforts must be on preventing another school shooting, because the reality is not only can it happen anywhere, it will happen again, and the pressing questions are where and when? Despite that reality, the penultimate question is what are we doing today to drive a different outcome than what occurred at Marjory Stoneman Douglas on February 14, 2018, because what occurred at Marjory Stoneman Douglas — shooting 34 people in under 4 minutes is unacceptable. It is debatable whether the shooting was totally avoidable; however, there is clear evidence that the harm could have been mitigated through better policies and training by the school district and a more effective law enforcement response.

Effective school safety is comprised of "harm mitigation" and "prevention." Harm mitigation focuses on stopping the attack as quickly possible once it begins and minimizing harm by rapidly getting people to safe areas. Harm mitigation, such as effective active assailant response polices, conducting regular active assailant drills, and pre-identifying safe areas within classrooms costs little to nothing and only requires the decision-maker's will to implement these strategies. The key components of an effective harm *mitigation* strategy are identifying the threat; communicating the threat; and effectively reacting to the threat.

Harm *prevention* on the other hand includes long-term, sometimes costly strategies that may also require law or policy change in an attempt to keep an attack from occurring. Prevention efforts include behavioral threat assessment teams; physical site hardening; and sophisticated technology, such as extensive camera and other electronic monitoring systems.

While we consider prevention strategies we must immediately focus on harm mitigation because it is those strategies that will immediately prevent or reduce the loss of life and serious injury. There must be a sense of urgency and an immediate commitment across-the-board to implementing harm mitigation strategies because every moment these strategies are not in place is a moment that our schools are vulnerable.

Marjory Stoneman Douglas High School
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Unfortunately, many schools across Florida are not compliant with recently enacted laws that seek to improve school safety. A Statewide Grand Jury authorized by the Florida Supreme Court to investigate school safety matters issued an Interim Report on July 19, 2019. In that report the Grand Jury stated "[w]e find that law enforcement and the school district officials have had sufficient time to bring their districts into compliance with these laws, and we fully expect that these officials will use the remaining days before the first day of the 2019-20 school year to do whatever it takes to bring these districts into compliance." The Grand Jury further noted that it has been 545 days since the Marjory Stoneman Douglas shooting and there is no excuse for non-compliance with effective and legally required school safety practices.

Harm mitigation strategies must be considered from the perspective of what is realistically attainable, and not summarily rejected because of ideological or political differences or because we simply do not like the requirement. Simply put, it comes down to what we can live with and 34 people shot in under 4 minutes on a high school campus is not something we can, or should live with. Some people may not "like" some of the requirements, but the alternative is unacceptable.

Schools are generally operated by local school boards and are under local control. However, we need a national strategy to improve school safety. Florida is not alone in its challenges to improve school safety. The national strategy should focus on immediate harm mitigation strategies that will make a difference and close the vulnerability gap, followed by prevention measures. Specific recommendations regarding both strategies are detailed in the January 2019, report issued by the Marjory Stoneman Douglas Public Safety Commission.

School safety requires a federal, state, and local partnership with a unified strategy. But, most of all it requires a strong commitment with a sense of urgency to effect necessary changes. We need to do more and do it now, and those who fail to comply should be held accountable.

Thank you to the committee for its effort in bringing awareness to this very important issue and for working to provide a safe school environment in every state across our country.

Sincerely,

Sheriff Bob Gualtieri
Commission Chair

TESTIMONY OF DEBORAH TEMKIN, PH.D., SENIOR DIRECTOR OF EDUCATION RESEARCH

CHILD TRENDS

U.S. Senate Committee on Homeland Security and Governmental Affairs

"Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence."

July 25, 2019

I. Introduction

Chairman Johnson, Ranking Member Peters, and members of the Committee, thank you for holding this important hearing to identify effective ways to keep students safe in school. My name is Deborah Temkin, and I am the senior director of education research at Child Trends, the nation's leading nonprofit research institute dedicated to improving outcomes for children, youth, and their families. For 40 years, Child Trends' research has served as a resource to officeholders of both parties. Our education team focuses on identifying the policies, practices, and structures that create positive and equitable conditions for learning so that all students can thrive throughout their education and beyond. It is through that lens that I am grateful and humbled to be here today.

I cannot imagine the pain and trauma of losing a child or surviving a school shooting. As a parent, and as someone who studies schools on a daily basis, I share my fellow panelists' commitment to ensuring that our schools are safe for our students. The tragedies at Parkland, at Santa Fe, and elsewhere shocked our collective systems, in part because such events seemed so preventable. We can—and we must—do more.

As we seek answers, we must ground our search in the knowledge of what has been tried before and what worked, and what didn't. We must also consider the costs, benefits, and potential tradeoffs that come with each proposal. As a researcher who has dedicated my career to identifying evidence-based strategies to improve school health and safety, I offer three recommendations:

- First, maintain the decades-long trajectory of school safety initiatives that encourage states and communities to address the full spectrum of issues that contribute to school violence.
- Second, limit strategies that could carry risk of further harm to students and communities.
- Finally, establish mechanisms that not only implement new strategies but assess their impact.

I. Maintain the trajectory of federal and state efforts to improve school safety.

Concerns about improving the safety of our schools are unfortunately not new. April marked the twentieth anniversary of the school shooting at Columbine High School in Littleton, Colorado. This event—in addition to shootings in Jonesboro, Arkansas; Springfield, Oregon; and elsewhere—marked a turning point in the late 1990s for researchers and policymakers to take a broader view of what schools could do to prevent these tragedies from occurring. We learned, fairly quickly, that school shootings are the most extreme end of a continuum of school violence. To keep students physically safe, schools must address their overall well-being.

In 2015, along with my Child Trends colleagues, I co-authored a comprehensive literature review on the factors across all contexts of an individual's life that either contribute to or prevent youth violence.[1] Our analysis of school-level factors led to a clear conclusion: Preventing school violence requires an investment in building a positive school climate—one that supports student needs and promotes student engagement--as well as building individuals' interpersonal and social and emotional skills to form positive, healthy relationships.

Several federal investments in safe schools have reflected this research, and the results indicate significant improvements to overall school safety. The Safe Schools/Healthy Students initiative, launched in 1999 by the U.S. departments of Health and Human Services, Education, and Justice provided funding to communities to address the individual and community-level factors that contribute to violence. Investments in student skills-building and early childhood development, increasing access to school- and community-based mental health supports, and bolstering community and family engagement, led to significant reductions in violence in both schools and communities. In fact, in one evaluation, 96 percent of school staff at Safe Schools/Healthy Students sites reported improved school safety.[2]

In 2010, The U.S. Department of Education launched the Safe and Supportive Schools grant program, which provided funding for 11 state education agencies to collect data and implement prevention strategies in high schools with the worst school climates. These states partnered with school districts to survey student experiences of violence within their schools, but also their interpersonal relationships and feelings of connection with the school. These surveys were used to develop a safety score for participating schools. After five years, 73 percent of

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[1] Moore, K., Stratford, B., Caal, S., Hanson, C., Hickman, S., Temkin, D., & Shaw, A. (2015). *Preventing violence: A review of research, evaluation, gaps, and opportunities.* (Research Brief). Bethesda, MD: Child Trends.
[2] Substance Abuse and Mental Health Services Administration, Safe Schools/Healthy Students Initiative National Evaluation: 2005–2008 Cohorts. Rockville, MD: 2013.

participating schools saw a significant improvement in aggregated school safety scores.[3] Similar grant programs have maintained this focus on prevention, including the Department of Education's Project Prevent and School Climate Transformation grants and the Substance Abuse and Mental Health Services Administration's Project AWARE grants.

Competitive grant programs such as these are limited in the number of states, communities, and schools they can support. With the 2015 passage of the Every Student Succeeds Act and subsequent budget authorizations, more schools have access to the supports they need to engage in comprehensive violence prevention activities through the Student Support and Academic Enrichment formula grant program. Still, despite a historic lack of resources in this area, schools—and the policies that support them—have fundamentally shifted over the past two decades toward embedding student wellness as a key priority. And the results have been promising. At the national level, we have seen significant reductions in several school violence indicators since the late 1990s. The percentage of students in grades 9-12 who carried a weapon on school property in a 30-day period significantly decreased from about 7 percent in 1999 to just under 4 percent in 2017. The percentage of 9th-12th grade students involved in physical fights on school property also decreased from about 14 percent in 1999 to 8.5 percent in 2017.[4]

It is more difficult to ascertain a trend in school shooting incidents. Like terrorist attacks in this country, school shootings are devastating but statistically rare. According to data from the FBI, there were 37 active shooter incidents in schools from 2000 to 2017, with an average of two to three active shooter incidents occurring per year; in eight of these years, no incidents were recorded. But like terrorism, we must nevertheless take effective steps to ensure no community should ever have to experience a school shooting.

While progress has been made, there is clearly much more we can do. A growing awareness of the prevalence of adverse childhood experiences and their potential for resulting trauma; a movement toward further integrating social, emotional, and academic learning; and efforts to bridge school and community resources through integrated student supports or community schools models will bring us closer to this goal. Yet at the same time, emerging policies and practices—including proposals to further "harden" schools—have the potential to undermine the lessons of the past two decades. Unlike the strategies I just described, aspects

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[3] Darling, K., Osher, D., Colombi, G., Ruddy, S., & Temkin, D. (2018). Safe and Supportive Schools (S3) Grants Descriptive Study Executive Summary. National Center on Safe Supportive Learning Environments. Available at: https://safesupportivelearning.ed.gov/stategrantees/safe-and-supportive-school-s3-grants.

[4] Centers for Disease Control and Prevention (CDC). 1991-2017 High School Youth Risk Behavior Survey Data. Available at http://nccd.cdc.gov/youthonline/. Accessed on July 19, 2019.

of such proposals are not well-supported in the research, and researchers and practitioners alike are raising concerns about their potential to harm students.

II. Limit strategies that could carry risk of further harm to students and communities.

It may seem logical that adding security technology or additional law enforcement would prevent a school shooting, but the research we have is mixed, at best. The effectiveness of school-based law enforcement, access control, metal detectors, and other security measures on improving school safety has not been well-researched.[5] The Congressional Research Service concluded the following in a report on school resource officers (SROs) commissioned after the Sandy Hook school shooting[6]:

> "... the body of research on the effectiveness of SRO programs is noticeably limited, and the research that is available draws conflicting conclusions about whether SRO programs are effective at reducing school violence. In addition, the body of research on the effectiveness of SROs does not address whether their presence in schools has deterred mass shootings."

We do know, however, that many schools that have experienced active shooter incidents over the past 20 years had security measures in place at the time of the event. [7]

While certain forms of security, such as ID procedures or basic lockdown drills, may help and pose little risk to students, emerging evidence suggests that the presence of more intensive security measures in schools may lead to unintended consequences, including increased levels of fear among students and staff; decreased perceptions of school safety[8]; increased student referrals to the criminal justice system for minor, nonviolent offenses[9]; and, particularly for low-income students, reduced academic achievement.[10]

Similarly, we do not know yet whether active shooter drills—those that go beyond traditional lockdown drills—help better prepare staff and students for incidents of violence, but researchers and educators alike are raising concerns that such drills may traumatize the school

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[5] Jonson, C. L. (2017). Preventing school shootings: The effectiveness of safety measures. *Victims & Offenders*, *12*(6), 956-973.
[6] James, N., & McCallion, G. (2013). School resource officers: Law enforcement officers in schools. *Congressional Research Service*. Available: https://fas.org/sgp/crs/misc/R43126.pdf
[7] Jonson, 2017
[8] Perumean-Chaney, S. E., & Sutton, L. M. (2013). Students and perceived school safety: The impact of school security measures. *American Journal of Criminal Justice*, *38*(4), 570-588.
[9] James & McCallion, 2013
[10] Tanner-Smith, E. E., & Fisher, B. W. (2016). Visible school security measures and student academic performance, attendance, and postsecondary aspirations. *Journal of youth and adolescence*, *45*(1), 195-210.

community or desensitize students to the seriousness of an attack.[11] Although media reports are no replacement for critically needed rigorous evaluations, they do suggest reasons to approach such practices with caution. One piece[12] quoted Elizabeth Yanelli, a teacher in Cranberry Township Pennsylvania: "[I] ...felt more traumatized than trained" after participating in an active shooter drill.

> "We had colleagues shooting colleagues, we had people getting hit with [plastic] pellets. ... People were screaming, trying to run. People were tripping over each other. It was just horrendous."

Stories similar to Ms. Yanelli's have emerged in a number of media outlets over the past few years. We need to better understand not only whether such drills actually help students and staff respond to active shooter incidents, but also what effects such drills might have on their emotional well-being.

Security measures are often designed to keep the "bad guys" out. But history shows us that the vast majority of school shootings are perpetrated by young people who are current students at the school[13]—students who know the security procedures, as well as the blind spots.[14]

Instead of driving fear by focusing exclusively on physical security, we must invest in building schools that prioritize mutual trust. Children who have developed strong and caring relationships with school staff do not bring weapons to school[15]; when students feel a sense of attachment to their school, they are more willing to report the presence of weapons.[16]

Investing in both prevention and security measures that pose little risk to students should be the ideal, but too often, schools are provided only a limited amount of resources to address school safety issues. Schools are therefore motivated to implement easy and visible security measures rather than engage in a more systematic prevention effort. It is not easy to create school environments that prioritize both student well-being and safety, but the promising results

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[11] Rygg, L. (2015). School shooting simulations: at what point does preparation become more harmful than helpful. *Child. Legal Rts. J.*, *35*, 215.
[12] Blad, E. & Will, M. (2019, March 24). 'I felt more traumatized than trained': Active-shooter drills take toll on teachers. *Education Week*. Available: https://www.edweek.org/ew/articles/2019/03/24/i-felt-more-traumatized-than-trained-active-shooter.html
[13] Blair, J.P. & and Schweit, K.W. (2014). A Study of Active Shooter Incidents, 2000–2013. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington DC.
[14] Jonson, 2017
[15] Watkins, A. (2008). Effects of Community, School, and Student Factors on School-Based Weapon Carrying. Youth Violence and Juvenile Justice, 6, 386–409.
[16] Connell, N.M., Barbieri, N., Reingle Gonzalez, J.M. (2014). Understanding School Effects on Students' Willingness to Report Peer Weapon Carrying. *Youth Violence and Juvenile Justice*, 13(3), 258–269.

from the Safe Schools/Healthy Students and Safe and Supportive Schools grant programs demonstrate that it can be done.

III. Ensure that there are mechanisms not only to implement new strategies but to assess their impact.

As noted throughout my testimony today, there is still much to learn about keeping schools safe. We simply do not know the impact of many of the school safety strategies that have been proposed and that are currently being implemented; and there are few mechanisms available to support such research. Further, schools themselves have few mechanisms to understand whether their strategies are working or whether they may be causing unintended harm. Research allows us to understand whether finite resources are being spent effectively and where improvements could be made.

There is currently no dedicated research stream for school safety and school violence prevention research. In FY 2018, funds from the only such program—the National Institute of Justice's Comprehensive School Safety Initiative—were reallocated away from research activities.[17] Without such research support, we will continue to debate the issues raised today, with little progress toward a resolution.

I'll close with this: Schools' primary function is to help students learn. Parents and communities trust that places of learning will also be places where our children are safe. When students are fearful, or when their physical, social, and emotional needs are not met, learning can be a struggle and schools can lose our trust. As we look for solutions to improve school safety, we must prioritize those that improve the conditions for learning over those that promote a culture of fear without evidence of a benefit.

Thank you for the opportunity to testify today.

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[17] I and other researchers at Child Trends have been funded under this grant program.

August 9, 2019

The Honorable Ron Johnson
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340 Dirksen Senate Office Building
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Susan Herman
President

Anthony Romero
Executive Director

Ronald Newman
National Political Director

Dear Chairman Johnson and Ranking Member Peters:

On behalf of the American Civil Liberties Union (ACLU) and our more than 3 million members, supporters, and activists, we submit this letter for the record of the committee's July 25 hearing, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We appreciate the committee's attention to the essential goal of ensuring the safety of our nation's children at school.

We believe that reaching this goal cannot be accomplished by continuing the trends of increasing the presence of law enforcement and weapons in schools, deploying surveillance technologies, utilizing error-prone threat assessments, and applying harsh and exclusionary discipline. Not only do these approaches make schools less safe, but they also have harmful impacts on students, particularly students of color and students with disabilities.

Deploying surveillance technologies such as surveillance cameras, facial recognition software, social media monitoring, body cameras, remotely accessing students' laptops, and scanning emails and documents students send over school-controlled networks has never been demonstrated to deter or prevent acts of violence,[1] but they create an environment in which unintended harms are significant and all but assured. These harms include

[1] Nicole A. Ozer, *San Francisco Surveillance Cameras Don't Reduce Violent Crime, Study Finds*, ACLU of Northern California (Jan. 9, 2009), https://www.aclunc.org/blog/san-francisco-surveillance-cameras-don%E2%80%99t-reduce-violent-crime-study-finds.

suppressing freedom of speech and association, suppressing academic and intellectual freedom, undermining students' expectations of privacy, and creating a school environment that psychologically feels more like a prison than a place of learning.

Additionally, surveillance technologies can produce false identifications of students as safety threats, which exposes them to a range of physical, emotional, and psychological harms,[2] particularly if these students are publicly identified. Surveillance algorithms can be biased, racist, and perpetuate myths about mental health and violence. Moreover, because threat standards set by officials can be set artificially low, they are likely to produce damaging outcomes for innocent students who have no intention of engaging in harmful behavior to themselves or others.

We are also gravely concerned by the risk that such measures may further push students with disabilities out of the general education classroom. Proposals to require Individualized Education Plan (IEP) teams to share information with school threat assessment teams represent a dangerous co-opting of the IEP process that is designed to serve the best interests of the student with a disability. Students with disabilities should be able to enjoy their full rights under the Individuals with Disabilities Education Act to a Free and Appropriate Public Education in the Least Restrictive Environment without facing the stigma of being viewed as a safety risk. Such an approach often contributes to the placement of students with disabilities in segregated educational environments, where they receive a substandard education and lack access to the benefits of general education. Similarly, weakening the rights of youth with disabilities, including psychiatric disabilities, under the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) would harm students, not increase school safety.

Schools cannot avoid incidents of mass violence by increasing the number of students that are arrested or subjected to disciplinary measures. These practices primarily harm children, while diverting focus and investment from supports that can improve school climate and school safety.

A recent ACLU report illustrates the problems with how the nation's schools approach the safety of their students.[3] Broadly, while schools continue to surround students with law enforcement through the growing use of school resource officers, they are woefully under-serving their emotional, mental, physical, and social needs.

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[2] Bethany Barnes, *Targeted: A Family and the Quest to Stop the Next School Shooter*, THE OREGONIAN (June 24, 2018), https://expo.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html.

[3] Amir Whitaker et al., *Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students*, ACLU (2019), *available at* https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

Nationally, there is a student-to-counselor ratio of 444:1, far greater than the recommended ratio of 250:1; more than 36 million students were enrolled in 55,000 schools that did not meet this mark.[4] Ninety percent of students attend schools that fail to meet the nationally recommended ratios for student-to-counselors, psychologists, nurses, and social workers.[5] But more than 40 percent of students attend schools with on-site police.[6] This failure to invest in student support personnel represents a failure to meet the needs of our students. Though this lack of investment is not a threat to safety — as students with psychiatric disabilities do not pose any risk to their peers — it should be seen as a missed opportunity for investing in a more equitable, supportive, and safe school environment. Schools that make those investments have greater engagement and academic achievement from their students, as well as lower rates of suspension and other disciplinary incidents.[7] The report cites research showing that staff who provide health and mental health services not only improve the health outcomes for students, but also improve school safety.[8]

Choosing police over counselors creates an environment that is more prone to harm students than protect them. The ACLU's report found that schools with police reported 3.5 times as many arrests as those without police,[9] for behavior that is often typical for adolescents. Previous research indicates that many school arrests are the result of criminalizing common adolescent behaviors under the guise of "disorderly conduct" or "disrupting school."[10] And the 2015-16 Civil Rights Data Collection, which required schools to report 12 specific types of incidents involving violence or threats, showed the vast majority (approximately 94 percent) were physical attacks or fights without a weapon, or threats of physical attacks or fights without a weapon. Additionally, the ACLU's report revealed that many of the

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[4] ACLU, *Race, Discipline, and Safety at U.S. Public Schools* (2018), https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/race-discipline-and-safety-us-public-schools?redirect=schooldiscipline.

[5] Whitaker et al., *supra* note 3, at 5.

[6] *ACLU Report Highlights Staff Shortages, Over-Policing, And Discriminatory Discipline in Schools,* ACLU (Mar. 4, 2019), https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/race-discipline-and-safety-us-public-schools?redirect=schooldiscipline.

[7] Richard T. Lapan, Sara A. Whitcomb, & Nancy M. Aleman, *Connecticut Professional School Counselors: College and Career Counseling Services and Smaller Ratios Benefit Students*. 16 PROFESSIONAL SCHOOL COUNSELING No.2, 117-124 (2012).

[8] Richard E. Cleveland & Christopher A. Sink. *Student Happiness, School Climate, and School Improvement Plans: Implications for School Counseling Practice*. 21 PROFESSIONAL SCHOOL COUNSELING No. 1, 1-10 (2018).

[9] Whitaker et al., *supra* note 3, at 5.

[10] Whitaker et al., *supra* note 3, at 23; Megan French-Marcelin, *Bullies In Blue*, ACLU (2017), *available at* https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/bullies-blue.

incidents of school shootings highlighted in the Department of Education's 2015-16 CRDC were due to erroneous reporting.[11]

This is not to say that gun violence, school shootings, serious acts of violence, or the fear and anxiety caused by all of them should not be taken seriously. But there is simply no evidence that police in schools prevent these incidents or improve student safety. On the other hand, the presence of police in school can raise students' sense of anxiety and arresting students and referring them to law enforcement for minor infractions produces harmful consequences, including lost instructional time or dropping out of school.[12]

The disproportionate use of harsh and exclusionary discipline, and zero tolerance policies have a similarly deleterious effect on students. These practices lead to time not spent in the classroom and play a significant role in lowering achievement[13] and increasing the likelihood of dropping out and engaging with the criminal justice system, which can have lifelong effects, and for non-citizen students can even lead to deportation.[14]

The negative effects of these tactics fall most heavily on students of color and students with disabilities, who are disproportionately likely to be arrested or referred to law enforcement as compared with their white and non-disabled peers. For instance, Black students and students with disabilities were arrested three times as often as white students and students without disabilities, respectively, at the national level, though the rate is multiple times higher in some states. Disparities for specific groups of students are even more alarming. Black girls represent nearly 40 percent of girls arrested in school despite making up 16 percent of the overall population of girls in school, while Black and Latino boys with disabilities represent 12 percent of school arrests, despite making up just three percent of students.[15]

Likewise, each year, significant numbers of students of color and students with disabilities are disproportionately suspended and expelled, and receive harsher and

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[11] Whitaker et al., *supra* note 3, at 38.

[12] Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUSTICE QUARTERLY Issue 4, 462-480 (2016).

[13] Alan Ginsburg, Hedy Chang, & Phyllis Jordan, *Absences Add Up: How School Attendance Influences Student Success*, ATTENDANCE WORKS (Aug. 2014), http://www.attendanceworks.org/absences-add-up/.

[14] Daniel J. Losen & Jonathan Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*, The Civil Rights Project at UCLA (Aug. 2012), https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-ccrr-research/losen-gillespie-opportunity-suspended-2012.pdf.

[15] Whitaker et al., *supra* note 3, at 5.

longer punishments than their peers, for minor infractions of school rules. This is due not to of higher rates of misbehavior, but to structural and systemic factors.[16]

It is troubling that the federal government is pushing a false narrative about school safety by using misleading data on school shootings and by faulting civil rights protections for Black and brown students and students with disabilities. The final report by the Federal Commission on School Safety, formed following the mass shooting in Parkland, Florida with the purpose of formulating recommendations for preventing further tragedies, recommended rescission of a 2014 school discipline guidance issued to combat bias in the nation's public schools. The commission claimed that this guidance "endangers school safety,"[17] despite the lack of any evidence linking civil rights protections for students of color to school shootings.

Preventing any loss of life is critical. But caution should be taken before implementing policy changes that have never been shown to be effective, are certain to harm students, and would further entrench the presence of law enforcement in schools.[18] Even attempting to prepare our children for the threat of school shootings, through efforts like mass student surveillance and lockdown drills, has a detrimental psychological impact on our kids.

As Congress considers the best path forward on this issue of enormous national importance, Congress must protect both the physical security and the civil rights and civil liberties of students. Not only have many of the proposed "hardening" measures not been demonstrated to improve student safety in any meaningful way, they threaten to hurt students by undermining their right to free speech, association, and privacy, undercutting their academic and intellectual freedom, and placing students—especially students of color and with disabilities—at risk of unwarranted punishments and further social isolation and robbing them of educational opportunities. Congress should carefully evaluate any potential legislative solutions to ensure that they will not lead, even inadvertently, to unintended consequences such as the increased policing and over-criminalization of young people, the infringement of First Amendment rights, or rollbacks of privacy rights. We look forward to working with Congress to implement evidence based reforms that will help keep students safe while protecting their civil rights and civil liberties.

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[16] U.S. Comm'n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* 4-5 (July 23, 2019), *available at* https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf.

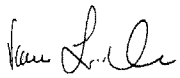
[17] U.S. Dep't of Educ., U.S. Dep't of Homeland Sec., U.S. Dep't of Health and Human Serv., & U.S. Dep't of Justice, *Final Report of the Federal Commission on School Safety* 68 (Dec. 18, 2018), *available at* https://www2.ed.gov/documents/school-safety/school-safety-report.pdf.

[18] Whitaker et al., supra note 3, at 39.

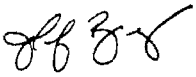
If you have any questions or comments, please contact Jennifer Bellamy, Senior Legislative Counsel, at jbellamy@aclu.org or (202) 675-2310.

Sincerely,

Ronald Newman
National Political Director



Vania Leveille
Senior Legislative Counsel



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July 23, 2019

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Committee on Health, Education, Labor & Pensions
U.S. Senate
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Via E-Mail

Dear Chairman Johnson, Ranking Member Peters, and All Members of the Committees:

We write on behalf of Advancement Project's National Office and our community partner organizations across the country to oppose recent federal and state school safety initiatives related to the creation of threat assessments, which we believe do nothing to actually protect our nation's students. Our organizations are committed to ensuring that racial justice factors into attempts to achieve educational equity and school safety, which starts with students of color feeling safe and welcomed in their schools. We oppose legislation that prioritizes unproven measures with no evidence of success – that are heralded as solutions by those who stand to profit from our nation's public schools.

Many of these initiatives include legislation resulting more from growing public fear about children's safety than from careful consideration of evidence-based safety goals, strategies, and their potential consequences. This fear has, in some cases, driven a rushed process resulting in policies that not only neglect privacy to an extent that seriously undermines student safety and civil rights, but that are also guaranteed to have detrimentally harmful effects on students and communities of color. For these reasons, we urge the committee to seek answers directly from communities that stand to be most harmed by this potential legislation. We also urge the committee to support and push for transparency from state and local entities so students and communities can help guide the conversation and ensure not only their own safety, but also that their privacy and civil rights are protected. Real safety for students can be realized through legislation that focuses on allocating resources to counseling services, mental health supports, positive behavioral

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interventions, restorative justice programs, and other methods that create holistically beneficial learning environments for young people.

Advancement Project's National Office works collaboratively with communities of color to ensure that all students receive a free, quality public education in which they can thrive. Together with the Alliance for Educational Justice, we recently released a report, *We Came to Learn*, which chronicles the history of school policing in the United States and the on-going harms that students – particularly Black & Brown, LGBTQ, and differently-abled students – face at the hands of school police officers and policing infrastructures more generally.[1] We believe in supporting real school safety – safety that does not involve placing students at risk of criminalization and physical harm and that improves school climate.

As an organization driven by the mission of achieving a caring, inclusive, and just democracy, especially in education, we share the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. A crucial part of that shared goal is understanding key facts about school safety in the U.S. Two points are especially salient: data about school violence and schools' resources. In the wake of tragic mass shootings, families and communities across the U.S. are understandably worried about students' safety. School shootings such as those in Newtown, Connecticut in 2012 and in Parkland, Florida in 2018 have fueled the perception that students are less safe. Yet, data from the National Center for Education Statistics shows that the numbers of violent deaths in schools have remained relatively constant in the past 30 years.[2] This does not mean that communities and lawmakers should not seek to improve school safety. It does mean, however, that such improvements must emerge from facts, rather than fears and misguided perceptions, about the prevalence of violence in schools.

Another key fact is the contexts in which school safety policies operate, in particular the constant budget shortfalls that many schools face. One consequence of these shortfalls is that schools increasingly rely on law enforcement at the expense of crucial health and safety services. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers but no counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists, and 10 million are in schools with police officers but no social workers.[3] Without these key services, we know that many school

[1] *See* https://advancementproject.org/wecametolearn/.
[2] *See* https://nces.ed.gov/pubs2018/2018036.pdf.
[3] Evie Blad, "1.7 Million Students Attend Schools with Police But No Counselors, New Data Show," Education Week (Mar. 4, 2019). Available at: http://blogs.edweek.org/edweek/rulesforengagement/2019/03/17_million_students_attend_schools_with_police_but_no_counselors_new_data_show.html.

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districts instead rely on law enforcement to help deal with problems for which they are not trained and that require professionals with an entirely different background and skill set.

Moreover, the U.S. Department of Education Office for Civil Rights reports that students with disabilities[4] are more likely to be restrained, referred, or arrested by law enforcement, and has documented bias against students of color[5] regarding referral to law enforcement agents in school. Finally, the presence of armed school resource officers or guards has not prevented some of the most high-profile mass school shootings, such as those at Columbine High School and at Marjory Stoneman Douglas High School.[6] Given these facts, school safety initiatives calling for unfettered access to student records for law enforcement represent a significant safety risk to students.

We also invite the committee to understand the serious consequences of student safety policies that have not been proven to prevent violence and do not protect privacy. For example, significant portions of the Federal Commission on School Safety report focus on sharing data and, thus, have privacy implications for students, teachers, and the public.[7] Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance—except on acceptable data sharing during emergencies under the federal student privacy law, FERPA—to educators, districts, or states on how to implement security measures while including appropriate privacy protections.[8]

At the state level, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act, in March 2018.[9] This law calls for numerous initiatives that threaten students' privacy, including the creation of a school safety database that would collect information about children and young people's social media activity and other sensitive topics, and store it in a state database to be shared with state employees, schools, and law enforcement. *Education Week* recently detailed

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[4] Office of Civil Rights, "Civil Rights Data Collection Data Snapshot: School Discipline," U.S. Department of Education (Mar. 21, 2014). Available at: https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf.

[5] 2015-2016 Civil Rights Data Collection, "School Climate and Safety," U.S. Department of Education (May 2019). Available at: https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf.

[6] Bayliss Fiddiman, Ashley Jeffrey, and Scott Sargrad, "Smart Investments for Safer Schools," Center for American Progress (Dec. 19, 2018). Available at: https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/.

[7] Press Office, "Federal Commission on School Safety Releases Comprehensive Resource Guide for Keeping Students, Teachers Safe at School," U.S. Department of Education (Dec. 18, 2018). Available at: https://www.ed.gov/news/press-releases/federal-commission-school-safety-releases-comprehensive-resource-guide-keeping-students-teachers-safe-school

[8] Amelia Vance, "School Safety Report Neglects Privacy Concerns," The Education Privacy Resource Center (Dec. 20, 2018). Available at: https://ferpasherpa.org/school-safety-report-neglects-privacy-concerns/.

[9] Zach Winn, "Explaining Florida's New School Safety Law," Campus Safety Magazine (Mar. 13, 2018). Available at: https://www.campussafetymagazine.com/safety/explaining-floridas-new-school-safety-law/.

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the types of information to be collected in the database.[10] Some of the potential categories include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; children who have been treated for substance abuse or undergone involuntary psychiatric assessments; children who have been in foster care or homeless; and children who have feelings of anger or persecution. This database represents a significant safety risk because it collects highly sensitive information without a clear, evidence-based rationale for inclusion; could be used to categorize children as threats who have been victims of bullying or whose only "risk" factor is their disability; and will create a de facto state repository designed to track children based on federally protected characteristics.

In another example, St. Paul, Minnesota recently attempted to pass policy regarding a risk/threat assessment system under the guise of supporting students. There, a grassroots group called the Coalition to Stop the Cradle to Prison Algorithm pushed the city to get rid of that policy – arguing that data-sharing agreements have the "potential to amplify racial and ethnic disparities in the education and juvenile justice systems."[11] We agree with the Coalition that "data can never replace people and relationships, which are the most important elements of successful interventions."[12]

Many of these safety strategies and proposals have not been shown to prevent violence or make schools safer. For example, the proposed database in Florida will include students' social media posts, but as the Brennan Center for Justice reports, there is no proof that social media monitoring programs work.[13] Moreover, no evidence demonstrates that creating a massive digital surveillance infrastructure helps to prevent school violence, but studies do suggest that it may cause students to feel less safe at school.[14] Without safeguards and protections, the state risks building a structure to systematically discriminate against students based on protected statuses.

We outline these risks so that all education stakeholders can understand that safety and privacy are not competing goals. In a climate of fear, safety initiatives focus narrowly on acts of violence. Real school safety must involve more resources, counselors, and mentors. Early identification and intervention by qualified professionals is necessary for maintaining school safety. As such, we should be placing more psychologists, therapists, counselors, social workers, and nurses at every

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[10] Benjamin Herold, "Florida Plan for a Huge Database to Stop School Shootings Hits Delays, Legal Questions," Education Week (May 30, 2019). Available at: https://www.edweek.org/ew/articles/2019/05/30/florida-plan-for-a-huge-database-to.html.

[11] Tafari Melisizwe, "Coalition to Stop the Cradle to Prison Algorithm Celebrates Hard-Won Victory with the Dissolution of Problematic Data-Sharing Agreement," Dignity in Schools (Jan. 28, 2019). Available at: https://dignityinschools.org/coalition-to-stop-the-cradle-to-prison-algorithm-celebrates-hard-won-victory-with-the-dissolution-of-problematic-data-sharing-agreement/.

[12] *Id.*

[13] Faiza Patel, Rachel Levinson-Waldman, Jun Lei Lee, and Sophia DenUyl, "School Surveillance Zone," Brennan Center for Justice (Ap. 30, 2019). Available at: https://www.brennancenter.org/analysis/school-surveillance-zone.

[14] Melinda D. Anderson, "When School Feels Like Prison," The Atlantic (Sep. 12, 2016). Available at: https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556/.

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school. These professionals are better equipped to learn about potential acts of violence, identify students with emotional or behavioral issues, and respond in appropriate ways.[15] In all of these efforts, privacy is a key part of safety as well. For these reasons, we urge the committee to listen to communities of color and define safety inclusively in order to ensure that facts, evidence, and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep students truly safe in schools.

Sincerely,

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Deputy Director – Ending the Schoolhouse to Jailhouse Track Project
Advancement Project
twhittenberg@advancementproject.org

[15] Advancement Project, Dignity in Schools, Alliance for Educational Justice, and LDF, "Police in Schools are Not the Answer to School Shootings," (Mar. 2018). Available at: https://advancementproject.org/resources/police-schools-not-answer-school-shootings/.

ALLIANCE FOR
EXCELLENT EDUCATION

July 23, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security &
Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security &
Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

The Alliance for Excellent Education (All4Ed) is pleased your committee will hold a hearing this week titled, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." All4Ed is a Washington, DC-based national nonprofit committed to improving the educational outcomes—and lives—of high school students, especially those underperforming and those historically underserved. As such, we believe it is critical that students and educators feel safe in schools and *are* safe in schools.

In March 2018, All4Ed released a statement on gun violence in schools that supports a multi-tiered approach to addressing school-related gun violence that:

- includes student voices and perspectives;
- ensures schools have requisite personnel, including school counselors, nurses, psychologists, psychiatrists, therapists, and other mental health professionals;
- reforms school discipline to reduce exclusionary practices and foster positive social and emotional learning for students; and
- enacts common-sense gun control measures.

We know that a year later, addressing these issues is still essential. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers and no counselors, 3 million students attend schools with police officers and no school nurses, 6 million are in schools with police officers and no school psychologists, and 10 million are in schools with police officers and no social workers. Without these key educational support personnel, police officers may be asked to help resolve problems for which they are not trained and that require professionals with entirely different knowledge and skills.

Moreover, the U.S. Department of Education Office for Civil Rights (OCR) reports that students with disabilities are more likely to be restrained, referred, or arrested by law enforcement. OCR has also documented bias against students of color regarding referral to law enforcement agents

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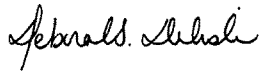
in school. Therefore, reforming school discipline policies is essential for ensuring the safety of historically underserved students.

Lastly, All4Ed is concerned that many student safety policies currently being proposed do not incorporate student privacy protections. For example, the Federal Commission on School Safety report focuses on sharing data and, thus, has privacy implications for students, teachers, and the public. The report, however, unfortunately offers little guidance to educators, districts, or states on how to implement security measures while including appropriate privacy protections. At the state level, Florida passed a law earlier this year that includes the creation of a school safety database that would collect information about children and young people's social media activity and other sensitive topics and store it in a state database to be shared with state employees, schools, and law enforcement. Educators, districts, and states need guidance on how to implement these types of security measures while including appropriate student privacy protections. Safety and privacy are not competing goals and in fact, should and can work in tandem with each other.

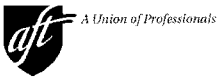
During your committee's hearing this week, I encourage you to keep in mind that school safety is about more than preventing shootings. It also encompasses issues such as student voice, educational support personnel, school discipline practices, positive social and emotional learning, and student privacy. All4Ed urges the committee to define school safety broadly, to ensure that students' best interests inform school safety policies and initiatives. With more than forty years of experience in education, I know first-hand the value and importance of safety and support measures for kids.

Thank you for your leadership. All4Ed looks forward to continuing its work with you on this important issue.

Sincerely,



Deborah Delisle
President and CEO
Alliance for Excellent Education



American Federation
of Teachers, AFL-CIO

AFT Teachers
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July 22, 2019

The Honorable Ron Johnson, Chairman
The Honorable Gary Peters, Ranking Member
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Ranking Member Peters:

On behalf of the 1.7 million members of the American Federation of Teachers, I write to express our thoughts on improving school safety. First and foremost, let me be clear: We are opposed to arming educators, and we are glad that bipartisan bills like the STOP School Violence Act, from the 115th Congress, prohibit the use of funds to purchase firearms and train individuals in the use of a firearm. Furthermore, the AFT supports bans on both assault weapons and high-capacity ammunition magazines, expanding and improving the background check system, encouraging the Centers for Disease Control and Prevention to conduct research on gun-related deaths and rescinding the gun industry's immunity. Hearings are not enough—Congress must pass commonsense gun violence prevention laws. We urge you to heed the cries of the students from Parkland, Fla., and their peers from across the nation and advocate for votes on legislation that would implement the needed meaningful steps outlined above to put an end to gun violence in our schools. The nation is watching and waiting for you to act.

Our collective responsibility is to ensure that our schools are safe and welcoming places of teaching and learning, not armed fortresses. Creating safe schools can't be an empty promise. It will require a balanced approach that addresses both the physical safety and the emotional well-being of students, educators and school employees—an approach that includes comprehensive school safety programs and procedures, welcoming and supportive school environments, mental health supports and commonsense gun safety legislation.

The AFT calls on Congress to provide the resources to fully staff every school in America with qualified mental health professionals who can identify and intervene before students reach a crisis point. Congress must also invest in ongoing schoolwide practices to reduce bullying behavior, community schools, after-school activities and programs like peer counseling, wellness programs and other social supports that are crucial steps toward reducing violence in schools. We must stop attacking problems only after the fact—prevention is a far more effective solution.

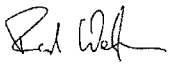
The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

I encourage your committee to hear the concerns of parents, students and educators about over-policing in schools. Profiling outside the school building, and disproportionate expulsions and suspensions within the school building, are serious concerns, and ideas like arming school staff or creating anonymous reporting systems—without due process—are problematic. As with gun violence, much more needs to be done to address these valid concerns. In regards to anonymous reporting systems, as well as subsequent referrals to law enforcement, school districts should identify any disproportionate application of the system toward students of color, students with disabilities or LGBTQ students.

AFT members see the tragic results of gun violence every day. We are haunted by the stories our members have told of the horror that was visited upon Marjory Stoneman Douglas High School, Sandy Hook Elementary School and other schools upended by gun violence. At our national conference last week, I heard from members from Douglas County, Colo. and Newtown, Conn., still torn apart by the trauma they experienced. If the Senate refuses to consider commonsense gun violence reduction measures, then it will fail to put forth the kind of strategies we need to end this growing epidemic.

Thank you for considering our views.

Sincerely,



Randi Weingarten
President

RW : emc opeiu#2 afl-cio

ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES
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Marc J. Tassé, PhD
Member at Large

Sheida Raley, MEd
Trainee Representative

Andrew J. Imparato, JD
Executive Director

Dear Chairman Johnson and Ranking Member Peters,

On behalf of the Association of University Centers on Disabilities, I write to thank you for holding the July 25, 2019, hearing entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We would like to make sure you are aware of our concerns about recent federal and state school safety initiatives and the potential unintended negative consequences for students with disabilities. In a climate of growing public fear about children's safety, we urge careful consideration of evidence-based safety goals, strategies and their potential consequences. Fear should not drive a rushed process resulting in policies that neglect privacy to an extent that seriously undermines student safety and civil rights.

AUCD is a national network of university-based interdisciplinary centers and programs in every state and territory that serve as a bridge between the university and the community, bringing together the resources of both to achieve meaningful change for people with disabilities. It is through this network that we understand the real-world consequences of policy efforts related to school safety on students with disabilities, their families, and the educators and systems that serve them. We share the concerns of students, parents, educators, lawmakers and others who want nothing more than to fulfill students' right to be safe and flourish in school.

It is critical to understand the impact on students of the approach regarding active shooter events recommended by the Department of Homeland Security. The "run, hide, fight" strategy calls for running away when possible, hiding somewhere safe when unable to run, and fighting the shooter if running or hiding are not options. For students with disabilities who may not be able to run, employment of the "hide" aspect of the "run, hide, fight" strategy often calls for waiting in areas such as libraries, bathrooms, and classrooms for response personnel to assist them — even if these areas aren't very accessible or safe.

An additional concern is the move toward the use of door barricades and lockdown plans. These plans are too often designed in ways that do not address the needs of children with mobility or sensory-safe disabilities. As you are aware, Individualized Educational Plans (IEPs) and 504 Plans reflect the federal requirement for special education students to have access to appropriate accommodations. While these plans can be a great way to address a child's specific needs, it is a dangerous disservice to everyone on a school campus to relegate inclusive solutions to active shooter events to these plans, as these solutions impact far more than one student. It is not feasible that a school administration could efficiently respond to the individual IEPs of each student and keep all students safe in the event of a real emergency. The safety of

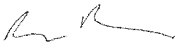
students with disabilities must be included in the broader response plan in place for all students. Relying on individual plans also represents a missed opportunity for universal design and inclusion, which could benefit the campus as a whole.

Additionally, AUCD is deeply concerned about the impact of increased reliance on law enforcement in school settings at the expense of funding support for crucial mental and physical health, counseling and social work services. Research around social adjustment, education outcomes and student safety all indicate that investment in these types of supports for students are more cost-effective both for schools and for society at large than expenditures on increased law enforcement presence in the school. The U.S. Department of Education Office for Civil Rights reports that students with disabilities are more likely to be restrained, referred or arrested by law enforcement, and has documented bias against students of color regarding referral to law enforcement agents in school. It is important to note the presence of armed school resource officers or guards has not prevented some of the most high-profile mass school shootings, such as those at Columbine High School and at Marjory Stoneman Douglas High School.

We are also concerned that school safety initiatives calling for unfettered access to student records for law enforcement may represent a significant safety risk to students with disabilities. The Federal Commission on School Safety report has a strong focus on sharing data and, thus, has privacy implications for students, teachers and the public. Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance — except on acceptable data sharing during emergencies under the federal student privacy law, FERPA — to educators, districts or states on how to implement security measures while including appropriate privacy protections.

We urge the committee to define safety inclusively, and to ensure that facts, evidence and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep all students truly safe in schools.

Sincerely,



Rylin Rodgers, Director of Public Policy
Association of University Centers on Disabilities

AUTISM SOCIETY
Improving the Lives of All Affected by Autism
Florida

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Kelly Busch, Vice President
Robert DeMaria, Treasurer
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William Lawless

July 22, 2019

Honorable Ron Johnson, Chairman
The Honorable Gary Peters, Ranking Member
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Senator Peters,

My name is Stacey Hoaglund. I am the president of the Autism Society of Florida (ASF) and I write to you today on behalf of the ASF. In addition to my involvement in the ASF, I am an educational advocate for Family Network on Disabilities of Broward County. As an advocate in Broward for more than 20 years, I have often attended meetings at Marjorie Stoneman Douglas High School and am more aware of the tragedy at MSD than I'd care to be.

Due to my years in speaking up for children in Broward, the superintendent and school board of Broward, and the Florida DOE know me quite well. I have long shared with them my concerns related to the lack of proactively addressing the needs of students who have social and emotional challenges. Preventing a tragedy like what happened on Feb 14, 2018 required much more than fences, security officers and background checks that go against our civil liberties – we must provide children with what they need to succeed.

I would like to thank you for holding the July 25, 2019 hearing, entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We would like to make sure you are aware of our concerns about recent federal and state school safety initiatives that we believe do not adequately protect students. We believe that these initiatives include legislation resulting more from growing public fear about children's safety than from careful consideration of evidence-based safety goals, strategies, and their potential consequences. This fear has, in some cases, not only caused a rush in the process causing neglect of privacy rights, but also discrimination against students with autism on all levels of the spectrum.

As an organization, ASF shares the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. A crucial part of that shared goal is understanding key facts about school safety in the U.S. Two points are especially salient: data about

P.O. Box 677055, Orlando, FL 32867 • (407) 208-3388 • info@www.autismfl.com

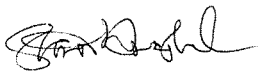
school violence and schools' resources. In the wake of tragic mass shootings, families and communities across the U.S. are understandably worried about students' safety.

Our students must have the support and interventions by trained professionals in the field of social and emotional behavior. In Florida, partially as a result of Florida Senate Bill 7026 (school safety), Florida has seen a significant increase in baker acts of students with autism. The post-traumatic stress caused by such an event to a student who has limited understanding of what is happening around him and to him, is beyond measure. In March 2019, Education Week reported that 1.7 million students attend schools with police officers, but no counselors. Especially since SB 7026, police officers are being asked to do jobs that they were not trained, nor should they be responsible, to do.

We have serious concerns for the lack of student privacy in the Federal Commission on School Safety report which focuses on sharing data and, thus, has privacy implications. Our students with autism must be protected. Florida SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act, calls for numerous initiatives that threaten students' privacy, including the creation of a school safety database. This database represents a significant safety risk because it collects highly sensitive information that could be used to categorize children as threats who have been victims of bullying or whose only "risk" factor is their disability, and will create a de facto state repository designed to track children based on predetermined negative characteristics. Reality is that kids with autism are 7 times more likely to commit suicide as typical teens; more than twice as likely to be physically, mentally or sexually abused; nearly two-thirds of those age 6-15 have been bullied; and our kids consume much of the 55% increase in baker acts from 2010 to 2017 of children in Florida. We need appropriate interventions; not simply fences, background checks, and databases.

We understand the level of fear in our communities today. I see it every day as I advocate in schools. In a climate of fear, we must not forget to protect the innocent, and in that, privacy must be a key factor. For this reason, we urge the committee to define safety, and ensure that facts, evidence, and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep students truly safe in schools.

Sincerely,



Stacey Hoaglund
President

(407) 207-3388 or (954) 252-8764 | stacey@autismfl.com
Autism Society of Florida
http://www.autismfl.com/

Arizona Department of Education
Office of Superintendent Kathy Hoffman

July 24, 2019

The Honorable Kyrsten Sinema
317 Hart Office Building
Washington, D.C. 20510

Re: U.S. Senate Committee on Homeland Security & Government Affairs Hearing Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence

Dear Senator Sinema,

I am writing to you regarding the Senate Homeland Security Committee hearing on school safety that is scheduled for Thursday, July 25. In recent years, unthinkable acts of violence on school grounds have shaken our confidence in the safety of these institutions. No parent should have to fear for their children's safety in a classroom and no young person should feel unsafe at school. I am grateful to the Committee for pushing this conversation forward because it is clear that we must pursue evidence-based solutions to strengthen the security of our schools.

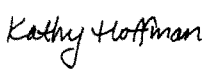
A truly effective approach to school safety should be research-driven and multi-disciplinary. It must draw on the knowledge of experts in the mental health, law enforcement, education, and other relevant fields. In May of this year, I announced my intention to create a statewide School Safety Task Force to develop model school safety plans that can be adopted across our state. S. 265, the bipartisan proposal which you have co-sponsored to develop national guidelines for behavior-based threat assessment, is another excellent step in the right direction. These are the kinds of solutions that should be prioritized over troubling suggestions to arm teachers and other school staff. Research consistently bears out that arming teachers only increases the risk of injury to students while doing nothing to stop school violence.

The bottom-line is that we must work toward solutions that help schools identify and target behavioral red flags before tragedy strikes. Threat assessment programs, when paired with emergency response preparedness and comprehensive gun safety laws, can work to prevent school shootings before they happen. And an effective threat assessment program should ensure that students have adequate access to mental health professionals like counselors, psychologists, nurses, and social workers. School counselors are a great first step in providing students quality guidance and support as they become leaders in our schools and communities.

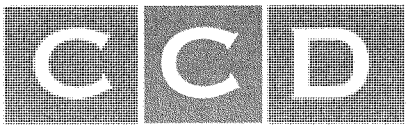
Thank you again for advancing this conversation. I am eager to continue working together to improve the safety of our schools.

Kathy Hoffman, Superintendent of Public Instruction
1535 West Jefferson Street, Phoenix, Arizona 85007 • (602) 542-5460 • www.azed.gov

Sincerely,



Kathy Hoffman, MS, CCC-SLP
Arizona Superintendent of Public Instruction



CONSORTIUM FOR CITIZENS WITH DISABILITIES

July 23, 2019

Hon. Ron Johnson
Chair, Senate Committee on
Homeland Security and Governmental Affairs
328 Hart Senate Office Bldg.
Washington, DC 20510

Hon. Gary Peters
Ranking Member, Senate Committee on
Homeland Security and Governmental Affairs
724 Hart Senate Office Bldg.
Washington, DC 20510

Re: July 25, 2019 Hearing on Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence

Dear Chairman Johnson and Ranking Member Peters:

We write as co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights Task Force concerning the above-referenced hearing on school safety. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, integration, and inclusion of children and adults with disabilities in all aspects of society.

We have serious concerns about the prospect of addressing school safety through measures that target students based on their disabilities rather than focusing on actual threats to safety. Such measures have included, for example, Florida's building of a registry focused on school safety that would include students who have received mental health treatment or who have been in foster care, and the recommendation of the Florida School Safety Commission to have threat assessment teams evaluate any child with an Individualized Education Plan (IEP) addressing significant behavior issues.

These types of measures inappropriately focus on disability rather than on safety threats, and serve only to stigmatize students with disabilities and deter them from seeking the services they need. We urge you to ensure that any recommendations you make concerning school safety comport with the principles embraced by 40 disability, civil rights, education, and privacy rights organizations, including that:

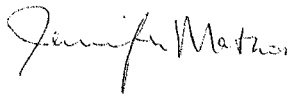
- School safety measures should focus on prevention, through the creation of a safe, supportive, and inclusive school climate for all students.

- Schools must not discriminate, and school safety measures should not reinforce biases against, or rely on profiling of, students based on race, color, national origin, sex, religion, disability, sexual orientation, gender identity, or other similar characteristics.

- The fact that a student has a disability diagnosis, a history of receiving services for a disability, or an individualized education program (IEP) or 504 plan that addresses disability-related behaviors does not mean the student is a potential threat to their school community.

We look forward to working with you on these important issues.

Sincerely,



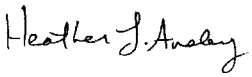
Jennifer Mathis

Bazelon Center for Mental Health Law

Mark Richert

National Disability Institute

Samantha Crane
Autistic Self-Advocacy Network



Heather Ansley
Paralyzed Veterans of America

Kelly Buckland
National Council on Independent Living

Co-Chairs

CCD Rights Task Force

July 23, 2019

U.S. Senate Committee on Homeland Security and Governmental Affairs

Dear Chairman Ron Johnson and Ranking Member Gary C. Peters,

On behalf of the Center for American Progress (CAP), we write regarding the July 25, 2019 hearing, entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We are concerned about recent federal and state school safety initiatives that are focused exclusively on physical security, and particularly on hardening schools. Several employed initiatives like increased use of surveillance systems, metal detectors, and school hardening are inconclusive as to whether they adequately protect students. There is evidence, however, that these same measures cause harm to students, disproportionately affecting students from families with low incomes, non-white students, and students with disabilities. For this reason, we encourage the Committee to avoid focusing exclusively on stringent security measures and instead to emphasize evidence-based initiatives to create a safe and supportive environment for all students.

As an organization committed to providing every student, especially those from historically marginalized communities, with an excellent education, we believe it is imperative that the Committee discourage any policies with dangerous, and potentially fatal, consequences for students. Although the desire to emphasize physical security in schools is understandable, hardening schools is not the best strategy to keeping students safe. Some physical security measures, like ID badges or open floor plans, make sense. However, there is no evidence that other measures like increasing metal detectors, surveillance cameras, and school resource officers are effective in preventing school violence.[1]

Increased metal detectors create a less welcoming environment for students, particularly students of color and it is unclear whether cameras help deter violence as students can move misbehavior to places on school grounds that lack surveillance.[2] In fact, police presence in schools negatively and disproportionately affects Black, Native American, and Latinx students, students with disabilities, students who identify as LGBTQ, and students from families with low incomes.[3] Researchers have found that students feel less safe with more officers because of increased student arrests for minor infractions. In the 2011-12 school year, Black students represented 16 percent of the total student enrollment in U.S. public K-12 schools, but 27 percent of students referred to law enforcement and 31 percent of students involved in a school-related arrest.[4] Students with disabilities served by IDEA, meanwhile, represented about 12 percent of total student enrollment in U.S. public K-12 schools but accounted for around 25 percent of those arrested and referred to law enforcement and 75 percent of those physically restrained at school.[5] Not only does police presence harm these students, it is also not

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[1] Lynn A. Addington and others, "Adding Security, but Subtracting Safety? Exploring Schools' Use of Multiple Visible Security Measures," American Journal of Criminal Justice 43 (1) (2018): 102–119

[2] Jason P. Nance, "Student Surveillance, Racial Inequalities, and Implicit Racial Bias," Emory Law Journal 765 (66) (2017), available at https://ssrn.com/abstract=2830885; Lynn A. Addington and others, "Adding Security, but Subtracting Safety? Exploring Schools' Use of Multiple Visible Security Measures," American Journal of Criminal Justice 43 (1) (2018): 102–119; National Association of School Psychologists, "School Security Measures and Their Impact on Students" (2018), available at https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf.

[3] https://www.lambdalegal.org/protected-and-served/schools#2b; http://advancementproject.org/wp-content/uploads/WCTLweb/index.html#page=1

[4] Mark Keierleber, "Why So Few School Cops Are Trained to Work With Kids," The Atlantic, November 5, 2015, available at https://www.theatlantic.com/education/archive/2015/11/why-do-most-school-cops-have-no-student-training-requirements/414286/.

[5] Mark Keierleber, "Why So Few School Cops Are Trained to Work With Kids," The Atlantic, November 5, 2015, available at https://www.theatlantic.com/education/archive/2015/11/why-do-most-school-cops-have-no-student-training-requirements/414286/.

guaranteed to prevent school violence. Three of the deadliest school shootings at Marjory Stoneman Douglas High School in Florida, Santa Fe High School in Texas, and Columbine High School in Colorado had armed, trained security officers on school grounds who did not prevent the shootings.

And yet, some states still support arming teachers who would receive significantly less training than the professional officers who were ineffective. Arming teachers is an ill-informed proposal that most teachers, school safety experts, and law enforcement oppose.[6] The National Education Association, the nation's largest teachers' union, conducted a survey and found that 69 percent of NEA members say that arming school personnel would be ineffective at preventing gun violence in schools.[7] The proposal to arm teachers and school personnel also ignores research that the presence of a gun increases risks posed to children as access to a firearm, irrespective of age, triples the risk of death by suicide and doubles the risk of death by homicide.[8]

In a climate of fear, many safety initiatives have conflated school climate and school safety. They have also narrowly focused on rare acts of violence, but these initiatives need to be multifaceted to improve student safety. We urge the Committee and Congress to focus on key strategies to prevent mass shootings and increase school safety including broader gun violence prevention measures and evidence-based initiatives to improve school climate. Preventing gun violence in schools does not depend on hardening schools or arming teachers but instead on addressing unfettered gun violence in the U.S.[9] CAP has advocated for banning assault weapons and high-capacity ammunition magazines, enacting universal background checks for gun sales, and investing in community-based violence reduction programs and public health research into gun violence.[10] Additionally, and separately from issues of school safety, we believe it is important to improve school climate through evidence-based initiatives like positive-behavior support, increased teacher training, peer mediation interventions, and social and emotional learning to help students address their mental health needs and feel connected to their school community.[11]

These data-informed efforts will address gaps in our gun laws that leave communities vulnerable to gun violence and will also create safe and supportive environments for all students. Thank you for your attention to this very important issue.

Sincerely,

Center for American Progress K-12 Education Team

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[6] https://everytownresearch.org/arming-teachers-dangerous-proposal/

[7] http://www.nea.org/home/72972.htm

[8] https://everytownresearch.org/arming-teachers-dangerous-proposal/; Andrew Anglemyer, Tara Horvath, and George Rutherford, "The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis" *Ann Intern Med* 160 (2) (2014): 101–110, available at https://annals.org/aim/fullarticle/1814426/accessibility-firearms-risk-suicide-homicide-victimization-among-household-members-systematic

[9] https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/

[10] https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/

[11] https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/

July 23, 2019

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence

Dear Ranking Member Peters,

In anticipation of the upcoming full committee hearing, the Children's Defense Fund-New York (CDF-NY) respectfully submits this letter to encourage a framing of school safety that centers healing and a restorative approach to preventing violence and promoting healthy, whole school communities. The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. In New York, CDF-NY's unique approach to improving conditions for children combines research, public education, policy development, community organizing, and advocacy, making us an innovative leader for New York's children.

In our work at CDF-NY we recognize that school policing strategies, criminalizing infrastructure, and surveillance practices for the purpose of punishment and exclusion all reinforce racial and socioeconomic disparities in arrests, suspensions, and educational opportunity – in addition to swallowing up limited public resources.[i] In our experience in New York City, school hardening in all its forms brings an influx of police officers to schools and drains hundreds of millions of public dollars at the same time that we're told that interventions like restorative justice are too costly. Criminalization impedes learning,[ii] and students in New York report feeling criminalized, dehumanized, harassed, and stereotyped when walking past police and through metal detectors just to enter their schools to access an education.[iii] Decision makers must champion the shifting of resources from practices that push out and dehumanize students to practices that can address the underlying causes of conflict and violence.

Importantly, there continues to be a lack of clear evidence of the effectiveness of criminalizing infrastructure in preventing school violence despite their mounting financial and social cost.[iv] In one nationally representative study, students who were exposed to policies such as metal detectors were likely to report feeling less safe in their schools.[v] In a randomized national survey, results found increased use of physical and personnel-based security measures were associated with increases in students' perceptions of school disorder – particularly that students do not recognize the legitimacy of school rules and feel less engaged academically.[vi] Our experiences mirror these findings; CDF-NY and the students with whom we work understand that aggressive and intrusive school security measures fundamentally hinder students' feelings of belongingness at school. Costs of sustaining and adapting these criminalizing practices continue to mount, unchecked, and with little public accountability for their discriminatory impact.

We consistently urge New York to instead invest in approaches to school safety that preserve the dignity and wellbeing of all students – practices like restorative justice and peacekeeping programming, and sustaining school-based support staff, such as guidance counselors, social workers, and school psychologists. We strongly encourage attention to holistic, preventative, and sustainable approaches to safety, and to resist punitive, resource-draining approaches that perpetuate educational inequity and the school-to-prison pipeline.

Thank you for your consideration and for your attention to these critical issues,

Charlotte Pope
Education Justice Policy Manager
(212) 697-1971 | cpope@childrensdefense.org

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[i] Hirschfield, P. (2010). School Surveillance in America: Disparate and Unequal, in *Schools Under Surveillance* (Torin Monahan & Rodolfo D. Torres eds).
[ii] Perry, B. L., & Morris, E. W. (2014). Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools. *American Sociological Review*, *79*(6), 1067–1087. https://doi.org/10.1177/0003122414556308
[iii] New York Civil Liberties Union. (2018, January 25). What if New York City Swarmed Schools with Guidance Counselors? https://www.youtube.com/watch?v=smFcBFdlt8w
[iv] Hankin A, Hertz M, Simon T. Impacts of metal detector use in schools: insights from 15 years of research. J Sch Health. 2011; 81: 100-106.
[v] Gastic B. At what price? Safe school policies and their unintentional consequences for at-risk students. Unpublished manuscript, presented at the Annual Meeting of the American Educational Research Association. April 2006.
[vi] Mayer MJ, Leone PE. A structural analysis of school violence and disruption: implications for creating safer schools. *Educ Treat Children*. 1999;22(3):333-356.

July 23, 2019

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Ranking Member Peters,

This letter is sent on behalf of the Communities for Just Schools Fund (CJSF). Our 57 partner organizations' efforts to improve school discipline and climate span 31 states and have positively impacted millions of students, parents and educators. We are writing in response to the ***Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence*** hearing you are sponsoring on Thursday, July 25, 2019.

Our Partners' Interest and Expertise

The Communities for Just Schools Fund's partners organize young people, parents and caregivers, educators, and other community members to advocate on behalf of students who are disproportionately impacted by the overuse of exclusionary school discipline practices, including suspensions, expulsions, and arrests in schools. Their advocacy has shed light upon the fact that, in many places, there are far too many students who find themselves being policed and targeted for exclusion from their schools because of flawed school policies and practices *and* biased perceptions of them and their communities. Their advocacy has been crucial in illuminating the need for and value of meaningful engagement with young people and their families, the lack of which exacerbates negative perceptions of young people and their communities.

In most instances, our partners' efforts are local in focus *and* have national impact and reach. They organize community members to stand up for positive, healthy, and supportive school climates. They work to demonstrate how such schools produce better academic and social outcomes than do schools with a heavy police and/or security presence, zero tolerance school discipline policies, and over-reliance on exclusionary discipline methods. Our partner organizations offer what is otherwise all too often limited space for students of color, those with special education needs, immigrant students and LGBTQ students, and their family members, to advocate for themselves and their school communities. Using their own lived experiences and the effort they invest in research, data collection, and political education, they are proactively working to shed light upon ways in which they have been harmed by hyper-punitive educational policies and practices. They are also actively identifying, proposing, and even helping to implement evidence-based alternatives.

Our partners invest in their communities by providing political and civic education, by researching policies and practices, by providing technical assistance to school districts, and by engaging in dialogue with elected and appointed officials. They organize not only around eliminating the use of exclusionary discipline but also around implementing innovative and proven, positive alternatives that are slowly shifting the needle towards "fair" and "equitable" responses to student behavior in schools and districts that have made meaningful investments of time and money in these approaches.

Our Perspective on School Safety

While emergency planning and infrastructure are important components of school design, calls to arm teachers, increase police presence in schools, and invest in further improving physical security infrastructure too often come at the expense of more holistic considerations of student well-being. Investments proven to criminalize children threaten to derail efforts towards the kinds of schools all young people need and deserve.

On December 5, 2018, CJSF and our partners released "***Do the Harder Work--Create Cultures of Connectedness in Schools***," a report responding to the proceedings of the Federal Commission on School Safety and calls to "harden" schools by offering ten concrete recommendations. For years, youth and parent organizers have advocated for eliminating exclusionary discipline and moving to positive school climate efforts that include an embedded sense of safety and wellness for all students and an explicit emphasis on racial equity. Many of them testified to this work before the Federal Commission on School Safety, pushing back on calls to "harden" schools and sharing what they know from personal experience makes youth of color and LGBTQ+ students physically and emotionally safe in schools. **In our report, CJSF's community partners--youth, family, and community organizers from around the United States--provide a roadmap for the harder work of fostering "cultures of connectedness" in schools by investing in restorative justice, culturally relevant curricula and practices, diverse teaching and support staff, anti-bias training, mental and emotional health supports and more.**

Congress has the opportunity to elevate what the Commission failed to do: lean into a vision of public education that is not limited by a narrow and deeply flawed understanding of safety. When school is a welcoming, nurturing and safe place for students, where they have a deep sense of belonging, and where they are challenged to grow, our communities are stronger, and our future is limitless.

Our perspective is shaped not only by the everyday life experiences of our partners and their deeply relational and sophisticated organizing efforts but also by research examining the impact of law enforcement on students' outcomes – including research that indicates "exposure to a three-year federal grant for school police (Community Oriented Policing Services grants) is associated with a 2.5 percent decrease in high school graduation rates and a four percent decrease in college enrollment rates" and "exposure to police surges significant reduced test scores for African American boys." [1] Our perspective is also buoyed by the work of researchers like Dr. Shawn Ginwright whose "healing centered engagement" framework addresses the fact that "trauma-informed care requires that we treat trauma in people but provides very little insight into how we might address the root causes of trauma in neighborhoods, families, and schools." [2]

We commend our report and the other resources linked here to you and your fellow committee members as important components of considering how to ensure schools are emotionally and physically safe spaces

for all students. If you have any questions or are interested in dialogue with CJSF and our partners, please contact Jaime Koppel at jkoppel@cjsfund.org.

Sincerely,

Communities for Just Schools Fund
http://www.cjsfund.org

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[1] Barnum, M. (2019). New studies point to a big downside for schools bringing in more police. *Chalkbeat*. Retrieved from https://www.chalkbeat.org/posts/us/2019/02/14/police-schools-research-parkland/
[2] Ginwright, S. (2018). The future of healing: Shifting from trauma-informed care to healing-centered engagement. *Medium*. Retrieved from https://medium.com/@ginwright/the-future-of-healing-shifting-from-trauma-informed-care-to-healing-centered-engagement-634f557ce69c

common sense kids action

July 23, 2019

U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson, Ranking Member Peters, and Members of the Senate Homeland, Security & Governmental Affairs Committee:

Thank you for holding the July 25, 2019 hearing, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." All students deserve access to an education that is safe, addresses their individual and learning needs, and affords them equal opportunities. We applaud your efforts to advance school safety and ask that as proposals are considered, the principles of equity, transparency, and privacy are carefully considered and addressed.

Common Sense is an independent nonprofit organization dedicated to helping kids thrive in a rapidly changing digital world. Privacy has been a major focus for Common Sense for the past decade, tracking mobile technology's meteoric rise among young people. Last year, Common Sense co-sponsored the California Consumer Privacy Act, which granted increased privacy protections to children. We have also worked in states around the country to expand student privacy protections (such as the landmark 2014 Student Online Privacy Information Protection Act) and provide educators with information necessary to assess privacy implications when using educational technology. As more and more of children's lives take place online, it is critical to carefully consider any measures that would open students up to additional surveillance.

Many recent "school safety" initiatives have called for increased surveillance in response to a growing--and, unfortunately justified--public fear about children's safety. However, it is important for policymakers to understand that safety and privacy are not competing goals; rather, they are complementary—and integral to keeping students safe. Students deserve schools where decisions about threats are made by school administrators, counselors, and educators—human beings who can account for students' particular needs—not by an algorithm. It is essential that privacy and equity guardrails be built into school safety initiatives.

First and foremost, students deserve safety measures that are evidence-based. If these measures include physical or digital monitoring, it must be developed transparently, in consultation with experts and community stakeholders, and must focus on real threats of harm. And when students are identified as a threat,[1] they and their families deserve access to the information used to make that decision and must have an opportunity to dispute the decision.

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[1] Bethany Barnes, Targeted: A Family and the Quest to Stop the Next School Shooter, The Oregonian/OregonLive, June 24, 2018, https://expo.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html.

We ask that this hearing closely examine any privacy and equity implications of recent school safety proposals and laws in states calling for increased surveillance or data sharing in an attempt to reduce school violence. In particular, we are concerned that some of these proposals may discriminate against or target students based on their disability or perceived differences. We invite the committee to seek answers about how any school safety initiatives, particularly those that amass large amounts of sensitive data on students, will incorporate privacy and equity guardrails.

We also urge the committee to ensure that there are appropriate levels of accountability and transparency from schools, districts, states, and vendors. Parents often do not realize the sort of information collection they submit to when they send their children to school to learn, and any safety efforts should be coupled with local education efforts, discussion, and dialogue, so parents and students can help guide the conversation and ensure not only students' safety, but also their privacy and civil rights.. There should be clear directions on how parents and eligible students can access and correct records. And there should be clear guidelines about how long any database keeps information and appropriate retention and deletion schedules.

We are concerned that many recent state school safety proposals may not include these necessary guidelines and guardrails and may have unintended consequences that harm students and families. For example:

- In 2018, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act. This law created a school safety "centralized integrated data repository and data analytics resource" that would collect, compile and analyze sensitive information about children and young people, to be shared with school threat assessment teams, state employees, and law enforcement to identify threats. As *Education Week* recently detailed, some of the potential categories for data collection include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; student social media activity; and children who have been homeless or in foster care.[2] As our organization wrote in a letter to Florida Governor DeSantis,[3] we believe that the collection and storage of this information will deter student families from seeking necessary services because they fear being flagged as a threat. Likewise, students who are bullied because they are LGBT, have a disability, or have a minority religious affiliation may choose not to report the abuse to their schools for the same reason. This could create a perverse incentive leading students to avoid reporting serious or life-threatening behavior because they don't want to be labeled as a potential school shooter.
- Virginia House Bill 1734, just signed into law by the governor this month, requires the development of a case management tool to centralize the data collected by threat

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[2] Benjamin Herold, *Florida Plan for a Huge Database to Stop School Shootings Hits Delays, Legal Questions*, Education Week, May 30, 2019, https://www.edweek.org/ew/articles/2019/05/30/florida-plan-for-a-huge-database-to.html.
[3] *33 Organizations Send Letter to Florida Governor DeSantis*, July 9, 2019, https://ferpasherpa.org/letterdesantis.

assessment teams in Virginia schools, and does not provide information about who can access that data and how long information will be kept.[4]

- New York, Bill No. A04484 would require that schools, in consultation with law enforcement, install "security cameras supported by artificial intelligence" as appropriate, without clarifying what is meant by AI or providing privacy protections for collected data.[5]

If schools use surveillance tools in classrooms and hallways, students deserve clear policies on which data is collected, who has access to it, how it will be used, and when it will be destroyed. Studies show that school surveillance can disproportionately target students with disabilities[6] and students of color.[7] Moreover, there is no evidence to suggest that creating a massive digital surveillance infrastructure helps to prevent school violence. But studies do suggest that such an apparatus may cause students to feel less safe at school—the opposite of its intention.[8] And without privacy safeguards and protections, policymakers may risk building a structure to systematically discriminate against students based on protected statuses.

Students deserve assurance that the data will not be misused and that data collection and storage will comply with relevant privacy laws. Students deserve schools that are held accountable, with clear consequences for those who put student privacy at risk by violating data-sharing protocols. And students, parents, and educators all deserve transparency.

We thank you for considering all of the ways in which we can keep students safe and, at the same time, help them thrive. We hope that policymakers can find balance and understanding that safety and privacy are not competing goals; rather, they are complementary—and integral to keeping students safe.

Sincerely,

Elizabeth Galicia
Vice President
Common Sense Kids Action

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[4] Virginia House Bill 1734, 2019, http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1734.
[5] New York State Assembly Bill A04484, 2019, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A04484&term=2019&Summary=Y&Actions=Y&Text=Y.
[6] Azza Altiraifi and Valerie Novack, Efforts to Address Gun Violence Should Not Include Increased Surveillance, Center for American Progress, February 20, 2019, https://www.americanprogress.org/issues/disability/news/2019/02/20/466468/efforts-address-gun-violence-not-include-increased-surveillance.
[7] Melinda D. Anderson, *When School Feels Like Prison*, September 12, 2016, https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556.
[8] National Association of School Psychologists, *School Security Measures and Their Impact on Students*, 2018,https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf; Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 Emory Law Journal 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.

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July 23, 2019

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Letter for the Record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

Dear Ranking Member Peters,

Community Organizing and Family Issues (COFI) and Parents Organized to Win, Educate and Renew - Policy Action Council Illinois (POWER-PAC - IL) would like to submit this letter for the record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence."

POWER-PAC Illinois is a statewide coalition of primarily African-American and Latino mothers and grandmothers working on a wide range of racial equity issues affecting our families. We are supported by COFI (Community Organizing and Family Issues), an organization devoted to strengthening the voice and power of parents – particularly mothers and grandmothers. Since 2003, POWER-PAC IL has worked to address issues of concern to our families, important among them the dismantling of the school to prison pipeline. Our Elementary Justice Campaign won a major re-write to the Chicago Public Schools 'school code of conduct' to focus on promoting restorative justice, limiting zero tolerance, and curbing punitive school discipline policies. We maintain present in our schools through the implementation of our own Parent-Led Peace Center Model. On a national level, we are co-chairs of the Dignity in Schools Coalition, a partnership of over 100 grassroots and education advocacy organizations in 28 states, working to end school pushout, exclusionary discipline practices and advocating for educational environments that keep students in school and learning.

Strengthening Family Voices ▪ Transforming Communities

Research and experience show that increasing school safety hinges on creating a positive school climate where students feel welcome and safe[1]. Efforts to harden schools both undermine efforts to improve school climate and pose a particular problem for students of color, increasing the risk that they will enter the school-to-prison pipeline.

For example, there have been no conclusive studies to show that arming teachers or other school staff, which is now allowable in Florida, [2]makes schools safer. [3] Instead, having greater access to guns increases the likelihood of injury and death. [4] Even with firearm training, in the event of imminent harm or violence, many people tend to forget their technical training and may cause unintended injuries or death. [5]

The risk of harm is even greater for students of color. The judgment of school staff is affected by implicit, [6] and sometimes explicit, [7] bias. This is one aspect of the school-to- prison pipeline, where students of color are unfairly denied an opportunity to succeed, and instead are pushed out of school and into the juvenile or criminal justice system. In the same way that implicit bias negatively affects how teachers disproportionately discipline African-American students for minor violations, the lives of students of color would be vulnerable to the influence these biases would have on the snap judgments armed staff would make in times of crisis. More specifically, research has shown that African- American children are routinely seen and treated as older than they are [8] and are disproportionately perceived as scary or threatening, such as in cases dealing with police, which often lead to death as a result of mistaken identity or a biased perception. [9]

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[1] Steinberg, Matthew, Elaine Allensworth, and David Johnson. *Student and Teacher Safety in Chicago Public Schools*. Consortium on Chicago School Research, 2011, available at https://consortium.uchicago.edu/publications/student-and-teacher-safety-chicago-public-schools-today-community-context-and-school

[2] Lauren Wamsley, *Florida Approves Bill Allowing Classroom Teachers to Be Armed*, NPR, May 2, 2019, available at https://www.npr.org/2019/05/02/719585295/florida-approves-bill-allowing-classroom-teachers-to-be-armed.

[3] Michal Hansen, *There are Ways to Make Schools Safer and Teachers Stronger- but They Don't Involve Guns*, The Brookings Institution, Feb 27, 2018, available at https://www.brookings.edu/blog/brown-center-chalkboard/2018/02/27/there-are-ways-to-make-schools-safer-and-teachers-stronger-but-they-dont-involve-guns/.

[4] Michael Siegel, et al., *The Relationship Between Gun Ownership and Firearm Homicide Rates in the United States, 1981–2010*, 103 AM. J. OF PUBLIC HEALTH 2098 (Oct. 9, 2013); Matthew Miller, et al., *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOCIAL SCIENCE & MEDICINE, Feb. 2007, available at https://www.sciencedirect.com/science/article/pii/S0277953606001898?via%3Dihub.

[5] Cindy Long & Tim Walker, *Arming Teachers is Not the Answer*, National Educational Association Today, March 5, 2018, available at http://neatoday.org/2018/03/05/arming-teachers/.

[6] *See* Ajmel Quereshi et al., *Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline*, NAACP Legal Defense & Educational Fund, Inc., 2017, available at http://www.naacpldf.org/files/about-us/Bias_Report%2017_10_11_FINAL.pdf;

[7] *See, e.g.*, Matt Stevens, *Florida Teacher Says Her Racist Podcast Was 'Satire'*, N.Y. Times, Mar. 7, 2018, available at https://www.nytimes.com/2018/04/07/us/florida-teacher-racism.html; WFLA Web Staff, *Florida teacher used n-word, told students dating black people was 'not worth it,' district says*, WFLA, Mar. 10, 2018, available at http://wfla.com/2018/03/10/florida-teacher-used-n-word-told-students-dating-black-people-was-not-worth-it-district-says/; The Grio, *Florida teacher put on probation for telling racist jokes in classroom*, The Grio, Oct. 27, 2016, available at https://thegrio.com/2016/10/27/florida-teacher-racist-jokes/.

[8] Philip Bump, *Study: Cops Tend to See Black Kids as Less Innocent Than White Kids*, The Atlantic, March 10, 2014, available at https://www.theatlantic.com/national/archive/2014/03/cops-tend-to-see-black-kids-as-less-innocent-than-white-kids/383217/.

[9] Sherilyn Ifill, *Black Children Will be the Victims of Armed Teachers*, TIME, March 5, 2018, available at http://time.com/5186010/sherrilyn-ifill-black-children-classroom/.

These consequences are not limited to arming school staff. Increasing the presence of law enforcement in schools, adding metal detectors, using facial recognition technology, and other efforts to "harden" schools have not been found to increase school safety, but will unfairly negatively impact students of color.

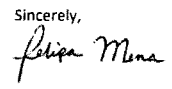
It's been our experience that children act out when their needs are not being met. A good example is the case of a young lady who was referred to our Parent Peace Center after acting out in class. After a restorative chat, peace-keepers found out that she was lashing out after being picked on by her peers for wearing the same dirty uniform all week. It turns out this young lady and her family were experiencing homelessness. They gave her a clean set of clothes to wear and referred her family for additional services. She was able to go back to class confident and ready to focus on class.

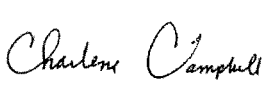
Given the track record of Chicago Police Department in Chicago Public schools, this situation might have had a very different ending had this young lady been referred to a School Resource officer instead of her school's Peace Center. Officers continue to demonstrate that they are not equipped or positioned to help children who are experiencing trauma and need support, not harsh discipline. Just this past school year, a Chicago Police Officer tased, punched and threw a young lady down the stairs at Marshall High School.[10] Our children need compassion and support, not more violence from adults whom are supposed to protect them.

For these reasons, COFI and POWER-PAC IL encourages the Committee to work to prohibit the use of federal resources on efforts to "harden" schools that make students less safe. The Committee should also work to provide more resources to schools and districts to both protect students' rights and promote positive school climates, including school counselors, social workers, and access to evidence-based and promising programs like Restorative Practices, Positive Behavior Interventions & Supports [11] and trauma-informed care.[12] These measures get to the root of problems students are facing and proactively create safer environments for everyone in the school community.

Thank you for considering this letter. If you have any questions or concerns, please do not hesitate to contact Janet Vargas at Jvargas@cofionline.org.

Sincerely,





Felipa Mena
Elementary Justice Co-Chair
POWER-PAC IL

Charlene Campbell
Elementary Justice Co-Chair
POWER-PAC IL

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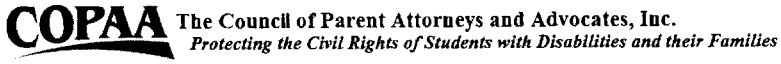
[10] https://www.nbcchicago.com/news/local/marshall-high-school-student-tased-lawsuit-506192151.html

[11] *See* Jenni Owen, et al., *Instead of Suspension: Alternative Strategies for Effective School Discipline*, Duke Center for Child and Family and Policy, 2015, available at https://law.duke.edu/childlaw/schooldiscipline/downloads/instead_of_suspension.pdf.

[12] *See* Katy O'Grady, *Transforming Schools with Trauma-Informed Care*, ASCA SCHOOL COUNSELOR, Jan. 2017, available at https://www.schoolcounselor.org/asca/media/asca/ASCAU/Trauma-Crisis-Management-Specialist/TransformingSchools.pdf.



July 23, 2019

The Honorable Ron Johnson Chairman
U.S. Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Gary Peters Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Johnson, Ranking Member Peters, and Members of the Senate Homeland, Security & Governmental Affairs Committee:

On behalf of the Council of Parent Attorneys and Advocates (COPAA), thank you for holding the July 25, 2019 hearing, "*Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence*." All students have a right to an education that is safe, addresses their individual needs, and affords them equal opportunities in a safe school. We believe safe school climates include a comprehensive, multi-tiered systems of support; integrating school crisis preparation, safety procedures, counseling and mental health support, positive behavior intervention and support, restorative practices and trauma-informed care. Efforts to keep schools safe must not only be based on hardening schools, but also on protecting students' privacy, dignity, and right to an equal education.

The Council of Parent Attorneys and Advocates (COPAA) is the premier advocacy organization for the six million children with disabilities eligible for special education services under IDEA and the 400,000 additional students with disabilities protected by Section 504 of the Rehabilitation Act of 1973. COPAA is a national non-profit organization of more than 2,600 parents of children with disabilities, their attorneys, and their advocates. Its mission is to protect the legal and civil rights of students with disabilities and their families.

COPAA advocates that the key to making schools safe is prevention. We therefore urge the committee to closely examine and discuss school and district use of a multi-tiered system of support that integrates school crisis preparation, safety procedures, counseling and mental health support, positive behavior intervention and supports (PBIS), restorative practices and trauma informed care. Programs utilizing PBIS focus on schoolwide strategies to improve climate as well as targeted and individualized supports for students having difficulty coping with trauma, managing and expressing their emotions or handling stress provide the basis for research-based social-emotional and behavioral health development.[1] Such programs include trauma-informed practices and provide access to comprehensive school and community-based mental health service, culturally responsive teaching as well as effective screening through functional behavior assessment and implementation of a student's behavior intervention plan where required are not parenthetical to learning—they are essential. Key to establishing such a system

[1] Brandi Simonsen, Jennifer Freeman, Steve Goodman, Barbara Mitchell, Jessica Swain-Bradway, Brigid Flannery, George Sugai, Heather George, and Bob Putman, 2015.
https://www.pbis.org/common/cms/files/pbisresources/Supporting%20and%20Responding%20to%20Behavior.pdf

includes ongoing, robust training in evidence-based practices for all staff. We know that use of these practices make it less likely that an alienated youth will become a violent one and in order to support students and teachers, schools need to end the practice of criminalizing students in lieu of educating them.

In addition to examining the many positives of investing in and supporting ways to prevent violence, the committee has the opportunity to gain greater understanding of the privacy and equity implications of recent state school safety proposals and laws calling for increased surveillance or data sharing in an attempt to reduce school violence. In particular, we are concerned that some of these proposals may discriminate against or target students based on their disability or perceived differences. We invite the committee to seek answers about how privacy and equity guardrails are or are not being incorporated into state and local school safety initiatives, and to encourage local and state policymakers to use COPAA's priorities [outlined below] as well as the Principles for School Safety, Privacy, & Equity[2] as high-level guideposts to guide school safety conversations. We also urge the committee to support and push for transparency from state and local entities as school safety data collection or sharing initiatives occur, so parents and students can help guide the conversation and ensure not only their safety, but also their privacy and civil rights are protected.

Many recent state school safety proposals call for increased surveillance in an attempt to reduce school violence; in 2018, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act. This law created a school safety "centralized integrated data repository and data analytics resource" that would collect, compile and analyze sensitive information about children and young people, to be shared with school threat assessment teams, state employees, and law enforcement to identify threats. As *Education Week* recently detailed, some of the potential categories for data collection include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; student social media activity; and children who have been homeless or in foster care.[3]

As our organization wrote in a letter to Florida Governor DeSantis,[4] we believe that if the state collects and stores some of this information, it will deter many students and their families from seeking the services they need in school. Students who are homeless, in the foster care system, or who have mental health disabilities may limit the services they use, out of concern that the state may use the information to flag them as potential threats. Likewise, students who are bullied may choose not to report the abuse to their schools if they or their family fear the schools will respond by identifying them as threats. This could create a perverse incentive leading students to avoid reporting serious or life-threatening behavior because they fear being labeled rather than helped.

This trend is not unique to Florida. Virginia House Bill 1734, just signed into law this month, requires the development of a case management tool to centralize the data collected by threat assessment teams in Virginia schools, and does not provide information about who can access that data and how long information will be kept.[5] In New York, Bill No. A04484 would require that schools, in consultation with law enforcement, install "security cameras supported by artificial intelligence" as appropriate, without clarifying what is meant by AI or providing privacy protections for the data to be collected.[6]

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[2] *Principles for School Safety, Privacy, and Equity*, March 29, 2019, https://ferpasherpa.org/schoolsafetyprinciples.
[3] Benjamin Herold, *Florida Plan for a Huge Database to Stop School Shootings Hits Delays, Legal Questions*, Education Week, May 30, 2019, https://www.edweek.org/ew/articles/2019/05/30/florida-plan-for-a-huge-database-to.html.
[4] *33 Organizations Send Letter to Florida Governor DeSantis*, July 9, 2019, https://ferpasherpa.org/letterdesantis.
[5] Virginia House Bill 1734, 2019, http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1734.
[6] New York State Assembly Bill A04484, 2019, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A04484&term=2019&Summary=Y&Actions=Y&Text=Y.

Many of these school safety initiatives in the past two years came about in response to a growing public fear about children's safety. While fear can be a very powerful motivator, it can also cloud judgement. It can foster a kind of tunnel vision that, in its extreme focus on solving one problem, loses sight of, or even causes, others. In this case, we now have polices that, in their urgency to prevent targeted violence, could sacrifice student privacy, undermining the safety and civil rights of some of our most vulnerable students. Rather than fear, a far more stable foundation for lasting and effective school safety measures comes from the careful consideration of evidence-based safety goals, strategies, and their potential consequences.[7] Additionally, schools and districts must seek to create a stable foundation for school safety that is based in a climate of support and inclusion. It is important for policymakers to understand that safety and privacy are not competing goals; rather, they are complementary—and vital to keeping students safe.

It is essential that privacy and equity guardrails be integral to school safety initiatives. Our organization recommends that the committee examine the *Principles for School Safety, Privacy, and Equity*, which we signed on to with forty other diverse organizations.[8] First and foremost, students deserve safety measures that are evidence-based.[9] If these measures include physical or digital monitoring, it must be developed transparently, in consultation with experts and community stakeholders, and must focus on real threats of harm. Students deserve schools where decisions about threats are made by school administrators, counselors, and educators—human beings who can account for students' particular needs—not by an algorithm. And when students are identified as a threat,[10] they and their families deserve access to the information used to make that decision and must have an opportunity to dispute the decision.

Studies show that school surveillance can disproportionately target students with disabilities[11] and students of color and students of color.[12] Moreover, there is no evidence to suggest that creating a massive digital surveillance infrastructure helps to prevent school violence. But studies do suggest that such an apparatus may cause students to feel less safe at school—the opposite of its intention.[13] And without privacy safeguards and protections, policymakers may risk building a structure to systematically discriminate against students based on protected statuses. Students deserve assurance that the data will not be misused and that data collection and storage will comply with relevant privacy laws. Students deserve schools that are held accountable, with clear consequences for those who put student privacy at risk by violating data-sharing protocols. And students, parents, and educators all deserve transparency.

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[7] National Criminal Justice Technology Research, Test & Evaluation Center, *A Comprehensive Report on School Safety Technology*, Johns Hopkins University Applied Physics Laboratory in cooperation with The Johns Hopkins University School of Education Division of Public Safety Leadership, October 2016, https://www.ncjrs.gov/pdffiles1/nij/grants/250274.pdf; Heather L. Schwartz, Rajeev Ramchand, Dionne Barnes-Proby, Sean Grant, Brian A. Jackson, Kristin J. Leuschner, Mauri Matsuda, Jessica Saunders, The Role of Technology in Improving K–12 School Safety, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1488.html.

[8] See footnote 2.

[9] See footnote 7.

[10] Bethany Barnes, Targeted: A Family and the Quest to Stop the Next School Shooter, The Oregonian/OregonLive, June 24, 2018, https://expo.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html.

[11] Azza Altiraifi and Valerie Novack, Efforts to Address Gun Violence Should Not Include Increased Surveillance, Center for American Progress, February 20, 2019, https://www.americanprogress.org/issues/disability/news/2019/02/20/466468/efforts-address-gun-violence-not-include-increased-surveillance.

[12] Melinda D. Anderson, *When School Feels Like Prison*, September 12, 2016, https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556.

[13] National Association of School Psychologists, *School Security Measures and Their Impact on Students*, 2018,https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf; Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 Emory Law Journal 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.

COPAA believes that we cannot simply ignore the complex issues that arise when children feel threatened, exhibit challenging coping behaviors, (reactivity, aggression or social withdrawal) and/or develop clinical disorders. Maintaining such supports in individual silos denies the need for a whole child and whole school community approach and coordination of care. School disciplinary practices, zero-tolerance policies, suspension, expulsion, the increased presence of law enforcement in school and school arrests all contribute to the feelings of fear, rejection and alienation in some students. Children with histories of trauma and those with disabilities are disproportionately targeted by these school policies which aim to punish students rather than teach and support them. Such policies serve to promote the school-to-prison pipeline.

To that end, COPAA recommends:

1. School safety measures must focus on prevention, through creation of a supportive, inclusive, and safe school climate for all students.

2. Safe school climates include a comprehensive, multi-tiered systems of support; integrating school crisis preparation, safety procedures, counseling and mental health support, positive behavior intervention and support, restorative practices and trauma-informed care.

3. Teachers must be provided the training and support they need to teach and provide engaging and academically rich educational programs in inclusive classrooms.

4. Teachers must have training in positive behavior support and classroom management, and have access to personnel trained and knowledgeable in conducting functional behavioral assessments and designing school, classroom and individualized positive behavioral programs.

5. Schools need to track and actively monitor all disciplinary actions on the basis of a student's race, ethnicity gender, and disability. Where the data show disproportionate impact, schools need to review their policies and train personnel to avoid adverse impact in accordance with federal and state statute and regulations.

6. Students whose behavior is consistently leading to disciplinary action and who have not been assessed for a disability must be properly screened and evaluated as required under Child Find. A functional behavior assessment must be conducted, and a behavior intervention plan implemented when a disability is diagnosed.

7. Students with a disability diagnosis, a history of receiving services for a disability, or an individualized education program (IEP) or 504 plan that addresses disability-related behaviors needs support and services and should not be automatically targeted as a potential perpetrator of violence.

8. Districts must clearly define the role and responsibility of school safety personnel and law enforcement within a school by written Memorandum of Understanding. They must receive comprehensive training to enable them to work in collaboration with school personnel to maintain a safe and positive school climate; interact effectively and appropriately with students; understand types of disability diagnosis and how such disability may manifest; and the relationships between disability, behavior and communication. Schools should not utilize law

enforcement officers to for behavior management or in attempts to scare students into compliance.

9. School administrators need to be trained in investigating incidents of bullying and alleged misconduct to protect the rights of all students.

10. If there is safety monitoring in schools that uses security cameras or other types of surveillance, it must ensure that the data collected is not unlawfully disclosed or compromised in compliance with all applicable privacy laws. Furthermore, videotapes of alleged incidents, if available, must be made available to the family of any student that is subject to discipline for the activity in question.

11. Schools should provide comprehensive school-based mental and behavioral health services as they are critical to ensuring a positive and safe school climate and need to be the first response to most incidents of challenging behavior. Referral to law enforcement should only occur in the most extreme cases that involve potential criminal behavior.

12. Students who are designated as a threat using a valid threat assessment instrument, and their families, must have an opportunity for recourse, have access to the information used to identify them as a threat, and have the opportunity to dispute the information.

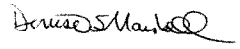
13. Suspension and expulsion are not educative strategies. Research shows that excluded students disproportionately drop out of school and become part of the criminal justice system. Further, excluding students communicates that the school cannot handle challenging behavior.

14. Alternative educational programs for students should be appropriately funded so that they provide the full panoply of educational and therapeutic services required to serve students appropriately.

For too long, we have been overspending on crude and counterproductive policing strategies and underspending on the services that can prevent a recurrence of violence in schools. We urge you to converse about and examine the best practices mentioned and recommendations made by COPAA.

We appreciate this opportunity to provide a comment and are available as a resource at any time.

Sincerely,



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Expanding Opportunities for Persons with Disabilities

July 24, 2019

Dear Members of the U.S. Senate Homeland Security Committee

On behalf of Disability Independence Group, Inc. I write to thank you for holding the July 25, 2019 hearing, entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We would like to make sure you are aware of our concerns about recent federal and state school safety initiatives that we believe do not adequately protect students. Many of these initiatives include legislation resulting more from growing public fear about children's safety than from careful consideration of evidence-based safety goals, strategies, and their potential consequences. This fear has, in some cases, driven a rushed process resulting in policies that neglect privacy to an extent that seriously undermines student safety and civil rights. For this reason, we invite the committee to do three things: understand key facts and context about safety in U.S. schools; understand the grave potential consequences of safety policies that do not protect students' privacy and protections under federal and state disability laws; and perhaps most important, understand that safety and privacy are not competing goals but, rather, integral to each other and to keeping students safe.

Disability Independence Group, Inc. (DIG) is a 501(c)(3) non-profit organization that promotes recruitment, education and employment of persons with disabilities thereby improving their lives through competitive employment and financial stability; and through the changing of society's perception of persons with disabilities.

As an organization we share the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. A crucial part of that shared goal is understanding key facts about school safety in the U.S. Two points are especially salient: data about school violence and schools' resources. In the wake of tragic mass shootings, families and communities across the U.S. are understandably worried about students' safety. School shootings such as those in Newtown, Connecticut in 2012 and in Parkland, Florida in 2018 have fueled the perception that students are less safe. Yet, data from the National Center for Education Statistics shows that the numbers of violent deaths in schools have remained relatively constant in the past 30 years. This does not mean that communities and lawmakers should not seek to improve school safety; it does mean that such improvements must emerge from facts, rather than fears and misguided perceptions, about the prevalence of violence in schools.

Another key fact is the contexts in which school safety policies operate, in particular the constant budget shortfalls that many schools face. One consequence of these shortfalls is that

schools increasingly rely on law enforcement at the expense of crucial health and safety services. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers but no counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists, and 10 million are in schools with police officers but no social workers. Without these key services, law enforcement may be asked to help resolve problems for which they are not trained and that require professionals with entirely different knowledge and skills.

Moreover, the U.S. Department of Education Office for Civil Rights reports that students with disabilities are more likely to be restrained, referred, or arrested by law enforcement, and has documented bias against students of color regarding referral to law enforcement agents in school. These new initiatives do not take into account the disparate impact already occurring within these systems. Finally, the presence of armed school resource officers or guards has not prevented some of the most high-profile mass school shootings, such as those at Columbine High School and at Marjory Stoneman Douglas High School. Given these facts, school safety initiatives calling for unfettered access to student records for law enforcement represent a significant safety risk to students.

We also invite the committee to understand the serious consequences of student safety policies that have not been proven to prevent violence and do not protect privacy. For example, nearly every aspect of the Federal Commission on School Safety report focuses on sharing data and, thus, has privacy implications for students, teachers, and the public. Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance—except on acceptable data sharing during emergencies under the federal student privacy law, FERPA—to educators, districts, or states on how to implement security measures while including appropriate privacy protections.

At the state level, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act, in March 2018. This law calls for numerous initiatives that threaten students' privacy, including the creation of a school safety database that would collect information about children and young people's social media activity and other sensitive topics, and store it in a state database to be shared with state employees, schools, and law enforcement. *Education Week* recently detailed the types of information to be collected in the database. Some of the potential categories include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; children who have been treated for substance abuse or undergone involuntary psychiatric assessments; children who have been in foster care or homeless; and children who have feelings of anger or persecution. This database represents a significant safety risk because it collects highly sensitive information without a clear, evidence-based rationale for inclusion, could be used to categorize children as threats who have been victims of bullying or whose only "risk" factor is their disability, and will create a de facto state repository designed to track children based on federally protected characteristics.

Because of this safety risk, we have asked the state to immediately halt the construction of this database and, instead, create a commission of parents, students, and experts on education,

privacy, security, equity, disability rights, civil rights, and school safety, to identify measures that have been demonstrated to effectively identify and mitigate school safety threats.

Many of these safety strategies and proposals have not been shown to prevent violence or keep schools safer. For example, the proposed database in Florida will include students' social media posts, but as the Brennan Center for Justice reports, there is no proof that social media monitoring programs work. The Department of Homeland Security has been using this technology since 2016 and has not found it to be effective. Moreover, no evidence demonstrates that creating a massive digital surveillance infrastructure helps to prevent school violence. But studies do suggest that it may cause students to feel less safe at school. And without safeguards and protections, the state risks building a structure to systematically discriminate against students based on protected statuses.

We outline these risks so that all education stakeholders can understand that safety and privacy are not competing goals. In a climate of fear, safety initiatives focus narrowly on acts of violence, but many educators know that school safety is about more than preventing shootings. It also encompasses issues such as hallway behavior, monitoring visitors, technology use, anti-bullying programs, and ensuring that schools avoid discriminatory practices. And privacy is a key part of safety. For this reason, we urge the committee to define safety inclusively, to ensure that facts, evidence, and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep students truly safe in schools.

Should you have any questions, or need any additional information, please do not hesitate to contact our office.

Thank you for your attention to this important issue.

Very truly yours,

s/ *Stephanie L. Langer*

Stephanie L. Langer, Esq.

July 23, 2019

Senator Ron Johnson, Chairman
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Senator Gary Peters, Ranking Member
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Ranking Member Peters,

Everytown for Gun Safety, the largest gun violence prevention organization in the country, submits this letter in advance of the Senate Committee on Homeland Security & Government Affairs hearing titled Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence. Everytown recently released a report in collaboration with the National Education Association and American Federation of Teachers that goes into detail on the data on targeted school gun violence and proposes a comprehensive set of proven effective solutions to strengthen schools' ability to intervene effectively when a student is at risk, increase physical security and preparedness, and address student access to firearms. The recommended school reforms are essential, including programs establishing evidence-based threat assessment teams, but it is without a doubt that strong gun safety laws are a critical component of any comprehensive plan to address school safety.

The data shows that targeted school violence is overwhelmingly committed by students. From 1966 to 2016, nearly 79 percent of active shootings in schools throughout the United States were committed by a current student or recent graduate of the school.[1] Research by the U.S. Secret Service on targeted school violence shows that in 93 percent of cases there were behavioral warning signs that caused others to be concerned, and in 81 percent of incidents, other people, most often peers, had knowledge about the shooter's plans.[2] These are critical moments

[1] The New York Police Department specifically analyzed active shooter incidents from 1966 - 2016. Analysis finds that 79% of active shootings in schools involved shooters who were under 18; and were a current student or recent graduate of the school. New York City Police Department. Active shooters: *Recommendation and analysis for risk mitigation.* 2016. https://on.nyc.gov/2GlEbI1.

[2] United States Secret Service and United States Department of Education. The final report and findings of the safe school initiative: Implications for the prevention of school attacks in the United States. https://bit.ly/2oFplwa. Published May 2002.

when a school must have a program to intervene to stop students at risk from harming themselves or others. The U.S. Secret Service released a report providing guidance on how to develop an evidence-based threat assessment program, which includes addressing students' access to guns.[3]

The guns used in targeted school violence follow a pattern: most mass shooters obtain their guns from family or friends. Studies show that in 68 to 80 percent of incidents, shooters obtain their guns from home, their relative's home or from friends.[4] There have been many "comprehensive" school safety plans proposed over the last 20 years. Few have effectively and thoroughly addressed the issue common in all school shootings: easy access to guns by those at risk of committing harm. Everytown strongly urges the Committee to support three targeted gun safety policies that are proven effective interventions to prevent students from accessing firearms.

First, when family or law enforcement is made aware that a student or another person is a risk to themselves or others, and that the person has access to guns, they need the ability to go to court and ask a judge for a civil restraining order. These extreme risk protection orders, or ERPOs, can be issued only after a specific legal determination is made that a person poses a threat to him or herself or others. An essential component of the law allows courts to take immediate action if the evidence shows that the threat is imminent. These laws also contain significant due process protections to ensure that a person's rights are balanced with public safety. There is strong evidence that extreme risk laws can prevent acts of violence before they happen.

- In Maryland, Montgomery County Sheriff Darren Popkin testified that a recently passed ERPO law has been invoked in at least four cases involving "significant threats" against schools.[5]
- In Florida, an ERPO law passed in 2018 has been invoked in multiple cases of potential school violence, including in the case of a student who was accused of

[3] National Threat Assessment Center. Enhancing school safety using a threat assessment model: An operational guide for preventing targeted school violence. United States Secret Service and U.S. Department of Homeland Security. https://bit.ly/2NKlwqD. Published July 2018.

[4] United States Secret Service and United States Department of Education. The final report and findings of the safe school initiative: Implications for the prevention of school attacks in the United States. https://bit.ly/2oFplwa. Published May 2002; Centers for Disease Control and Prevention. Source of firearms used by students in school-associated violent deaths, United States, 1992-1999. *MMWR Weekly.* 2003; 52(09): 169-172; Woodrow Cox J, Rich S. 'The gun's not in the closet.' *The Washington Post.* August 1, 2018. https://wapo.st/2TyDnTW.

[5] Broadwater L. Sheriff: Maryland's 'red flag' law prompted gun seizures after four 'significant threats' against schools. The Baltimore Sun. January 15, 2019. https://bit.ly/2Gdf6Qi

stalking an ex-girlfriend and threatening to kill himself,[6] and in another in which a potential school shooter said killing 29 people would be "fun and addicting."[7]

The Federal Commission on School Safety recently endorsed ERPOs as an effective tool to prevent school gun violence, and during his confirmation hearing before the U.S. Senate Judiciary Committee, now-U.S. Attorney General William Barr said that ERPOs were "the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place." The Senate Judiciary Committee recently held a hearing where there was bipartisan agreement that ERPOs are important tools to prevent gun violence. Twelve states, including Florida, and Washington, D.C. have passed ERPO laws since the Parkland shooting; five of them were signed by Republican governors.[8] In all, 17 states and D.C. now have strong ERPO laws on the books.[9] This tool needs to be available in every state and schools, families, and law enforcement need to be aware of how to use it.

Second, we should encourage responsible firearm storage through legislative change and public awareness campaigns. The most common source of guns used in school shootings is from the shooter's home, the homes of friends, or the homes of relatives. This is unsurprising, since nearly 4.6 million American children live in homes with at least one gun that is loaded and unlocked.[10] Responsible firearm storage laws, often known as child access prevention laws, require that people store firearms responsibly when they are not in their possession in order to prevent unauthorized access. Under these laws generally, if and when a person accesses a firearm and does harm with it, the person who failed to adequately store the firearm is liable. In addition to enacting responsible storage laws, policymakers should encourage a culture of responsible gun storage by increasing awareness of responsible storage practices. Storing household guns locked, unloaded, or separate from the ammunition is associated with reductions in the risk of self-inflicted and unintentional firearm injuries among children and teenagers—up to 85 percent depending on the type of storage practice.[11] For years, Moms Demand Action, the grassroots arm of Everytown for Gun Safety, has run a public safety program called Be SMART. This PTA-endorsed program focuses on fostering conversations about responsible storage among parents and children to help facilitate behavior change and address unauthorized access to guns,

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[6] Kennedy E. Tate student's AR-15, father's 54 guns removed under new red flag law. Pensacola News Journal. July 9, 2018. https://bit.ly/2UHmaba.

[7] Lipscomb J. Florida's post-Parkland "Red Flag" law has taken guns from dozens of dangerous people. Miami New Times. August 7, 2018. https://bit.ly/2ORW56U.

[8] CO, DE, FL, HI, IL, MA, MD, NV, NY, NJ, RI, VT. Republican governors signed bills in FL, IL, MA, MD, VT.

[9] The 17 states are: CA, CO, CT, DE, FL, HI, IL, IN, MA, MD, NV, NJ, NY, OR, RI, VT, WA.

[10] Azrael D, Cohen J, Salhi C, Miller M. Firearm storage in gun-owning households with children: Results of a 2015 national survey. Journal of Urban Health. 2018; 95(3): 295-304. Study defined children as under the age of 18.

[11] Grossman DC, Mueller BA, Riedy C, et al. Gun storage practices and risk of youth suicide and unintentional firearm injuries. *Journal of the American Medical Association*. 2005; 293(6) 707–714.

including the hundreds of unintentional shootings committed and experienced by children every year.

Third, background checks are a key foundation to enforcing our gun laws and are an effective tool for keeping guns out of the hands of people with dangerous histories. A 2019 analysis found that states with laws requiring background checks for all gun sales have homicide rates 10 percent lower than states without them.[12] As part of a comprehensive plan to prevent gun violence in schools, the federal government must act to require background checks on all gun sales so that shooters cannot easily purchase firearms. Current federal law requires that background checks be conducted whenever a person attempts to purchase a firearm from a licensed gun dealer, however, current federal law does not require background checks on sales between unlicensed parties. This means that people with dangerous histories can easily circumvent the background check system simply by purchasing their firearms online or at a gun show. A recent Everytown investigation showed that as many as 1 in 9 people arranging to buy a firearm on Armslist.com, the nation's largest online gun marketplace, would fail a background check, including because they are minors under 18.[13] Among the prospective Amslist.com gun buyers in Florida, 1 in 10 were under 21 years old and not eligible to purchase firearms under state law solely because of their age.[14] And yet without background checks required on those sales, those individuals may have been able to get armed illegally and with no background check.

Finally, one solution that has not been proven effective and places schools at risk is authorizing teachers and school staff to carry firearms in schools. Arming teachers puts our children at greater risk and does nothing to stop active shooters or other forms of school gun violence. While the desire for action is understandable, the notion of a well-trained teacher acting as a last line of defense is not based on experience or research. Law enforcement, those we charge with protecting our schools, strongly oppose arming teachers. Law enforcement personnel who carry guns on a daily basis receive hundreds of hours of initial training and are generally

[12] Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019.
[13] Everytown for Gun Safety. UNCHECKED: OVER 1 MILLION ONLINE FIREARM ADS, NO BACKGROUND CHECKS REQUIRED. https://everytownresearch.org/unchecked/. February 2019.
[14] Everytown investigators posted advertisements for firearms for sale in Florida. Investigators did not possess any of the firearms being listed for sale nor did they complete any transactions as part of this investigation. Investigators then conducted telephone, text, or email communications with prospective buyers and verified the identity of 111 individuals in Florida looking to purchase a firearm. By conducting searches of publicly available records, investigators were able to determine that 11 of these prospective buyers in Florida were under the age of 21 and prohibited from purchasing a gun in Florida solely due to their age.

required to continue their training throughout their careers.[15] In the states that have laws that are designed to allow for armed school personnel, those armed personnel receive significantly less training than law enforcement. The laws vary widely, but not a single state requires teachers or school staff to undergo training that is akin to that completed by a full-time law enforcement officer. Then there are the risks associated with introducing guns into schools because the simple fact is that greater access to firearms is strongly correlated with additional risk. When more guns are placed into schools, children will be more likely to access them.

Everytown commends the Senate Committee on Homeland Security & Government Affairs for taking up this important issue, and strongly urges Members to focus on strengthening gun safety laws as part of a comprehensive solution to keeping schools safe from gun violence.

Sincerely,

Robert B. Wilcox, Jr.
Deputy Director of Policy and Strategy
Everytown for Gun Safety

[15] The average number of initial training hours that a law enforcement officer receives at a basic training academy is 840. Reaves BA. State and local law enforcement training academies, 2013. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. https://bit.ly/2pg0whI. Published July 2016.

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U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

July 23, 2019

Dear Chairman Johnson, Ranking Member Peters, and Members of the Senate Homeland, Security & Governmental Affairs Committee,

As the Senate Homeland, Security and Governmental Affairs Committee holds a hearing on July 25th regarding "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence," the Future of Privacy Forum (FPF) writes to highlight key privacy issues regarding school safety initiatives and to offer our expertise on how to best address them:

- Students deserve safety measures that are evidence-based. Decisions about threats should be made by, among others, school administrators, counselors, and educators who understand students' particular needs and circumstances. Non-evidence based protocols are more likely to trigger false alarms, fail to identify actual threats, and increase the workload on already overburdened administrators—administrators who could otherwise be doing things that actually make schools safer. And there is a model on how to do this: Utah's 2019 school safety law found ways to bake-in evidence-based policies and privacy guardrails without hindering school safety.
- Increased surveillance and data sharing without clear justification frequently overwhelms administrators with information, undermines effective learning environments, increases inequities, and can fail to promptly identify individuals who may pose genuine threats to school safety. In particular, overbroad school surveillance programs can place important data-driven school initiatives at risk: data collected to help ensure students are treated equitably under the Every Student Succeeds Act, for example, should not be repurposed in the name of school safety to harm or stigmatize those students.
- Finally, even when policies are evidence-based and don't repurpose sensitive data in ways that break trust, without sufficient privacy and equity guardrails, certain information collected for school surveillance purposes will disadvantage particular minority groups. School safety policies must be created in an evidence-based way that avoids creating a disparate impact on vulnerable communities.

We invite the committee to seek answers about how privacy and equity guardrails are or are not being incorporated into state and local school safety initiatives. Prior to implementing school safety programs, officials ought to 1) seek out and analyze the best-available evidence to inform policy; 2) perform privacy impact assessments, commonly-used and established processes for ensuring the appropriate balance between the benefits and risks of data collection and use initiatives, particularly as they related to already vulnerable communities; and 3) transparently engage with all stakeholders, including parents, students, and educators.

FPF is a nonprofit organization focused on finding solutions to consumer privacy questions that lack clear legal or ethical answers. FPF's core view is that data-driven efforts can improve educational outcomes and that privacy requirements should enhance, rather than undermine, student safety. FPF has a substantial portfolio of work on the intersection of privacy and education. We regularly analyze policy proposals and provide guidance to policymakers; convene leading stakeholders, including districts, states, companies, and advocacy groups, to exchange knowledge and best practices regarding emerging privacy issues; and lead privacy boot camps to help key stakeholders understand the regulatory requirements and industry best practices around proper handling of student data. We have testified on student privacy before the House

Education and Workforce Committee and the Federal Commission on School Safety, and were invited to present at the U.S. Department of Education and the Federal Trade Commission workshop on student privacy and educational technology.[i]

We share the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. New monitoring tools, however, threaten student safety in unexpected ways. As technology has evolved, schools are increasingly able to monitor students continually, both in and out of the classroom. Schools use services such as visitor management systems, digital video surveillance linked to law enforcement, and social media monitoring to help protect their students. These tools can be effective, but they can also harm students without appropriate measures to regulate and guide their use. These harms include creating a culture of pervasive surveillance that compromises learning, subjecting students to unproven safety strategies that criminalize normal behavior, exacerbating implicit bias and the school-to-prison pipeline, and using flawed evidence and protected statuses to label students as threats.

Evidence-Based Strategies Are Crucial

First and foremost, students deserve safety measures that are evidence-based. FPF has been closely tracking school safety bills and policies introduced in 2018-2019 that are largely reactive. Driven by fear and a desire to do *something* to keep kids safe, many are hastily put together, rather than methodically and systematically developed with evidence and efficacy front of mind. Not only are many of these proposals not evidence based, but some even run contrary to long-standing and replicated research. Rather than support school safety, non-evidence based protocols like these are more likely to trigger false alarms, fail to identify actual threats, and increase the workload on already overburdened administrators—administrators who could otherwise be doing things that have been actually proven to keep schools safe.

For example, Florida's 2018 Marjory Stoneman Douglas High School Public Safety Act[ii] mandated the creation of a database combining data from social media, law enforcement, and social service agencies. *Education Week* recently detailed the types of information to be collected in the database, including flagging children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation, as well as children who have been homeless or in foster care. This database, scheduled to go online on August 1, will combine highly sensitive information in one state-level data system without a clear, evidence-based rationale for collecting such data.[iii] As a result, the system will effectively use protected statuses to flag children as potential threats. As our organization wrote in a letter to Florida Governor DeSantis,[iv] children who have been victims of bullying or whose only "risk" factor is a disability should not be included in a database intended to identify threats. Moreover, parents cannot know which information about their children are included in the database, because the law states that anyone whose data is part of the system must obtain that data from the original agencies that provided it.

Other states and districts are adopting surveillance technologies that, unfortunately, have not been shown to be effective. In New York, Bill No. A04484 would require that schools, in consultation with law enforcement, install "security cameras supported by artificial intelligence" as appropriate, without clarifying what is meant by AI or providing privacy protections for the data to be collected.[v] Many districts are spending school safety grant money to adopt technologies like social media monitoring, despite little evidence to suggest that it keeps students safer. [vi] It would be far better to create lasting and effective school safety measures that come from the careful consideration of evidence-based safety goals, strategies, and their potential consequences.[vii]

Worse, privacy impact assessments and privacy guardrails—like deletion requirements to ensure an appropriate balance between privacy safeguards and security risks—have been generally absent from such policies. But that doesn't have to be the case. In fact, there exists at least one state model for how to codify privacy protections into law from Utah.

Utah has been a leader in school safety and student privacy, in part by recognizing that privacy is a key part of safety. With four full-time staff devoted to student privacy work at the state education agency and robust student privacy laws, Utah had already established a privacy guardrails process when state lawmakers created their school safety bill—a bill that found ways to bake-in evidence-based policies and training throughout, without hindering school safety in any way.[viii] The bill, signed into law in late March

2019, references evidence-based policies seven times, ranging from the need to create model policies for school districts on "evidence-based procedures for the assessment of and intervention with individuals whose behavior poses a threat to school safety" and "evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness," to conducting and disseminating evidence-based research on school safety concerns and effective school safety initiatives. The bill also pairs training for school administrators and school resource officers, among others, with these requirements to make sure that all personnel conduct school safety initiatives with evidence in mind.

Risks of Increased Surveillance, Data Sharing, and Data Repurposing

When schools increase surveillance in an effort to enhance safety, they can paradoxically undermine safety. The National Association of School Psychologists reports[ix] that school surveillance can corrode learning environments by instilling an implicit sense that children are untrustworthy. Many organizations have noted that surveillance technologies such as social media monitoring[x] and facial recognition[xi] can harm students by stifling their creativity, individual growth, and speech. The sense that "Big Brother" is always watching can destroy the feelings of safety and support that students need to take intellectual and creative risks—to do the hard work of learning and growing.

Beyond potentially harming student learning, overbroad school surveillance programs can put important data-driven school initiatives at risk. Schools collect sensitive data about students for many laudable purposes—purposes like enhancing educational outcomes, ensuring all students are treated equitably, and providing mental health services and accommodations to improve learning. This data collection, some of which is mandated by the Every Student Succeeds Act, is vital for schools, parents, and policymakers to understand whether or not they are serving different students well. Hastily created school surveillance programs that seek to use this same data in ways that could harm or stigmatize students breaks down often hard-earned trust between parents, schools, and governmental entities. Students who may be considering self-harm or violent acts can be disincentivized from seeking help if they fear that seeking help means their data could be later used to label them a threat.

This is especially important when the data being repurposed is extremely sensitive data, such as disability status, religion, or sexual orientation. Using this data for school surveillance programs disincentivizes individuals from getting help when they need it, ultimately undermining keeping *all* students safe and ensuring educational supports for any child that needs them. Schools collect sensitive data about students to enhance educational outcomes, such as fulfilling individualized education programs (IEPs); to ensure that all students are treated equitably regardless of race, gender, religion, and sexual orientation; to reduce bullying; to provide mental health services and accommodations, and more. When data originally intended to ensure that schools serve all children equitably is repurposed in way that could harm or stigmatize them, the state has broken the public's trust in school and government institutions.

If evidence-based school safety measures include physical or digital monitoring, it must be developed transparently, in consultation with experts and community stakeholders, and focus on real threats. In addition, students deserve schools where decisions about threats are made by school administrators, counselors, and educators—human beings who can account for students' particular needs—not by algorithms. And when a student is identified as a threat, they and their families deserve access to the information used to make that decision, as well as an opportunity to dispute it.

Moreover, when schools use surveillance tools in classrooms and hallways, students deserve clear policies on which data is collected, who has access to it, how it will be used, and when it will be destroyed. Students deserve assurances that their data will not be misused and that data collection and storage will comply with relevant privacy laws.

In sum, increased surveillance and data sharing without clear justification frequently overwhelms administrators with information, undermines effective learning environments, casts suspicion on already marginalized students who show no signs of violent behavior, tends to criminalize normal behavior and increase inequities, and can fail to promptly identify individuals who may pose genuine threats to school safety. Repurposing data initially collected to help students and ensure equitable treatment and learning for students can break the trust between students, parents, and schools. Students, parents, and educators all deserve transparency about data-driven safety initiatives. Trust is a crucial pillar of school communities.

Students' opportunities should not be limited, either by school safety concerns or by violations of their privacy.

Avoiding Disparate Impacts on Vulnerable Communities is Crucial
Finally, even when policies are evidence-based and don't repurpose sensitive data in ways that break trust, without sufficient privacy and equity guardrails, collecting certain information for school surveillance purposes disadvantages certain minority groups. For example, there is a common misconception that people who are mentally ill are more likely to commit violence, even though, when researchers controlled for other risk factors, they found people with mental health issues no more likely to be violent than anyone else.[xii]

And while no evidence demonstrates that creating a massive digital surveillance infrastructure helps to prevent school violence, studies do suggest that such an apparatus may harm the most vulnerable students—the opposite of its intended effect. [xiii] Without privacy safeguards and protections, policymakers may risk building a structure that systematically discriminates against students.

Studies have also shown that surveillance is linked to more frequent student interactions with the criminal justice system. When schools increase surveillance, they tend to escalate minor offenses, leading to arrests and court trials, in effect criminalizing normal adolescent behavior. [xiv] Studies also show that school surveillance can disproportionately target students with disabilities [xv] and students of color, [xvi] thereby aggravating implicit bias and the school-to-prison pipeline. What's more is that law enforcement may be unaware of teen slang or common practices in a particular cultural context, causing them to misunderstand certain words and erroneously assume that a particular student is a threat. Understanding the cultural context and possessing the knowledge that comes from the trusted relationships school administrators and educators have with their students is key to preventing such misunderstandings.

School safety policies must be developed in an evidence-based way that avoids creating a disparate impact on vulnerable communities. Utah's 2019 school safety law, described above, was built upon the importance of evidence-based best practices and policies, and is a shining example of how to mitigate discrimination.[xvii] Training, another important and laudable aspect of the Utah law, can also go a long way toward preventing unintentional harm to vulnerable communities. Utah's law includes:

- Training for school resource officers and principals, developed by the Utah state education agency, on topics such as student privacy rights; working with disabled students; techniques to de-escalate and resolve conflict; cultural awareness; restorative justice practices; negative consequences associated with youth involvement in the juvenile and criminal justice systems; and strategies to reduce juvenile involvement in the justice system;
- Additional training, created by the state education agency, on evidence-based approaches to improving school climate and addressing bullying behavior; evidence-based approaches to identifying individuals who may pose a threat to the school community; evidence-based approaches to identifying individuals showing signs of mental illness; and what the laws permit regarding data collection and disclosure to law enforcement and other support services.

Of course, policies and laws are only as strong as the people implementing them. Acknowledging this, Utah's school safety law also includes technical support for local education agencies to develop and implement school safety initiatives. All states should seek to mitigate harm to vulnerable communities by following Utah's example. Utah's legislature also respected the fact that each school district is different and may require different kinds of support; rather than mandating particular policies or creating a state-wide database of sensitive student information, Utah opted to give districts the flexibility to choose how to best protect the students in their communities—the students they know and understand better than any policymaker does.

An Important Federal Role
The primary federal student privacy law, the Family Educational Rights and Privacy Act (FERPA), also provides effective protections for students. The law was originally enacted by Congress in 1974, and amended over the years in an effort to strike the right balance between supporting the benefits of collecting and using student data for children and schools while also mitigating privacy risks.[xviii]

FERPA is designed to protect student privacy and student safety, not foil appropriate law enforcement investigations or endanger school communities. Thus, the law also includes effective provisions for using and sharing students' personal data in response to a legal process, as well as during health or safety emergencies. For example, the FERPA statute permits disclosure of students' personal information in response to a subpoena, or "in connection with an emergency ... to protect the health or safety of the student or other persons." This exception provides a well-balanced approach: if a school believes it must disclose information to prevent an imminent threat, the Department of Education has said through regulation and in guidance that the school's judgment will not be second-guessed. However, as made apparent by the Marjory Stoneman Douglas High School Public Safety Commission report[xix] and our discussions with schools and districts, many school administrators, educators, school resource officers, and law enforcement officials do not sufficiently understand these provisions. More training, as Utah's law requires, would increase appropriate data sharing and use.

Specifically, the Department of Education's Privacy Technical Assistance Center (PTAC) has been a vital resource for schools seeking practical guidance on FERPA. Congress could allocate funding to PTAC to provide more guidance, more training sessions, and more technical assistance on this issue. In particular, guidance that includes case studies and examples of when schools can and cannot use FERPA's exceptions to report potential threats would help districts better understand how to balance school safety and privacy issues. Congress could also provide grants to regional educational entities or districts to develop model training materials. Doing so would help all education stakeholders better understand the fact that school safety and student privacy can not only coexist, but are integral to each other and should not stand in each other's way.

Conclusion

In the current climate of public fear, many student safety initiatives have focused narrowly on targeted and random acts of school violence. Yet, many educators know that school safety is about more than preventing shootings. It also encompasses issues such as hallway behavior, monitoring visitors, technology use, anti-bullying programs, and ensuring that schools avoid discriminatory practices. It includes equity, mental health, and student well-being. Protecting student privacy is integral to these goals.

For these reasons, we invite the committee to examine the extent to which local school safety initiatives incorporate privacy and equity guardrails. We recommend that prior to implementing school safety programs, officials engage in evidence-based policymaking to seek out and analyze efficacy-based solutions; perform a privacy impact assessment, which is the most common way that government and corporate entities appropriately balance the benefits and risks of data-use initiatives; and transparently engage with all stakeholders, including parents, students, and educators—the people on the ground, whose lives stand to be affected by these policies day in and day out.

Individual districts and states can and should set their own policies on whether and how to monitor students and ensure school safety. However, they must draw privacy guardrails in order to ensure that the rights of parents and students will be protected. FPF recommends that the committee examine the *Principles for School Safety, Privacy, and Equity*,[xx] a list of ten principles designed to protect student rights to privacy, dignity, and an equitable education, which we signed along with 40 other diverse organizations.

Lastly, students, parents, and educators all deserve transparency. We urge the committee to require state and local entities be transparent about their data-driven safety initiatives. Trust is a crucial pillar of school communities. Students' opportunities should not be limited, either by school safety concerns or by violations of their privacy.

We appreciate your important work on student privacy. Please feel free to contact us before or after the hearing if we can assist you in any way or answer questions about school safety and student privacy.

Sincerely,

Amelia Vance

Director of Education Privacy

Future of Privacy Forum

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[i] Amelia Vance, Hearing on "Protecting Privacy, Promoting Data Security: Exploring How Schools and States Keep Data Safe" Before the House Education and Workforce Committee, (May 17, 2018) https://republicans-edlabor.house.gov/uploadedfiles/testimony_vance_5.17.18.pdf; John Verdi, Statement Before the Federal Commission on School Safety U.S. Department of Health and Human Services, (July 11, 2018) https://fpf.org/wp-content/uploads/2018/07/Statement-of-John-Verdi-School-Safety.pdf.

[ii] Marjory Stoneman Douglas High School Public Safety Act, https://www.flsenate.gov/Session/Bill/2018/07026

[iii] Benjamin Herold, *Florida Plan for a Huge Database to Stop School Shootings Hits Delays, Legal Questions*, Education Week, May 30, 2019, https://www.edweek.org/ew/articles/2019/05/30/florida-plan-for-a-huge-database-to.html.

[iv] *33 Organizations Send Letter to Florida Governor DeSantis*, July 9, 2019, https://ferpasherpa.org/letterdesantis.

[v] New York State Assembly Bill A04484, 2019, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A04484&term=2019&Summary=Y&Actions=Y&Text=Y.

[vi] Faiza Patel, Rachel Levinson-Waldman, Jun Lei Lee, Sophia DenUyl, *School Surveillance Zone*, Brennan Center for Justice, April 30, 2019, https://www.brennancenter.org/analysis/school-surveillance-zone.

[vii] Examples of reports examining the efficacy of school safety technologies: National Criminal Justice Technology Research, Test & Evaluation Center, *A Comprehensive Report on School Safety Technology*, Johns Hopkins University Applied Physics Laboratory in cooperation with The Johns Hopkins University School of Education Division of Public Safety Leadership, October 2016, https://www.ncjrs.gov/pdffiles1/nij/grants/250274.pdf; Heather L. Schwartz, Rajeev Ramchand, Dionne Barnes-Proby, Sean Grant, Brian A. Jackson, Kristin J. Leuschner, Mauri Matsuda, Jessica Saunders, The Role of Technology in Improving K–12 School Safety, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1488.html.

[viii] Utah Code 53g-8-801 (2019) https://le.utah.gov/~2019/bills/static/HB0120 html#53g-8-801. [HB 120, 2019]

[ix] National Association of School Psychologists, School Security Measures and their Impact on Students, (2018) https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf

[x] Faiza Patel and Rachel Levinson-Waldman, *Monitoring kids' social media accounts won't prevent the next school shooting*, The Washington Post, March 5, 2018, https://www.washingtonpost.com/news/posteverything/wp/2018/03/05/monitoring-kids-social-media-accounts-wont-prevent-the-next-school-shooting.

[xi] Stefanie Coyle and John Curr III, New York School District Seeks Facial Recognition Cameras for Public Schools, ACLU, June 20, 2018, https://www.aclu.org/blog/privacy-technology/surveillance-technologies/new-york-school-district-seeks-facial-recognition.

[xii] Autistic Self Advocacy Network, Make Real Change On Gun Violence: Stop Scapegoating People With Mental Health Disabilities, accessed July 23, 2019, https://autisticadvocacy.org/policy/briefs/gunviolence.

[xiii] National Association of School Psychologists, *School Security Measures and Their Impact on Students*, 2018,https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf; Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*. 66 Emory Law Journal 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.

[xiv] Amada Ripley, *How America Outlawed Adolescence, The Atlantic* (November 2016) https://www.theatlantic.com/magazine/archive/2016/11/how-america-outlawed-adolescence/501149/.

[xv] Azza Altiraifi and Valerie Novack, Efforts to Address Gun Violence Should Not Include Increased Surveillance, Center for American Progress, February 20, 2019, https://www.americanprogress.org/issues/disability/news/2019/02/20/466468/efforts-address-gun-violence-not-include-increased-surveillance.

[xvi] Melinda D. Anderson, *When School Feels Like Prison*, September 12, 2016, https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556.

[xvii] Utah Code 53g-8-801 (2019) https://le.utah.gov/~2019/bills/static/HB0120.html#53g-8-801. [HB 120, 2019]

[xviii] 20 U.S.C. § 1232g; 34 CFR Part 99.

[xix] Marjory Stoneman Douglas High School Public Safety Commission, Initial Report, January 2, 2019, http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf.

[xx] *Principles for School Safety, Privacy, and Equity*, March 29, 2019, https://ferpasherpa.org/schoolsafetyprinciples.

July 25, 2019

The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Gary C. Peters
Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

On behalf of Giffords Law Center to Prevent Gun Violence, we write today regarding the Committee's hearing titled "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." As you consider ways to make students safer, we write to remind you that guns have no place in our nation's schools and in opposition to dangerous proposals that would allow civilian school staff to carry guns in K-12 schools. Arming educators and other inadequately trained civilians, a policy that has been proposed repeatedly as a solution to violence in schools, will not stop mass shooters—but instead will recklessly place students' lives, health, and right to a safe education at risk.

ARMING CIVILIAN EDUCATORS WILL NOT STOP MASS SHOOTERS

Arming inadequately trained educators will not improve school safety because civilians lack the tactical ability to interrupt active shooters without risking harm to bystanders. Only 3% of active shooter situations end when armed civilians interfere; unarmed civilians are in fact more effective at ending active shootings, with this occurring 13% of the time.[1] One reason armed interference has tended to be ineffectual and dangerous is that even highly trained police officers often miss their targets when engaging active shooters. A multi-year study of the nation's largest police force found that officers experiencing return fire hit their targets only 18% of the time.[2] Civilians with less training and no experience shooting under stress will be even less accurate, posing great risk to students and bystanders.

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[1] J. Pete Blair and Katherine Schweit, A Study of Active Shooter Incidents, 2000 - 2013, Texas State University and Federal Bureau of Investigation, US Department of Justice (2014), https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf/view.
[2] RAND Center on Quality Policing, Evaluation of the New York City Police Department Firearm Training and Firearm-Discharge Review Process (2008), http://www.nyc.gov/html/nypd/downloads/pdf/public_information/RAND_FirearmEvaluation.pdf.

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Despite the compelling evidence that arming civilians will only put students at risk, last summer, President Trump's Education Secretary Betsy DeVos announced that the Trump administration is considering allowing states to use federal funds to arm teachers. The shift coincided with some states concluding for the first time, and without any evidence, that civilians should carry guns to take on active shooters and carry out other security tasks. The Marjory Stoneman Douglas High School Public Safety Commission, which was convened after the horrific mass school shooting in Parkland, Florida, was among the groups recommending that K-12 teachers carry guns—not only to protect staff and other students from assailants, but for general "self-protection" as well.[3]

ARMING CIVILIAN EDUCATORS WILL ENDANGER STUDENTS

Arming school staff is unlikely to make a difference in an active shooting, but it will put children at risk every day by increasing their exposure to violence and mishandled guns. In the last five years, there have been over 70 reported incidents of mishandled guns in schools.[4] These include an incident in Pinellas County, Florida, where a teacher's loaded gun fell out of his waistband on a playground; an incident in Michigan where a student fired a police officer's gun during a physical struggle; and an incident in Wesley Chapel, Florida, where a school resource officer fired his gun into a cafeteria wall. Even police officers have shot guns unintentionally, so with civilians carrying in schools, we will only see more tragic instances of guns being mishandled.

Armed educators serving in disciplinary roles may also use force inappropriately against students, especially if they are authorized to engage in "self-protection" outside of the active shooter context. Experience shows that even trained police officers may incorrectly perceive non-threatening situations as life-threatening—a mistake likely to be repeated by teachers and educators with far less training. This danger is greater for students of color and students with disabilities, who are disproportionately subjected to excessive discipline and the use of force.[5]

STRONGER GUN LAWS WILL KEEP STUDENTS AND SCHOOLS SAFE

We know what can work to protect student safety and school security: gun polices that ensure firearms never fall into the hands of a mass shooter in the first place.

- **STRENGTHEN BACKGROUND CHECK LAWS.** 94% of Americans and 90% of gun owners agree that no one should be able to buy a gun without passing a background check. But loopholes in our

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[3] Marjory Stoneman Douglas High School Public Safety Commission Initial Report, Fla. Dep't of Law Enforcement, at 104 (Jan. 2, 2019), http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf.
[4] Giffords, Every Incident of Mishandled Guns in Schools (updated July 1, 2019), https://giffords.org/2019/06/every-incident-of-mishandled-guns-in-schools/.
[5] See, e.g., U.S. Government Accountability Office, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities (Apr. 2018); Brown Center on Education Policy at the Brookings Institution, "Schools, Black Children, and Corporal Punishment" (Jan. 2016).

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laws let this happen all the time. We can stop school shootings by expanding background checks: to date, background check laws have stopped over three million gun sales to dangerous individuals prohibited from owning guns.[6]

- **RAISE THE MINIMUM AGE.** The shooters in Newtown and Parkland were too young to buy beer, but old enough to purchase AR-15-style rifles. Research demonstrates that adolescents commit a disproportionate share of homicides[7] and other gun crimes.[8] We should strengthen age requirements, beginning by prohibiting anyone under 21 from purchasing semiautomatic rifles.

- **PREVENT MINORS FROM ACCESSING GUNS.** A study of school shootings in 26 states found that in nearly two-thirds of the incidents, the attacker got the gun from his or her own home or that of a relative.[9] When guns are left unsecured, children use them in suicides, unintentional shootings, and school shootings. Laws requiring adults to secure guns from children, and encouraging development of gun safety technology, will save lives.

- **DISARM DANGEROUS PEOPLE.** The Parkland shooter showed warning signs that he was armed and dangerous, even posting online about his desire to be a school shooter. Extreme risk protection order laws let law enforcement and family members petition a court to temporarily disarm people like him and other potentially violent individuals.

CONCLUSION

Student safety should not be politicized. Instead, lawmakers must follow the research. There is no evidence that arming civilian school staff will prevent mass shootings, and substantial research showing it will make students less safe. We urge the Committee to take these facts into account when considering reckless proposals to turn inadequately trained civilians into armed guards. For further information, please contact Katherine Phillips (kphillips@giffords.org).

Sincerely,

Giffords Law Center to Prevent Gun Violence

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[6] Jennifer C. Karberg et al., Background Checks For Firearm Transfers, 2015 - Statistical Tables (Nov. 2017), https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6126.
[7] Daniel W. Webster et al., Johns Hopkins Ctr. for Gun Policy & Research, The Case for Gun Policy Reforms in America, 5 (2012).
[8] United States Secret Service, US Department of the Treasury, Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools (Oct. 2000), 6, https://files.eric.ed.gov/fulltext/ED447392.pdf.
[9] Catherine A. Okoro et al., "Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings from the Behavioral Risk Factor Surveillance System," 2002, 116 Pediatrics, e370–e372 (September 2005), at http://pediatrics.aappublications.org/cgi/content/full/116/3/e370.

July 23, 2019

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Letter for the Record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

Dear Ranking Member Peters,

I Vote For Me (IVFM) is a proud member of the national Dignity in Schools Campaign coalition. IVFM advocates for underserved populations and encourages collective community responsibility. Our organization is premised on Self-Advocacy and the protection of Human Rights and is headquartered in the Commonwealth of Virginia.

If you are not aware, Virginia **leads the nation** in school-based referrals to law enforcement as evidenced in the following report from the Center for Public Integrity. https://publicintegrity.org/education/virginia-tops-nation-in-sending-students-to-cops-courts-where-does-your-state-rank/
Not only are there no studies to document how the increase of law enforcement in the school settings make them safer, on the contrary, there is significant data reflecting the increased risk of violence with the addition of more cops and guns. https://www.brookings.edu/blog/brown-center-chalkboard/2018/02/27/there-are-ways-to-make-schools-safer-and-teachers-stronger-but-they-dont-involve-guns/

Of particular importance is the data demonstrating the significantly disparate impact of these policies on students of color and with disabilities – which is a direct result of implicit and explicit biases. http://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf

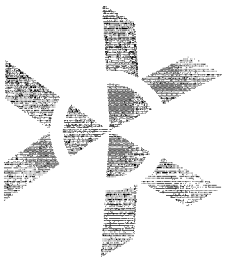
For these and so many other reasons, I Vote For Me stands with the Dignity in Schools Campaign in encouraging the Committee to divert federal resources from efforts to "harden" schools which ultimately make students less safe, to supporting the favorable school climates the Every Student Succeeds Act (ESSA) strives to create. Those academic environments are supportive Social-Emotional learning spaces that

include an increase in counselors, Restorative Practices that are implemented with fidelity, Trauma-Informed Care and school staff that are well trained in compliance with the federal Individuals with Disabilities in Education Act (IDEA) to support student needs on multiple levels.

Your consideration of this letter and the supporting evidence requires your use of fundamental root-cause analysis and demonstrates a willingness to transform our schools using perhaps non-traditional, yet evidence-based practices. This committee's decision will ultimately tell the story as a budget is indeed a moral document. The state of Virginia already spends in excess of $200,000 per year to incarcerate a juvenile, yet only $11,000+ per student per year on education. What return on investment is this committee seeking?

Please feel free to contact me directly at the telephone number below should you have additional questions or concerns.

Lorraine Wright
CEO / Executive Director
I Vote For Me
804-616-5884



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Celina Moreno, J.D.
President & CEO

United States Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

July 23, 2019

Dear Chairman Johnson, Ranking Member Peters, and Members of the Senate Committee on Homeland Security and Governmental Affairs,

The Intercultural Development Research Association (IDRA) thanks the Committee for holding the July 25, 2019 hearing, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." Safety for every member of a school community is foundational—we cannot achieve the educational objectives that ensure meaningful participation in our democracy without first making sure that all students and educators feel safe and supported in their schools.

For more than 45 years, IDRA has worked to ensure equitable and excellent education opportunities for all students, with a focus on students of color, students from families that are economically disadvantaged, immigrant students, and English learners. We seek to achieve our mission by supporting family engagement and empowerment, producing timely policy analyses, publishing actionable research, and providing practical trainings and materials.

As the Committee considers the research, evidence, and expert perspectives on what it takes to keep schools safe, it is critical to thoughtfully consider what "safety" looks like for *all* students. We know that increasing access to counselors, social workers, and other mental and behavioral health professionals creates safer schools. We know that examining and confronting individual and institutional biases, adopting restorative practices, and using multi-tiered systems of support lead to more positive and close-knit campuses. We know that culturally-sustaining curricula, a diverse corps of educators, and meaningful partnerships between schools and communities make students, educators, and families feel more connected.

Building trusting relationships and supportive communities is the proactive way to support the mental, emotional, and physical safety of students and adults in schools. Indeed, this approach is consistent with the research and recommendations developed by federal agencies on how to prevent targeted school violence.[1]

[1] In the 2004 report, *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, the U.S. Secret Service and U.S. Department of Education note that "[t]he principal objective of school violence-reduction strategies should be to create cultures and climates of

Yet, following violent tragedies in schools, policy makers and school administrators face significant pressure to respond in ways that are contrary to what we know works. Often, some of the initial responses to targeted violence are to dramatically increase the presence of police or other armed personnel, take a zero-tolerance approach to student behaviors, or purchase unnecessary and ineffective equipment to surveil and track students and "harden" school buildings. These approaches are short-sighted and reactionary and compromise school safety. They do not address the underlying needs of students and adults. Rather, they fracture important relationships and force certain student populations to bear the brunt of negative outcomes.

School safety and the school-to-prison pipeline

For decades, researchers, families, and advocates have examined and documented the "school-to-prison pipeline"—the process by which schools push students out of their classrooms through the use of exclusionary discipline and school-based policing. Students who are punished or criminalized in their schools are more likely to be held back, drop out of school, and have contact with the juvenile and adult criminal justice systems. They are more likely to disengage from school and may struggle to build meaningful relationships with their peers and adults on campus. Perhaps most tragically, many students have an underlying need that will continue to go unaddressed when schools rely on punishments rather than services and supports to respond to perceived misbehaviors.

It is well-documented that some groups of students are more likely to be punished and criminalized in their schools than others. Black students are suspended, expelled, and policed at disproportionately high rates, even though they are not more likely to misbehave than their peers.[2] Similarly, Latino students are over-disciplined in many schools across the country.[3] Students with disabilities are punished more than their non-disabled peers[4] despite laws that require certain protections. Lesbian, gay, bisexual, transgender, queer (LGBTQ) and gender non-conforming students are also unfairly targeted and punished in their schools.[5]

The approaches that funnel students into the school-to-prison pipeline also create unsafe and unsupportive campus climates and, paradoxically, are the very same approaches that school districts often adopt in response to incidents of targeted school violence. The result is an ineffective cycle of harm that negatively impacts campuses and makes violence more difficult to prevent. These negative impacts are most felt by certain, already-vulnerable student populations.

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safety, respect, and emotional support within educational institutions." Report available at https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf.

[2] Skiba, Russell, et. al, *Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior*, THE EQUITY PROJECT AT INDIANA UNIVERSITY (2014), *available at* http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf.

[3] National Council of La Raza, *School-to-Prison Pipeline: Zero Tolerance for Latino Youth* (2011) *available at* https://www.sccgov.org/sites/pdo/ppw/pubs/documents/zerotolerance_factsheet22011.pdf.

[4] Fabelo, Tony, et. al, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011) *available at* https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.

[5] Himmelstein, Kathryn, et. al, *Criminal Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, Pediatrics (2010) *available at* https://www.scribd.com/document/47682603/2010-Pediatric-Study-Sanctions-Against-LGBT-Youth.

For example, research suggests that schools that rely heavily on exclusionary discipline also receive less positive campus climate ratings and have lower overall academic achievement, even among the students who are not suspended or expelled.[6] Administrators and educators who rely on exclusion often fail to adopt the strategies and utilize the personnel that support campus success, resulting in missed opportunities to build relationships and understand community needs. When schools push students away, rather than pull them in closer, they fail to address underlying issues. When adults do not have the tools to effectively manage classrooms and support learning, their needs also go unaddressed. The result is a school in which no person is getting the support they need, problems are being ignored, and members of the community are being excluded, punished, and criminalized. Unstable environments like this make everyone less safe.

As another example, an analysis of data from schools across the country showed that, following high-profile incidents of school violence, school districts were most likely to place extreme and unnecessary school hardening, policing, and surveillance measures in schools with the largest proportions of students of color, even when they were not the schools and communities where violence had occurred.[7]

School hardening, policing, and surveillance measures have not been shown to increase school safety. Students and adults in schools that adopt these measures report feeling *less* safe, with campuses that are more like high-security facilities than supportive learning environments.[8] There is no reliable research that shows that the presence of police officers prevents school violence, rather research shows that when police are present in a school they are more likely to get involved in routine discipline issues,[9] resulting in an unnecessary increase in arrests, tickets, and use of force incidents. Similarly, extreme surveillance measures have not proven effective,[10] and can result in the unnecessary targeting and tracking of students. These "school safety" efforts can actually compromise the safety of students, especially those who are already more likely to have unnecessary contact with unnecessary and extreme security and policing measures in their schools.

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[6] Skiba, Russell, et. al, *Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations*, A Report by the American Psychological Association Zero Tolerance Task Force (2006), *available at* https://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf.
[7] Nance, Jason P., *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 Emory Law Journal 765 (2017), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.
[8] *See* National Association of School Psychologists, *School Security Measures and Their Impact on Students*, 2018, *available at* https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf.
[9] Nance, Jason P., *Students, Police, and the School-to-Prison Pipeline*, University of Florida Levin College of Law (2016), *available at* https://openscholarship.wustl.edu/law_lawreview/vol93/iss4/6/.
[10] Faiza Patel, Rachel Levinson-Waldman, Jun Lei Lee, Sophia DenUyl, *School Surveillance Zone*, Brennan Center for Justice, April 30, 2019, *available at* https://www.brennancenter.org/analysis/school-surveillance-zone.

Recommendations for ensuring safe schools for all students
As the Committee considers recommendations for enhancing school safety, we respectfully urge members to do the following:

- Take a research- and prevention-based approach to addressing targeted school violence. Our time, energy, and resources should focus on implementing proven strategies, like restorative practices, and increasing access to important school-based personnel, services and supports that can help to build and sustain positive school climates.

- Consider all possible outcomes of any safety recommendations. Preventing targeted school violence means fostering safe and supportive schools for all students. An increased police presence and the use of exclusionary discipline disproportionately and negatively impact specific student populations and are untenable and ineffective.

- Ensure that surveillance and data collection are limited and observe the privacy rights of students. Databases that track students based on characteristics like race, mental health diagnosis, or sexual orientation threaten the safety of individual students and serve no real schoolwide safety purpose.

- Consider the oft-ignored expertise of students. IDRA works closely with students to support their involvement in research and advocacy. As we develop our policy positions, we look to young people to more fully understand the impact of policies and practices on all student groups.[11] The students with whom we work are organized, thoughtful, and passionate about creating safe and supportive schools for everyone. They emphasize the importance of recognizing and meeting the needs of all students and have an important part to play in any conversation about school safety.

We thank you again for your attention to the important issue of school safety. We look forward to working with the Committee.

Sincerely,

Morgan Craven
National Director of Policy
Intercultural Development Research Association
morgan.craven@idra.org

The Intercultural Development Research Association is an independent, non-profit organization, led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

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[11] For more information about student activism around issues like school safety and access to equitable education opportunities, please see IDRA's resources available at https://www.idra.org/resource-center/student-activists-in-high-school-podcast-episode-191/.

MARICOPA COUNTY SHERIFF'S OFFICE

PAUL PENZONE
SHERIFF

July 24, 2019

Senator Rob Johnson, Chairman
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Senator Gary Peters, Ranking Member
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Senator Kyrsten Sinema, Arizona Senator and Committee Member
Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Re: U.S. Senate Committee on Homeland Security & Government Affairs Hearing Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence

Dear Chairman Ron Johnson, Ranking Member Gary Peters, Senator Sinema and Committee Members,

I am writing to you in advance of the Senate Homeland Security Committee hearing on school safety to share my views based on my experience as Sheriff of Marieopa County and from the 2019 First Annual School Safety Conference that my office sponsored in collaboration with the Arizona School Administrators and the Arizona Business & Education Coalition. Fortunately, Arizona has not experienced an active shooter incident in our schools in recent years, but too many schools across the country have. The time to act is now. The bottom line is that we need to bring together the stakeholders and resources to put in place comprehensive, proven-effective solutions that will keep our schools safe.

The recent incidents of gunfire on school grounds in Arizona have involved student death by suicide, often with guns acquired from the home. These incidents as well as the data on

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targeted school violence presented by the U.S. Secret Service at our conference illustrate the critical importance of providing schools with evidence based intervention tools, like threat assessment programs, and addressing unauthorized access to firearms. Preventing targeted school violence by detecting and addressing red flags is more effective than any physical security measure. Targeted school violence is overwhelmingly committed by students and a critical part of identifying, evaluating, and addressing students at risk to themselves and others is ensuring that students do not have access to firearms.

Schools also need to address their physical security in a manner that is appropriate for the school setting. Law enforcement can play an important role in protecting our schools, but policy makers must balance security with creating a positive school climate. Carefully selected and specially trained law enforcement officers can add to a school's security plan, and while I commend Arizona Governor Doug Ducey for proposing making state funds available for school resource officers and school counselors, there is still much yet to be done. The fact is that armed teachers and staff are no substitute for trained law enforcement, and there is no place for teachers or staff to be armed in K-12 schools.

Good first steps include S.265, a bipartisan proposal that creates a multidisciplinary national task force of experts in the field. This task force will work in a public-private partnership to recommend national guidelines for behavior-based threat assessment and management to support our schools and communities nationwide. In addition, these proposals will address students' access to guns such as responsible storage of firearms, extreme risk protection orders and background checks on gun sales.

Prior to becoming Maricopa County Sheriff and after retiring from the Phoenix Police Department, I served as an international security and risk management expert. During this time, I provided organizations and school districts with recommendations and best practices to mitigate active shooter situations and domestic and international terrorism threats.

As Sheriff of the largest county in Arizona and 4th largest in the United States, school safety is a top priority. I would welcome and be honored of the opportunity to serve on any task forces or share my experience in your committee at the appropriate time.

I am also including an oped recently submitted in the Arizona Republic titled, *School Safety Goes Far Beyond Hiring More Officers and Counselors.* This oped was written alongside national and Arizona educational leaders on the findings and feedback from the 1st Annual School Safety Conference in Arizona. I would respectfully request that this letter and oped be submitted for record.

Thank you for addressing this important matter in your committee and I look forward to working with you and your members to keep our students safe.

Sincerely,

Paul Penzone

Maricopa County Sheriff

School safety goes far beyond hiring more officers and counselors

Joseph Erardi, Kristi Sandvik, Paul Penzone, Mark Joraanstad and Dick Foreman, opinion contributors
Published 6:00 a.m. MT Apr. 19, 2019 | Updated 6:38 a.m. MT June 19, 2019

Opinion: The most effective way to make schools safe is to identify those displaying unsafe behavior and offer resources to help them address it.

What does "school safety" really mean?

Our schools face a number of security issues, such as guns, drugs, bullying, gangs and sexual assault. We must find solutions to all of these if we want to create a climate in which all students feel safe.

New ideas for solving these problems are emerging across the United States, including:

- Increased presence of school resource officers on school campuses.
- Mandatory suicide prevention laws.
- Adding counselors and social workers to school campuses.

Each has its proponents and opponents. But while debate is healthy, too much can lead to gridlock and keep us from improving schools as quickly as necessary.

Step 1: Identify those with unsafe behavior

Despite the complexity of the issues, the goal must be to ensure the safest learning environments for our children. We must seize on the opportunity to work together.

Information also must be shared and equally evaluated. That's how we will produce safe, secure, welcoming, effective schools.

Central to this effort is the development of a multidisciplinary team focused on prevention and intervention. Everyone in the school environment should be trained to quickly identify those who display characteristics of unsafe behavior and provide that information to the proper members of the team.

We must work together to identify, prioritize and act on these behaviors before they turn into another statistic. As of this writing, the U.S. averages one school shooting every 12 days.

Step 2: Coordinate services to intervene

We also support the notion of providing a gap analysis of the most and least safe schools. Such an analysis would assess current conditions in these schools, identify a future ideal state and make plans to bridge the gap between the two.

Schools across the U.S. have conducted threat assessments to identify those individuals who present a danger to themselves or others. These assessments are one part of schools' overall safety plans.

The best results are achieved by working with professionals from education, law enforcement, mental health and other relevant disciplines, including students and teachers. Enacting prevention plans can help cut the cost of insurance for schools, which can help them pay for some resources designed to avert these behaviors.

What is lacking, however, are the time and resources required for the multidisciplinary team to coordinate services oftentimes necessary to intervene before tragedy occurs.

This is how we lead in school safety

The Arizona Business & Education Coalition, Maricopa County Sheriff Paul Penzone and the Arizona School Administrators Association recently held a school safety conference in Phoenix. Experts gathered from across the country to discuss lessons learned from tragedies and to explore effective prevention and intervention strategies.

This event allowed the time for a deep dive into the complex issues surrounding school safety for families, schools and law enforcement agencies. It was a first step and something that isn't happening nearly enough across the country.

We learned that Arizona should help schools identify our most complex kids – and identify them early. If we really want to lead the nation in school safety, we could start by enabling a multidisciplinary team in every school to identify students who display unsafe behavior.

We also must provide resources to support the needs of these students early on, following a plan developed by parents, law enforcement and school officials.

This is the strategy to deploy now. It is proactive and comprehensive. It will engage our students, and it will coordinate essential community resources to provide safe learning environments.

It's time we made this comprehensive commitment to our students, our communities and ourselves.

Joseph V. Erardi is former superintendent of Newtown (Conn.) Public Schools. Kristi Sandvik is president-elect of the American School Superintendents Association and superintendent of the Buckeye Elementary School District. Paul Penzone is Maricopa County sheriff. Mark Joraanstad is executive director of the Arizona School Administrators Association. Dick Foreman is president and CEO of the Arizona Business & Education Coalition.

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July 24, 2019

The Honorable Gary Peters, Ranking Member
U.S. Senate Committee on Homeland Security
and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Letter for the Record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

Dear Ranking Member Peters,

On behalf of the NAACP Legal Defense and Educational Fund, Inc. ("LDF"), we urge you to work to eliminate the use of federal resources on efforts to harden schools, which have been shown to make students less safe, and instead invest in efforts to improve school climate which has in fact been shown to increase school safety.

Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest civil rights legal organization. For almost 80 years, LDF has relied on the Constitution and federal and state civil rights laws to pursue equality and justice for African Americans and other people of color. Since the historic U.S. Supreme Court decision in *Brown v. Board of Education*,[1] which LDF litigated and won, we have continued to represent students of color to ensure they receive quality and equitable educational opportunities.[2]

We believe that a safe and nurturing school environment is critical for both ensuring that students have a safe place to learn and for creating a climate that allows for all students to succeed academically. We recommend the following to achieve those goals.

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[1] 347 U.S. 483 (1954).

[2] *See, e.g.*, *Stout v. Jefferson County Bd. of Educ.*, 882 F.3d 988 (11th Cir. 2018) (successfully challenging a racially discriminatory school secession movement); *Banks v. St. James Par. Sch. Bd.*, No. 2:65-CV-16173, 2017 WL 2554472 (E.D. La. Jan. 30, 2017) (approving a school desegregation plan designed to end racial discrimination in student assignment and discipline); *Thomas v. St. Martin Par. Sch. Dist.*, No. 6:65-cv-11314, ECF No. 178 (W.D. La., Jan. 25, 2016) (same), *available at* https://goo.gl/ADNTxY.

I. Eliminate the Assignment of Law Enforcement to Schools.

There is no evidence to show that the assignment of law enforcement officers to schools makes students safer. However, law enforcement officers placed in schools too often engage in routine disciplinary matters best left to educators. Students who attend schools where a school resource officer is present are more likely to be referred to law enforcement for typical childhood behaviors that previously would have been handled by educators using developmentally appropriate, pedagogically sound interventions.[3] For example, police have arrested students, some as young as five years old, for throwing a tantrum, texting, passing gas, violating the school dress code, arriving late, bringing a cell phone to school, or having a nonviolent verbal disagreement with a schoolmate.[4]

In Florida, during the 2010-11 school year, assigning police to schools led to 16,377 referrals of students to the juvenile justice system – an astounding 45 students each day.[5] Two-thirds of these referrals were for misdemeanors such as disruption of a school function, disorderly conduct, or minor scuffles with schoolmates.[6] This criminalization of developmentally appropriate childhood misbehavior has dire consequences. Turning police into school disciplinarians increases student anxiety, creates alienation and distrust, diminishes students' faith in the legitimacy of the authority of school staff, and can trigger, rather than prevent, misbehavior.[7] Harsh disciplinary practices, such as school-based arrests, increase the risk that students will fail a grade, drop out of school, and become entangled in the criminal justice system.[8]

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[3] Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, U. OF FLA. LEVIN COLLEGE OF L., 2016, *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333.

[4] *Id.*

[5] Fla. Dep't of Juv. Just., *Delinquency in Florida's Schools: A Seven Year Study* 3 (Nov. 2011), *available at* http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0.

[6] ACLU of Fla., Advancement Project, & Fla. St. Conf. of the NAACP, *Still Haven't Shut Down the School-to-Prison Pipeline* 6-8 (Mar. 2011), *available at* http://b.3cdn.net/advancement/be89ef01bcb350c7fc_z5m6btbgo.pdf.

[7] Philip J. Cook, et al., *School Crime Control and Prevention*, 39 CRIME & JUST. 313, 372 (2010). *Accord* Matthew J. Meyer et al., *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 EDUC. & TREATMENT OF CHILD. 333, 352 (1999); Randall R. Beger, *The Worst of Both Worlds*, 28 CRIM. JUST. REV. 336, 340 (2003); Kathleen Nolan, POLICE IN THE HALLWAYS: DISCIPLINE IN AN URBAN HIGH SCHOOL 53 (2011).

[8] Russell Skiba et al., *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force* (2006), *available at* http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf; Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011); Centers for Disease Control, *Health Risk Behaviors among Adolescents Who Do and Do Not Attend School – United States, 1992*, 43 MORBIDITY & MORTALITY WEEKLY REP. 129 (1994). *See also* Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (Dec. 2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013) (finding that students who were suspended even one time in ninth grade doubles their chance dropping out of school).

Furthermore, law enforcement officers placed in schools too often discipline, arrest, and assault Black children at a higher rate than their White peers, [9] violating federal law prohibiting discrimination based on race. Although Black and Latinx students do not misbehave more than White students,[10] they make up over 58% of school-based arrests, but only 40% of public school enrollment.[11] Black students are more than twice as likely as their White peers to be referred to law enforcement or arrested at school.[12] The presence of police in schools makes Black students and students who have been victims feel less safe,[13] which negatively affects school climate. The prohibition of the assignment of law enforcement officers to school would positively impact school safety by contributing to a more welcoming environment conducive to learning for students, particularly those of color.

II. Safeguard Against the Inappropriate Use of Data Sharing, Threat Assessments, and Technology.

Many recent efforts to address school safety concerns have included the use of technology like facial recognition software[14], increased use of threat assessments[15], and increased data sharing with law enforcement[16]. These and other similar recommendations that rely upon the use of data and technology are often presented as transparent and objective innovations, but they each come with serious civil rights concerns. Where schools do implement threat assessments and data sharing, they must also ensure that proper due process and privacy protections are implemented to guard against subjecting innocent students to false and malicious allegations of wrongdoing without any recourse.[17] In addition, protections should be in place, including a robust system of feedback and review, to ensure that these systems are not having a disparate impact on students of color or other groups at risk of being targeted. Even well-meaning students or staff who unknowingly hold implicit biases

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[9] *See* Ajmel Quereshi et al., *Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline*, NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC., 2017, *available at* http://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf.

[10] Russell J. Skiba, et al., *Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior: A Summary of the Literature*, Indiana U., Mar. 2014, *available at* http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf.

[11] Education Week Research Center original analysis of Civil Rights Data Collection, 2017, *available at* https://www.npr.org/sections/ed/2017/01/27/511428075/does-your-school-arrest-students.

[12] 2013-2014 Civil Rights Data Collection (CRDC), *A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation's Public Schools*, U.S. DEP'T OF EDUC. OFFICE FOR CIV. RTS (June 7, 2016).

[13] Matthew T. Theriot et al., *School Resource Officers and Students' Feelings of Safety at School*, 14 YOUTH VIOLENCE & JUV. JUST. 2, 130-146 (Dec. 2014), *abstract available at* http://journals.sagepub.com/doi/10.1177/1541204014564472.

[14] *See, e.g.*, Issie Lapowsky, *Schools Can Now Get Facial Recognition Tech for Free. Should They?*, WIRED, Jul. 17, 2018; Ava Kofman, *Face Recognition Is Now Being Used in Schools, but It Won't Stop Mass Shootings*, THE INTERCEPT, May 30, 2018.

[15] *See, e.g.*, FINAL REPORT OF THE FEDERAL COMMISSION ON SCHOOL SAFETY, Ch. 5, Dec. 18, 2018, *available at* https://www2.ed.gov/documents/school-safety/school-safety-report.pdf.

[16] *See, e.g.*, Benjamin Herold, *To Stop School Shootings, Fla. Will Merge Government Data, Social Media Posts*, EDWEEK, Jul. 26, 2018.

[17] U.S. Secret Service and U.S. Dep't of Educ., *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates* (July 2004).

against students of color[18] may act on those biases by reporting those students as a threat. Facial recognition software should not be used at all, as it has been shown to be inaccurate in identifying Black faces, darker-skinned women, and children and is completely ineffective in making schools safer.[19]

III. Prohibit the Arming of School Staff.

Arming school staff is more likely to create gun violence than resolve or prevent it. "Gun use in self-defense is rare, and it appears that using a gun in self-defense is no more likely to reduce the chance of being injured during a crime than various other forms of protective action."[20] Indeed, a study by the FBI found that unarmed individuals were more likely to disarm active shooters than someone with a gun.[21] Meanwhile, research consistently shows that the presence of guns is correlated with a higher risk of violence, homicide, and suicide.[22] One study showed that individuals carrying a gun were 4.5 times more likely to be shot during an assault than unarmed individuals.[23]

Allowing staff to carry guns in schools particularly endangers Black children and educators due to the implicit, and sometimes explicit,[24] bias that is endemic in

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[18] *See, e.g.*, Philip A. Goff, et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. OF PERSONALITY & SOC. PSYCHOL. 526 (2014), *available at* https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf; Rebecca Epstein, et al., *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, CTR. ON POVERTY & INEQUALITY AT GEO. L. SCH. (Aug. 14, 2017), *available at* https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf; John Paul Wilson, et al., *Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat*, 113 J. OF PERSONALITY & SOC. PSYCHOL. 59 (2017), *available at* http://www.apa.org/pubs/journals/releases/psp-pspi0000092.pdf; Walter S. Gilliam, et al., *Do Early Educators' Implicit Biases Regarding Sex & Race Relate to Behavior Expectations & Recommendations of Preschool Expulsions & Suspensions?*, YALE U. CHILD STUDY CTR. (Sep. 28, 2016), *available at* http://ziglercenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf; Tony Favro, *Discipline and civil rights in American state schools*, CITY MAYORS, Nov. 22, 2011, *available at* http://www.citymayors.com/education/usa-school-discipline.html; Wesley Wright, *Fear of black students, unfair treatment rampant in Denver schools, black educators say*, CHALKBEAT, Aug. 5, 2016, *available at* https://www.chalkbeat.org/posts/co/2016/08/05/fear-of-black-students-unfair-treatment-rampant-in-denver-schools-black-educators-say/.

[19] *See* Ava Kofman, *Face Recognition Is Now Being Used in Schools, but It Won't Stop Mass Shootings*, THE INTERCEPT, May 30, 2018.

[20] DAVID HEMENWAY, PRIVATE GUNS, PUBLIC HEALTH 78 (2004).

[21] Federal Bureau of Investigation, *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*, Sep. 2013, *available at* https://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013.

[22] *See, e.g.*, Matthew Miller, et al., *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOC. SCI. & MED., Feb. 2007, *available at* https://www.sciencedirect.com/science/article/pii/S0277953606004898?via%3Dihub.

[23] Charles C. Branas, et al., *Investigating the Link Between Gun Possession and Gun Assault*, 99 AM. J. PUB. HEALTH 2034 (Nov. 2009), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759797/pdf/2034.pdf.

[24] *See, e.g.*, Matt Stevens, *Florida Teacher Says Her Racist Podcast Was 'Satire'*, N.Y. TIMES, March 7, 2018, *available at* https://www.nytimes.com/2018/03/07/us/florida-teacher-racism.html; WFLA Web Staff, *Florida teacher used n-word, told students dating black people was 'not worth it,' district says*, WFLA, Mar. 10, 2018, *available at* http://wfla.com/2018/03/10/florida-teacher-used-n-word-told-students-dating-black-people-was-not-worth-it-district-says/; *Florida teacher put on probation for telling racist jokes in classroom*, THE GRIO, Oct. 27, 2016, *available at* https://thegrio.com/2016/10/27/florida-teacher-racist-jokes/.

our society. Implicit social cognition research consistently shows that, even for individuals with good intentions, negative stereotypes about race can affect split-second decisions such as the decision to discharge a weapon.[25] For example, White research subjects were more likely to mistake a toy for a weapon when they saw a five-year-old boy who was Black than when they saw a five-year-old boy who was White.[26] Likewise, when research subjects were forced to make a split-second decision about whether an individual had a gun, they were more likely to see a gun where there was not one when the individual was Black.[27] Similarly, when research subjects were faced with a split-second decision about whether to shoot a potentially armed person, they shot faster and more often when the potentially armed person was Black.[28]

Research also shows that Black children are often perceived as older than they actually are, less innocent, less childlike, more culpable for their actions, and more appropriate targets for police brutality than White children.[29] Similarly, research confirms that Black men are perceived as larger and more threatening than similarly-sized White men.[30] Research also demonstrates that implicit biases against Black children begin to cloud the judgment of their teachers as early as preschool.[31] There are also multiple reports of teachers expressing fear of Black students.[32] The confluence of these factors means that arming school staff could have deadly consequences for Black students and educators.

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[25] B. Keith Payne, *Weapons Bias: Split-Second Decisions and Unintended Stereotyping*, CURRENT DIRECTIONS IN PSYCHOL. SCI., 2006, *available at* http://www.psych.uncc.edu/pagoolka/cdps287.pdf.

[26] Andrew R. Todd, et al., *Does Seeing Faces of Young Black Boys Facilitate the Identification of Threatening Stimuli?*, PSYCHOL. SCI., Feb. 1, 2016, *available at* http://journals.sagepub.com/doi/abs/10.1177/0956797615624492.

[27] *Id.*

[28] Joshua Correll, et al., *Event-related potentials and the decision to shoot: The role of threat perception and cognitive control*, 42 J. OF EXPERIMENTAL SOC. PSYCHOL. 120–128 (2006), *available at* http://psych.colorado.edu/~tito/Correll_et_al_2006.pdf.

[29] Philip A. Goff, et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. OF PERSONALITY & SOC. PSYCHOL. 526 (2014), *available at* https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf; Rebecca Epstein, et al., *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, CENTER ON POVERTY & INEQUALITY AT GEO. L. SCH. (Aug. 14, 2017), *available at* https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf.

[30] John Paul Wilson, et al., *Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat*, 113 J. OF PERSONALITY & SOC. PSYCHOL. 59 (2017), *available at* http://www.apa.org/pubs/journals/releases/psp-pspi0000092.pdf.

[31] Walter S. Gilliam, et al., *Do Early Educators' Implicit Biases Regarding Sex & Race Relate to Behavior Expectations & Recommendations of Preschool Expulsions & Suspensions?*, YALE U. CHILD STUDY CTR. (Sep. 28, 2016), *available at* http://ziglercenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf.

[32] *See, e.g.*, Tony Favro, *Discipline and civil rights in American state schools*, CITY MAYORS, Nov. 22, 2011, *available at* http://www.citymayors.com/education/usa-school-discipline.html; Wesley Wright, *Fear of black students, unfair treatment rampant in Denver schools, black educators say*, CHALKBEAT, Aug. 5, 2016, *available at* https://www.chalkbeat.org/posts/co/2016/08/05/fear-of-black-students-unfair-treatment-rampant-in-denver-schools-black-educators-say/.

IV. Nurture A Positive School Climate to Make for Safer Schools.

The U.S. Department of Education and the U.S. Secret Service have published a guide (the "ED/SS Guide") which sets forth strategies to make schools safer.[33] The ED/SS guide emphasizes that safe and secure school environments are created only through focusing on maintaining a respectful and supportive school environment where students' emotional and academic needs are met. The following strategies are recommended in the guide:

1. Systematically surveying students, teachers, and other stakeholders about the emotional climate of a school to be able to continuously assess and improve school climate;
2. Encouraging students and teachers to respectfully listen to each other;
3. Ensuring that students feel comfortable speaking with adults in the school community;
4. Preventing and addressing bullying through promotion of pro-social behaviors;
5. Involving students and staff in the maintenance of a culture of safety and respect;
6. Ensuring all students have a trusting relationship with at least one adult at school; and
7. Creating mechanisms for developing and maintaining safe school climates.[34]

Thank you for considering these recommendations. Please do not hesitate to contact us at 202-682-1300.

Sincerely,

Lisa Cylar Barrett
Director of Policy

Nicole Dooley
Senior Policy Counsel

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[33] *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, U.S. SECRET SERVICE & U.S. DEP'T OF EDUC. (Jul. 2004).

[34] *Id. See also* U.S. DEP'T OF JUSTICE & U.S. DEP'T OF EDUCATION, DEAR COLLEAGUE LETTER ON THE NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE (Jan. 8, 2014), *available at* https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html (providing that "[s]chools are safer when all students feel comfortable and are engaged in the school community . . . . Equipping school officials with an array of tools to support positive student behavior . . . will both promote safety and avoid the use of discipline policies that are discriminatory or inappropriate.").

The Honorable Ron Johnson
Chairman
Homeland Security and
Governmental Affairs Committee
328 Hart Senate Office Building
Washington, DC 20510

The Honorable Gary Peters
Ranking Member
Homeland Security and
Governmental Affairs Committee
724 Hart Senate Office Building
Washington, DC 20510

July 23, 2019

Dear Chairman Johnson and Ranking Member Peters:

The National Association of Secondary School Principals (NASSP) would like to submit the following comments for the record regarding the committee's upcoming hearing titled "Examining State and Federal Recommendations for Enhancing School Safety Against Targeting Violence." NASSP is the leading organization of and voice for principals and other school leaders across the United States. NASSP seeks to transform education through school leadership, recognizing that the fulfillment of each student's potential relies on great leaders in every school committed to the success of each student.

In 2013, NASSP, the American School Counselor Association, the National Association of School Psychologists, the School Social Work Association of America, the National Association of Elementary School Principals and the National Association of School Resource Officers developed *A Framework for Safe and Successful Schools*[1] to provide a common set of recommendations for policies and practices that create and sustain safe, supportive learning environments. The goal was, and is, to reinforce the interdisciplinary, collaborative, and cohesive approach required to improve school climate, implement multitiered systems of support, advance positive discipline practices, and increase access to the mental and behavioral health services necessary to meet the needs of all children and youth. Endorsed by over 100 organizations and experts, the *Framework* has successfully influenced important education policy including the Comprehensive School Safety Initiative, the Every Student Succeeds Act, and various state and local school safety efforts.

Despite the *Framework*'s success, some states have recently enacted policies that will only serve to harm our students' learning ability and not actually improve school safety. Most notably, Florida has recently proposed or enacted several dangerous policies, including creating a registry of students with mental health needs, encouraging arming teachers and attempting to over-harden schools.

Creating a registry of students with mental health needs will only serve to alienate those students and perpetuate a negative stigma of these individuals as being violent. Such a registry would also violate the privacy of these students as well as their families. There is no relevant data that points to those with mental health needs as being more violent than other individuals as well. Rather than focus efforts around the creation of such an ineffective registry, federal and state governments should focus on increasing access to mental health supports for all students. Oftentimes, student's mental wellness can suffer for a variety of reasons, whether that be from trauma, stress or other

[1] Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). A framework for safe and successful schools [Brief]. Bethesda, MD: National Association of School Psychologists.

factors. Increasing supports for all students, including those with mental health needs, ensures a more productive learning environment where students feel safe and well cared for and can achieve to their greatest potential.

Arming educators continues to be an unpopular issue among educators at all levels within a school. Educators already face the daunting task of educating our next generation. Principals, teachers and other school staff should be focused on providing instruction, engaging families, and providing students with the skills and supports they need to succeed in the workforce and in life, not on managing and potentially responding to threats with deadly force. If educators were armed, schools would be more susceptible to accidents and violence rather than safer from these incidents. No credible evidence suggests that more guns in schools equals more safety. In fact, the growing number of accidental shootings and mishaps with guns in schools, even in the hands of trained professionals, tell us exactly the opposite.

The belief that hardening schools with metal detectors, cameras or similar equipment is a shortsighted, misguided attempt at improving safety. Recent studies have found that students in schools with this equipment often feel less safe, and this negatively impacts their ability to learn. Resources should instead be allocated to update schools' infrastructure with methods that have been proven effective and don't inhibit a student's feeling of safety. For example, wider hallways, brighter lights, one entry/exit points into the building and offices located in high student traffic areas are all proven methods of infrastructure development that promote safety and positively impact student wellness.

NASSP urges the committee to consider real, practical solutions that will best serve educators and students. Many of the negative policies listed above often ignore one important fact. That schools are still the safest place for our students. Still, improvements can be made. Comprehensive, "wrap-around" services—including mental health services—are needed to build a safe learning environment. Schools should be trauma-informed environments, and teachers, principals and other school leaders need access to the training and resources required to create such environments. NASSP urges this committee to consider this and other recommendations made in the Framework rather than other potentially dangerous and harmful policies that will not make our schools any safer, but would negatively impact student learning ability as well.

Sincerely,

Amanda Karhuse

Amanda Karhuse
NASSP Director of Advocacy

CC:
Senator Thomas Carper
Senator Michael Enzi
Senator Kamala Harris

Senator Margaret Hassan
Senator Josh Hawley
Senator James Lankford
Senator Rand Paul
Senator Rob Portman
Senator Mitt Romney
Senator Jacky Rosen
Senator Rick Scott
Senator Kyrsten Sinema

NASP
NATIONAL ASSOCIATION OF
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The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman and Ranking Member,

Thank you for holding this important hearing to discuss the best practices for enhancing school safety against targeted violence. On behalf of the 25,000 members of the National Association of School Psychologists (NASP), we know firsthand that schools play a critical and irreplaceable role in keeping students safe and supporting their mental health. While schools remain one of the safest places for children, we cannot ignore the fact that acts of violence do occur on our school campuses, in addition to those that our students experience on the way to and from school and in their communities. This can include bullying, harassment, fighting, assault, and gun violence. According to Every Town for Gun Safety, there have already been at least 57 incidents of gunfire on school grounds in 2019, resulting in 10 deaths (including 3 deaths by suicide) and 35 injuries. Further, data from the Naval Postgraduate School's K–12 School Shooting database shows that 2018 was the worst year on record for school shootings and gun-related incidents. *The Washington Post* reported that more than 226,000 children have been exposed to gun violence at schools since Columbine.[1] This reality in our country is completely unacceptable. Of all developed countries, the United States is the only nation that continues to experience gun violence on a daily and pervasive basis in our schools and communities.

As Congress explores solutions to prevent school violence, it is imperative that we stay focused on facts and on what we know works. NASP urges Congress to focus on *comprehensive* efforts to improve school safety. Creating safe and supportive schools requires a team effort. We know that, together, we can create successful schools that prevent violence by simultaneously employing reasonable physical security measures, maintaining appropriate crisis preparedness and response teams and plans, and ensuring positive school climates in which students' academic, social–emotional, and mental and behavioral health needs are met. In all of these efforts, school psychologists play a critical role.

In 2012, NASP—in collaboration with the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of School Resource Officers, the American School Counselor Association, and School Social Work Association of America—released a *Framework for Safe and Successful Schools* (attached). This resource outlines best practice and policy recommendations that we know improve school safety. In 2018, the author organizations, along with the National PTA, released *Considerations and Action Steps* for implementing the *Framework for Safe and Successful Schools* (attached). This document builds on the recommendations outlined in the Framework and gives school leaders concrete steps they can take to improve school safety. We urge Congress to seriously consider these policy recommendations, which include the following:

- ***Schools must implement safety initiatives that balance psychological and physical safety.***
  Effective school safety efforts should utilize evidence-based practices to ensure the well-being of all students in addition to their physical safety. Reasonable building measures, such as secure entrances and exits, lighted and monitored hallways, and check in-check out systems for visitors, are important. However, an overemphasis on extreme physical security measures alone, such as metal detectors and arming school staff, has either no effect or

[1] Valerie Strauss, *"Study: There's no evidence that hardening schools actually works"* (April 26, 2019) *available at:* https://www.washingtonpost.com/education/2019/04/16/study-theres-no-evidence-that-hardening-schools-make-kids-safer-gun-violence-actually-works/

arguably negative effects on school safety[2]. Such measures may, in fact, undermine student perceptions of safety and schools' ability to ensure an effective learning environment. Multiple studies have found no evidence that any pattern of visible security had beneficial effects on academic outcomes, and heavy surveillance was modestly associated with detrimental effects on academic outcomes.[3] This is particularly true for low-income, inner-city schools or schools who serve racial and ethnic minority students.

We must balance physical and psychological safety by taking reasonable security measures while also engaging in a sustained district- and building-level commitment to foster a welcoming and supportive learning environment. It's especially important to note that *arming teachers is not the answer.* Doing so places an unrealistic, unreasonable burden on America's educators, has the potential to cause more harm from unintentional or inaccurate discharge of firearms, and can undermine the sense of safe, supportive learning environments. The *Heller v. District of Columbia* case reinforced that there are "sensitive spaces" where gun prohibition is perfectly acceptable—including schools. Our nation must focus on the approaches that genuinely safeguard the well-being of our children and of the school staff who work to educate, empower, and protect them every day. Allowing anyone other than a commissioned law enforcement officer to carry a gun at a school is not one of these approaches.

- ***Increase access to comprehensive mental and behavioral health services and supports in schools.***
  Only a fraction of youth in need of mental health services actually receive them, and among those that do, the majority receive care in school. Schools are an ideal place both to promote mental wellness and to identify and support students struggling with mental health issues. In these cases, collaboration among school staff members, community members, students, and their families is essential to ensuring that children receive care and effective interventions.

  We must stress that the majority of people with mental illness are not violent; in fact, individuals with mental illness are more likely to be *victims* of violence. To conclude that the presence of an issue like depression predisposes someone to commit a violent crime perpetuates an incorrect stereotype and maintains a stigma that often creates a reluctance to seek treatment. Instead we must reduce stigma, improve access to mental health services in schools, and continue efforts to build strong relationships and connections at school. These are critical factors in preventing harm and interrupting individuals' pathways toward violence. These efforts also allow for effective responses to violent acts directed at schools, and providing effective crisis response following exposure to trauma.

  Importantly, in order to more effectively meet the mental, behavioral, and social–emotional health needs of students—to address the needs of the *whole* child—we must increase the number of school psychologists, school counselors, and school social workers. There is currently a critical shortage of these professionals, who are trained to guide school-wide prevention and intervention, provide direct services to students in need of support, help teachers and other school staff understand the warning signs that individuals may be at risk of causing harm to themselves or others, provide appropriate threat and suicide assessments and supports to identified students, and provide crisis response and recovery mental health supports.

- ***Create welcoming, supportive learning environments.***
  Students need to feel connected and included in their school communities. It is critical to enhance school connectedness and trust between students and adults, as well as to reinforce open communication and the importance of reporting concerns about someone potentially hurting themselves or others. A key component of a welcoming and supportive environment is the use of effective, positive discipline strategies that focus on reinforcing positive behavior, preventing and addressing negative behavior, and keeping students in school rather than pushing them out. Overly punitive discipline strategies, like zero-tolerance policies, do not improve school safety. Overreliance on suspension and expulsion contributes to the school-to-prison pipeline. Furthermore, students who are suspended or expelled are at increased risk of dropping out, substance abuse, and other risky

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[2] Addington, L, *The Use of Visible Security Measures in Public Schools: A Review to Summarize Current Literature and Guide Future Research* (2018).

[3] Fisher, Benjamin W. & Tanner-Smith, Emily E, *Visible Security Measures and Student Academic Performance, Attendance, and Postsecondary Aspirations* (2016).

behaviors that could lead to involvement in the criminal justice system. Schools can and should address negative behavior and connect students to the necessary supports needed to be successful, rather than pushing them out.

- ***Establish trained school safety and crisis teams.***
  Schools and districts need trained school safety and crisis teams and plans that are consistently reviewed and practiced. Training should encompass ongoing prevention and early intervention as well as response and recovery in the event the unpreventable occurs. This includes conducting effective lockdown drills, collaborative planning with community responders, and training school mental health professionals with skills and techniques to support psychological recovery. A primary goal should be to reinforce learning as well as safety.

- ***Enact and uphold gun laws that prevent access to firearms by those who have the potential to cause harm to themselves or others.***
  NASP supports measures that will reduce access to firearms by individuals who intend to harm themselves or others and are in line with existing public safety measures designed to protect American citizens. This includes eliminating inappropriate youth access to guns; reinstating the federal assault weapons ban; keeping guns out of the hands of individuals deemed at risk of hurting themselves and others; improving awareness of safe gun practices, including secure storage of firearms; and funding public health research on gun violence. *We will not solve the issue of school and community violence by making weapons more accessible or increasing their presence in our schools.* Instead, we must do everything we can to keep weapons out of the hands of those who intend to harm others.

The truth is that no amount of investment in physical security can guarantee absolute protection from gun violence, and while hardening schools with visible security measures initially may alleviate student and parent fears and make the community aware that schools are taking action, these measures have *not* been proven to decrease acts of violence in schools. The education sector of the market for security equipment services reached $2.7 billion in revenue in 2017[4]—but a recent study by researchers at the University of Toledo and Ball State University found that there were no physical security practices with evidence indicating they had reduced such violence.[5] *This is why addressing the shortage and increasing access to school-employed mental health professionals is absolutely critical to tackling this difficult issue.* These professionals provide valuable expertise on creating healthy school environments—free of bullying, harassment, and discrimination—where students are comfortable and able to get the support they need and adults are able to recognize a student in crisis.

In order to make our schools safer, we must do more to address the underlying causes of violence. This means enacting legislation that will balance physical and psychological safety, increase access to comprehensive mental and behavioral health services in schools, and uphold meaningful gun safety regulations that will reduce inappropriate access to weapons. As Congress proposes legislation to curb acts of violence in schools, it is absolutely imperative that these efforts are grounded in research and best practice. If you have any questions or would like to follow up, please contact me at kminke@naspweb.org.

Sincerely,

Kathleen Minke

Kathleen Minke, PhD, NCSP
Executive Director
National Association of School Psychologists

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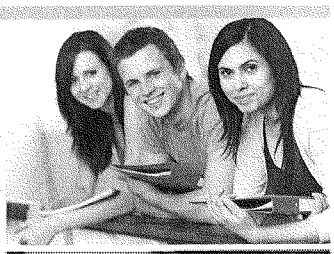
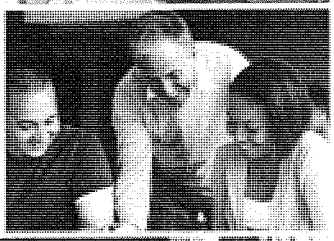
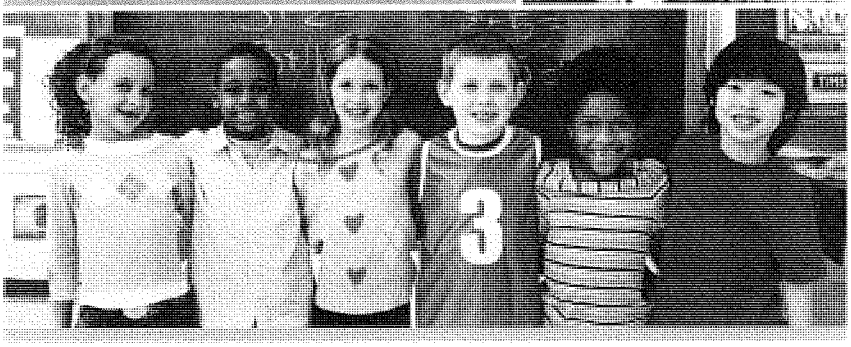
[4] *"School security systems industry – US market overview* (February 26, 2018) *available at* https://technology.ihs.com/600401/school-security-systems-industry-us-market-overview

[5] Khubchandani, Jagdish and Price, James, *School Firearm Violence Prevention Practices and Policies: Functional or Folly?* (June 2019).

A Framework for Safe and Successful Schools







AMERICAN SCHOOL COUNSELOR ASSOCIATION

NASP NATIONAL ASSOCIATION OF School Psychologists

School Social Work Association of America

NASRO National Association of School Resource Officers

naesp National Association of Elementary School Principals

nassp national association of secondary school principals

Executive Summary

This joint statement provides a framework supported by educators for improving school safety and increasing access to mental health supports for children and youth. Efforts to improve school climate, safety, and learning are not separate endeavors. They must be designed, funded, and implemented as a comprehensive school-wide approach that facilitates interdisciplinary collaboration and builds on a multitiered system of supports. We caution against seemingly quick and potentially harmful solutions, such as arming school personnel, and urge policy leaders to support the following guidance to enact policies that will equip America's schools to educate and safeguard our children over the long term.

POLICY RECOMMENDATIONS TO SUPPORT EFFECTIVE SCHOOL SAFETY

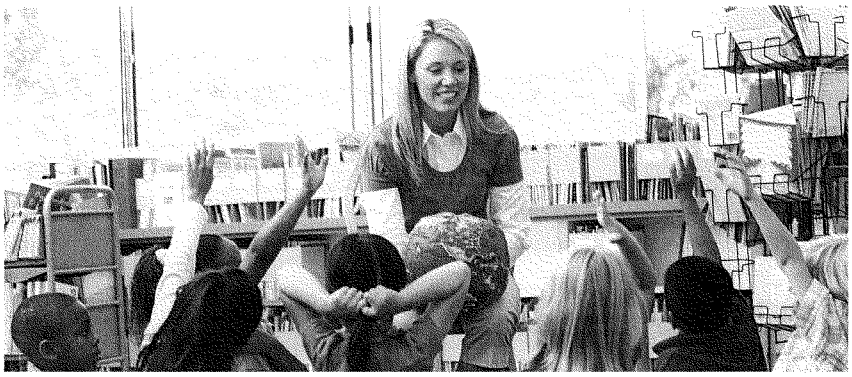
1. Allow for blended, flexible use of funding streams in education and mental health services;
2. Improve staffing ratios to allow for the delivery of a full range of services and effective school–community partnerships;
3. Develop evidence-based standards for district-level policies to promote effective school discipline and positive behavior;
4. Fund continuous and sustainable crisis and emergency preparedness, response, and recovery planning and training that uses evidence-based models;
5. Provide incentives for intra- and interagency collaboration; and
6. Support multitiered systems of support (MTSS).

BEST PRACTICES FOR CREATING SAFE AND SUCCESSFUL SCHOOLS

1. Fully integrate learning supports (e.g., behavioral, mental health, and social services), instruction, and school management within a comprehensive, cohesive approach that facilitates multidisciplinary collaboration.
2. Implement multitiered systems of support (MTSS) that encompass prevention, wellness promotion, and interventions that increase with intensity based on student need, and that promote close school–community collaboration.
3. Improve access to school-based mental health supports by ensuring adequate staffing levels in terms of school-employed mental health professionals who are trained to infuse prevention and intervention services into the learning process and to help integrate services provided through school–community partnerships into existing school initiatives.
4. Integrate ongoing positive climate and safety efforts with crisis prevention, preparedness, response, and recovery to ensure that crisis training and plans: (a) are relevant to the school context, (b) reinforce learning, (c) make maximum use of existing staff resources, (d) facilitate effective threat assessment, and (e) are consistently reviewed and practiced.
5. Balance physical and psychological safety to avoid overly restrictive measures (e.g., armed guards and metal detectors) that can undermine the learning environment and instead combine reasonable physical security measures (e.g., locked doors and monitored public spaces) with efforts to enhance school climate, build trusting relationships, and encourage students and adults to report potential threats. If a school determines the need for armed security, properly trained school resource officers (SROs) are the only school personnel of any type who should be armed.
6. Employ effective, positive school discipline that: (a) functions in concert with efforts to address school safety and climate; (b) is not simply punitive (e.g., zero tolerance); (c) is clear, consistent, and equitable; and (d) reinforces positive behaviors. Using security personnel or SROs primarily as a substitute for effective discipline policies does not contribute to school safety and can perpetuate the school-to-prison pipeline.
7. Consider the context of each school and district and provide services that are most needed, appropriate, and culturally sensitive to a school's unique student populations and learning communities.
8. Acknowledge that sustainable and effective change takes time, and that individual schools will vary in their readiness to implement improvements and should be afforded the time and resources to sustain change over time.

Creating safe, orderly, and welcoming learning environments is critical to educating and preparing all of our children and youth to achieve their highest potential and contribute to society. We all share this responsibility and look forward to working with the Administration, Congress, and state and local policy makers to shape policies based on these best practices in school safety and climate, student mental health, instructional leadership, teaching, and learning.

A Framework for Safe and Successful Schools



The author organizations and cosigners of this joint statement believe that, while schools are among the safest places for American's children, we must make violence prevention and student well-being in our schools and communities a priority. We represent the educators who work day in and day out to keep our children safe, ensure their well-being, and promote learning. This joint statement provides a framework supported by educators for improving school safety and increasing access to mental health supports for children and youth.

We created these policy and practice recommendations to help provide guidance to the Administration, Congress, and state and local agencies as they reflect upon evidence for best practices in school safety and climate, student mental health and well-being, instructional leadership, teaching, and learning. Further, the partnership between our organizations seeks to reinforce the interdisciplinary, collaborative, and cohesive approach that is required to create and sustain genuinely safe, supportive schools that meet the needs of the whole child. Efforts to improve school climate, safety, and learning are not separate endeavors and must be designed, funded, and implemented as a comprehensive school-wide approach. Ensuring that mental health and safety programming and services are appropriately integrated into the overall multitiered system of supports is essential for successful and sustainable improvements in school safety and academic achievement.

Specifically, effective school safety efforts:

- Begin with proactive principal leadership.
- Allow school leaders to deploy human and financial resources in a manner that best meets the needs of their school and community.
- Provide a team-based framework to facilitate effective coordination of services and interventions.
- Balance the needs for physical and psychological safety.
- Employ the necessary and appropriately trained school-employed mental health and safety personnel.
- Provide relevant and ongoing professional development for all staff.
- Integrate a continuum of mental health supports within a multitiered system of supports.
- Engage families and community providers as meaningful partners.
- Remain grounded in the mission and purpose of schools: teaching and learning.

Although the focus of this document is on policies and practices that schools can use to ensure safety, we must acknowledge the importance of policies and practices that make our communities safer as well. This includes increased access to mental health services, improved interagency collaboration, and reduced exposure of children to community violence. Additionally, our organizations support efforts designed to reduce youth access to firearms. Finally, many local school districts and state boards of education are considering policies that would allow school staff to carry a weapon. Our organizations believe that arming educators would cause more harm than good, and we advise decision makers to approach these policies with extreme caution.

We urge policy leaders to support the following guidance to promote safe and supportive schools. We look forward to working with the Administration, Congress, and state and local agencies to shape and enact meaningful policies that will genuinely equip America's schools to educate and safeguard our children over the long term.

POLICY RECOMMENDATIONS TO SUPPORT EFFECTIVE SCHOOL SAFETY

1. **Allow for blended, flexible use of funding streams.** The Department of Education should work with the Department of Health and Human Services and Congress to release guidance that gives schools access to various funding streams (e.g., SAMHSA and Title I) to ensure adequate and sustained funding dedicated to improving school safety. One-time grants are beneficial in some circumstances; however, one-time allotments of money for schools are insufficient for sustained change to occur. Similarly, district superintendents must be able to anticipate the availability of future funding in order to collaborate with school principals to effectively plan for and implement meaningful changes that will result in positive, sustainable outcomes for students.
2. **Strive to improve staffing ratios to allow for the delivery of a full range of services, including school–community partnerships, and set standards that will help schools effectively and accurately assess their needs.** This will require providing additional funding for key personnel such as school counselors, school psychologists, school social workers, and school nurses.
3. **Outline standards for district-level policies to promote effective school discipline and positive behavior.** Although it has been briefly discussed in this document, we urge the Department to release guidance regarding effective school discipline policies. Far too many schools continue to use punitive discipline measures, such as zero-tolerance policies, that result in negative outcomes for students and contribute to the school-to-prison pipeline.
4. **Provide funding for continuous and sustainable crisis and emergency preparedness, response, and recovery planning and training (utilizing evidence-based models).** The minimum standards include:
   a. establishment of a school safety and crisis team that includes the principal, school-employed mental health professionals, school security personnel, and appropriate community first responders;
   b. a balanced focus on promoting and protecting both physical and psychological safety;
   c. a crisis team and plan based on the Department of Homeland Security's Incident Command System;
   d. ongoing professional development for all school employees to help identify key indicators of students' mental health problems as well as employees' specific roles in implementation of crisis response plans;
   e. professional development for school-employed mental health professionals and other relevant staff (e.g., key administrators, school resource officers) on how to implement effective crisis prevention, intervention, and postvention strategies, including the critical mental health components of recovery.
5. **Provide incentives for intra- and interagency collaboration.** All levels of government need to take preemptive measures to strengthen the ability of schools to provide coordinated services to address mental health and school safety. We urge the federal government to set the standard and issue guidance on how various government, law enforcement, and community agencies can work together to provide services to students and families. At all levels, we must remove the barriers between education and health service agencies. Schools serve as the ideal "hub" for service delivery; however, schools must be adequately staffed with school counselors, school psychologists, school social workers, and school nurses who can provide the proper services in the school setting, connect students and families to the appropriate services in the community, and work collaboratively with external agencies to ensure streamlined service delivery and avoid redundancy.

6. **Support multitiered systems of supports.** A full continuum of services ranging from building-level supports for all students to more intensive student-level services is necessary to effectively address school safety and student mental health.

BEST PRACTICES FOR CREATING SAFE AND SUCCESSFUL SCHOOLS

School safety and positive school climate are not achieved by singular actions like purchasing a designated program or piece of equipment but rather by effective comprehensive and collaborative efforts requiring the dedication and commitment of all school staff and relevant community members. Schools require consistent and effective approaches to prevent violence and promote learning, sufficient time to implement these approaches, and ongoing evaluation.

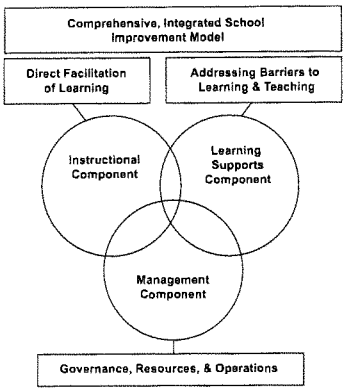
1. Integrate Services Through Collaboration

Safe and successful learning environments are fostered through collaboration among school staff and community-based service providers while also integrating existing initiatives in the school. Effective schools and learning environments provide equivalent resources to support instructional components (e.g., teacher quality, high academic standards, curriculum), organizational/management components (e.g., shared governance, accountability, budget decisions), and learning supports (e.g., mental health services; see Figure 1). Rather than viewing school safety as a targeted outcome for a single, stand-alone program or plan developed by the school building principal alone, this model seeks to integrate all services for students and families by framing the necessary behavioral, mental health, and social services within the context of school culture and learning. Integrated services lead to more sustainable and comprehensive school improvement, reduce duplicative efforts and redundancy, and require leadership by the principal and a commitment from the entire staff (See Roles of School Principals, page 8.).

2. Implement Multitiered Systems of Supports (MTSS)

The most effective way to implement integrated services that support school safety and student learning is through a school-wide multitiered system of supports (MTSS). MTSS encompasses (a) prevention and wellness promotion; (b) universal screening for academic, behavioral, and emotional barriers to learning; (c) implementation of evidence-based interventions that increase in intensity as needed; (d) monitoring of ongoing student progress in response to implemented interventions; and (e) engagement in systematic data-based decision making about services needed for students based on specific outcomes. In a growing number of schools across the country, response to intervention (RTI) and positive behavior interventions and supports (PBIS) constitute the primary methods for implementing an MTSS framework. Ideally though, MTSS is implemented more holistically to integrate efforts targeting academic, behavioral, social, emotional, physical, and mental health concerns. This framework is more effective with coordination of school-employed and community-based service providers to ensure integration and coordination of services among the school, home, and community.

Figure 1.



Note. Adapted from UCLA Center for Mental Health in Schools and the National Association of School Psychologists. (2010). *Enhancing the Blueprint for School Improvement in the ESEA Reauthorization: Moving From a Two- to a Three-Component Approach* [Advocacy statement]. Adapted with permission.

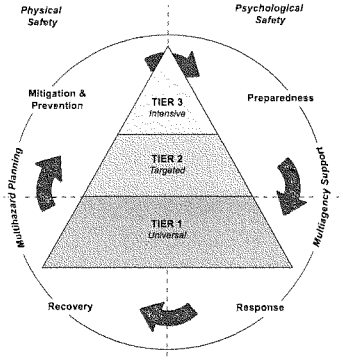
Effective MTSS requires:

- adequate access to school-employed specialized instructional support personnel (e.g., school counselors, school psychologists, school social workers, and school nurses) and community-based services;
- collaboration and integration of services, including integration of mental health, behavioral, and academic supports, as well integration of school-based and community services;
- adequate staff time for planning and problem solving;
- effective collection, evaluation, interpretation, and use of data; and
- patience, commitment, and strong leadership.

One approach to integrating school safety and crisis management into an MTSS framework is the M-PHAT model (see Figure 2). M-PHAT stands for:

- Multi-Phase (prevention, preparedness, response, and recovery)
- Multi-Hazard (accidental death, school violence, natural disasters, terrorism)
- Multi-Agency (school, police, fire, EMS, mental health)
- Multi-Tiered (an MTSS framework)

Figure 2. Comprehensive Safe Learning Environment: The M-PHAT Approach



Note. From *Comprehensive Planning for Safe Learning Environments: A School Professional's Guide to Integrating Physical and Psychological Safety – Prevention Through Recovery,* by M. A. Reeves, L. M. Kanan, & A. E. Plog, 2010, New York, NY: Routledge. Reprinted with permission.

3. Improve Access to School-Based Mental Health Supports

Mental health is developed early in life and educators play a significant role in ensuring that students' experiences throughout their school careers contribute to their positive mental health. Access to school-based mental health services and supports directly improves students' physical and psychological safety, academic performance, and social–emotional learning. This requires adequate staffing levels in terms of school-employed mental health professionals (school counselors, school psychologists, school social workers, and in some cases, school nurses) to ensure that services are high quality, effective, and appropriate to the school context. Access to school mental health services cannot be sporadic or disconnected from the learning process. Just as children are not simply small adults, schools are not simply community clinics with blackboards. School-employed mental health professionals are specially trained in the interconnectivity among school law, school system functioning, learning, mental health, and family systems. This training ensures that mental health services are properly and effectively infused into the learning environment, supporting both instructional leaders and teachers' abilities to provide a safe school setting and the optimum conditions for teaching and learning. No other professionals have this unique training background.

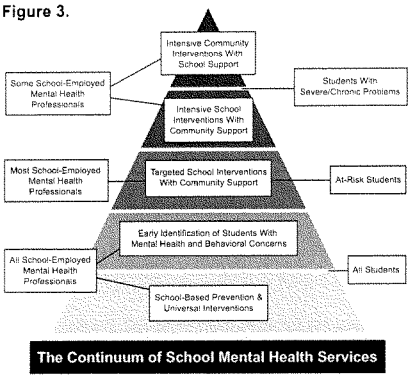
Having these professionals as integrated members of the school staff empowers principals to more efficiently and effectively deploy resources, ensure coordination of services, evaluate their effectiveness, and adjust supports to meet the dynamic needs of their student populations. Improving access also allows for enhanced collaboration with community providers to meet the more intense or clinical needs of students (see Figure 3).

School counselors, school psychologists, and school social workers all offer unique individual skills that complement one another in such a way that the sum is greater than the parts (See Roles of School-Employed Mental Health Professionals, page 9.) When given the opportunity to work collectively, they are ready and capable of providing an even wider range of services, such as:

- collecting, analyzing, and interpreting school-level data to improve availability and effectiveness of mental services;
- designing and implementing interventions to meet the behavioral and mental health needs of students;
- promoting early intervention services;
- providing individual and group counseling;
- providing staff development related to positive discipline, behavior, and mental health (including mental health first aid);
- providing risk and threat assessments;
- supporting teachers through consultation and collaboration;
- coordinating with community service providers and integrating intensive interventions into the schooling process.

Addressing Shortages: Fully providing effective, integrated, and comprehensive services requires schools to maintain appropriate staffing levels for their school-employed mental health professionals. Every district and school must be supported to improve staffing ratios.

Figure 3.



Note. Adapted from "Communication Planning and Message Development: Promoting School-Based Mental Health Services," by the National Association of School Psychologists, 2006, *Communiqué*, 35(1), p. 27. Copyright 2006 by the National Association of School Psychologists. Adapted with permission.

Unfortunately, significant budget cuts, combined with widespread personnel shortages, have resulted in reduced access to school-employed mental health professionals in many schools and districts. In these districts, school counselors, school psychologists, school social workers, and school nurses often have inappropriately high student-to-professional ratios that far exceed the recommendations provided by their respective professional organizations. Poor ratios restrict the ability of these professionals to devote time to important initiatives, including school-wide preventive services (e.g., bullying, violence, and dropout prevention), safety promotion, and sustained school improvement. Many districts go without prevention and early intervention services that effectively link mental health, school climate, school safety, and academic instruction. Partnerships with community providers or school-based health centers can provide important resources for individual students. However, community providers sometimes lack familiarity with specific processes in teaching and learning and with systemic aspects of schooling. Successful school–community partnerships integrate community supports into existing school initiatives utilizing a collaborative approach between school and community providers that enhances effectiveness and sustainability. Many schools have limited access to community supports making overreliance on community partners as primary providers of mental health services potentially problematic.

District-wide policies must support principals and school safety teams to provide services in school-based settings and strengthen the ability of schools to respond to student and family needs directly. While working to improve ratios, districts can begin to move toward more effective and sustainable services by:

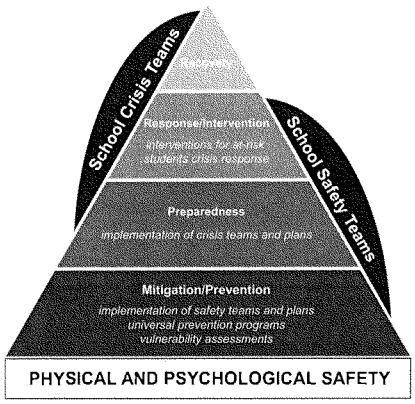
- Assigning a school psychologist, school counselor, or school social worker to coordinate school-based services with those provided by community providers.
- Ensuring that the school data being collected and resulting strategies are addressing the most urgent areas of need with regard to safety and climate.
- Providing training that targets the specific needs of individual schools, their staffs, and their students.
- Reviewing current use of mental health staff and identifying critical shifts in their responsibilities to bolster prevention efforts.

4. Integrate School Safety and Crisis/Emergency Prevention, Preparedness, Response, and Recovery

Schools must be supported to develop an active school safety team that focuses on overall school climate as well as crisis and emergency preparedness, response, and recovery (see Figure 4). School safety and crisis response occur on a continuum, and crisis planning, response, and recovery should build upon ongoing school safety and mental health services. School crisis and emergency preparedness training should encompass prevention/mitigation, early intervention (which is part of ongoing school safety), immediate response/intervention, and long-term recovery. These four phases are clearly articulated by the Departments of Education and Homeland Security.

Training and planning must be relevant to the learning context and make maximum use of existing staff resources. The safety and crisis team should, at a minimum, include principals, school mental health professionals, school security personnel, appropriate community stakeholders (such as representatives from local law enforcement and emergency personnel), and other school staff or district liaisons to help sustain efforts over time. Additionally, crisis and emergency preparedness plans must be consistently reviewed and practiced, which is more easily facilitated by an actively engaged team that links the school to the broader community. Active engagement of the team is often directly linked to appropriate staffing levels that allow time for collaboration and planning. Effective, engaged teams and plans:

Figure 4.



Note. Adapted from Cherry Creek School District. (2008). *Emergency response and crisis management guide.* Greenwood Village, CO: Author. Adapted with permission.

- Contribute to ongoing school safety and improved school climate by supporting a school-wide, evidence-based framework that is appropriate to the unique school culture and context.
- Balance efforts to promote and protect physical and psychological safety.
- Minimize unsafe behaviors such as bullying, fighting, and risk-taking by providing quality prevention programming.
- Improve early identification and support for students at risk of harming themselves or others (e.g., threat assessment).
- Model collaborative problem solving.
- Provide for consistent, ongoing training of all school staff.
- Address the range of crises that schools can face with a focus on what is most likely to occur (e.g., death of a student or staff member, school violence, natural disaster).
- Improve response to crises when the unpreventable occurs.
- Ensure an organized plan that has appropriately assessed risks to the school and the learning environment and has been adopted by the school safety team to promote a return to normalcy following a crisis or emergency.
- Promote efforts for ongoing learning and long-term emotional recovery for every student and family.

5. Balance Physical and Psychological Safety

Any effort to address school safety should balance building security/physical safety with psychological safety. Relying on highly restrictive physical safety measures alone, such as increasing armed security or imposing metal detectors, typically does not objectively improve school safety. In fact, such measures may cause students to feel *less safe* and more fearful at school, and could undermine the learning environment. In contrast, combining reasonable physical security measures with efforts to enhance school climate more fully promotes overall school safety. Effectively balancing physical and psychological safety entails:

- Assessing the physical security features of the campus, such as access points to the school grounds, parking lots and buildings, and the lighting and adult supervision in lobbies, hallways, parking lots, and open spaces.
- Employing environmental design techniques, such as ensuring that playgrounds and sports fields are surrounded by fences or other natural barriers, to limit visual and physical access by non-school personnel.
- Evaluating policies and practices to ensure that students are well monitored, school guests are appropriately identified and escorted, and potential risks and threats are addressed quickly.
- Building trusting, respectful relationships among students, staff, and families.
- Providing access to school mental health services and educating students and staff on how and when to seek help.
- Providing a confidential way for students and other members of the school community to report potential threats, because educating students on "breaking the code of silence" is one of our most effective safety measures.

Schools also should carefully weigh the unique needs of their communities when determining the need to hire additional security personnel or school resource officers (SROs). It is important to recognize that SROs differ from other school security personnel or armed guards. SROs are commissioned law enforcement officers who are specially trained to work within the school community to help implement school safety initiatives as part of the school safety leadership team. They should be integral participants in school life and student learning. Additionally, if a school determines that it needs to have an armed professional on school grounds, SROs are the only school personnel of any type who should be armed. (See Roles of School Resource Officers, page 9.)

6. Employ Effective, Positive School Discipline

School discipline policies are ultimately the responsibility of the school principal; however, all school staff play a role in their effective development and implementation. Discipline practices should function in concert with efforts to address school safety/climate. When positive discipline is incorporated into the overall MTSS, students feel respected and supported, positive behavior is continually reinforced, and school climate improves. Additionally, this structure allows for the use of restorative practices that seek to build positive relationships within the school community. In contrast, overly harsh and punitive measures, such as zero tolerance policies, lead to reduced safety, connectedness, and feelings of belonging, and have historically been unsuccessful at improving student behavior or the overall school climate. Additionally, utilizing SROs or other security personnel primarily as a substitute for effective discipline policies is inappropriate, does not contribute to school safety or students' perceptions of being safe, and can perpetuate the school-to-prison pipeline. Effective school discipline:

- is viewed within the context of a learning opportunity and seeks to teach and reinforce positive behaviors to replace negative behaviors;
- is clear, consistent, and equitably applied to all students;
- employs culturally competent practices;
- safeguards the well-being of all students and staff;
- keeps students in school and out of the juvenile justice system; and
- incorporates family involvement.

7. Allow for the Consideration of Context

There is no one-size-fits-all approach to creating safe and successful schools. To be most effective, schools should assess the structures and resources already in place and determine what additional resources are needed. Schools should provide universal, secondary, and tertiary interventions that are most appropriate and culturally sensitive to their unique student populations and learning communities. Additionally, decisions regarding appropriate security measures, including the use of SROs, should be determined by each school's leadership team and not via universal mandate.

8. Acknowledge That Sustainable and Effective Improvement Takes Patience and Commitment

School districts will vary considerably in their readiness to change and in their ability to accept the suggestions included within this document. Recognizing that sustainable change takes time both to improve acceptability and allow for full implementation will help set districts up for success rather than setting unrealistic goals. Efforts for change should not be abandoned if goals are not immediately met, as frequent programmatic changes lead to more resistance to change among school personnel in the future.

ROLES OF KEY LEADERSHIP PERSONNEL REGARDING SCHOOL SAFETY AND CLIMATE

Role of School Principals

Effective principals and assistant principals recognize the potential they have to create a school environment where teachers thrive and students achieve their greatest potential in a safe and nurturing school setting. As instructional leaders, principals maintain a constant presence in the school and in classrooms, listening to and observing what is taking place, assessing needs, and getting to know teachers and students. Principals set high expectations and standards for the academic, social, emotional, and physical development of all students. They bring together a wide range of stakeholders within the school community, take into account the aspirations, and work to create a vision that reflects the full range and value of a school's mission. Principals encourage the development of the whole child by supporting the physical and mental health of children, as well as their social and emotional well-being, which is reinforced by a sense of safety and self-confidence. High-quality early childhood education and learning experiences are crucial to an elementary level principal's shared vision to shape the school culture and instructional leadership. School leaders must mobilize the staff, students, parents, and community around the mission and shared values, as well as school improvement goals and set the parameters of high expectations for the school. Effective practice requires:

- building consensus on a vision that reflects the core values of the school community to support student safety and well-being;
- valuing and using diversity to enhance the learning of the entire school community;
- broadening the framework for child development beyond academics; and
- developing a learning culture that is adaptive, collaborative, innovative, and supportive by taking into account the contributions of every member of the school staff.

Roles of School-Employed Mental Health Professionals

Many professionals within a school help to support students' positive mental health. This includes school counselors, school psychologists, school social workers, school nurses, and other specialized instructional support personnel. For the purposes of these recommendations, however, we are focusing on the mental health professionals who should serve in critical leadership roles in terms of school safety, positive school climate, and providing school-based mental health services: school counselors, school psychologists, and school social workers. Their training and expertise help link mental health, behavior, environmental factors (e.g., family, classroom, school, community), instruction, and learning. Each of these professionals helps to create school environments that are safe, supportive, and conducive to learning. Each may deliver similar services such as counseling, social–emotional skill instruction, and consultation with families and teachers; however, each profession has its own unique focus based upon its specializations, which result in different, albeit interrelated, services. The specific services and expertise of individual practitioners may vary, but the following describes the core competencies and specialized instructional services of each profession.

School counselors. Have a minimum of a master's degree in school counseling. School counselors are generally the first school-employed mental health professional to interact with students as they commonly are involved in the provision of universal learning supports to the whole school population. School counselors have specialized knowledge of curriculum and instruction and help screen students for the basic skills needed for successful transition from cradle to college and career. School counselors focus on helping students' address their academic, personal/social, and career development goals and needs by designing, implementing, and evaluating a comprehensive school counseling program that promotes and enhances student success. School counselors work to promote safe learning environments for all members of the school community and regularly monitor and respond to behavior issues that impact school climate, such as bullying, student interpersonal struggles, and student–teacher conflicts. Effective school counseling programs are a collaborative effort between the school counselor, teachers, families, and other educators to create an environment promoting student achievement, active engagement, equitable access to educational opportunities, and a rigorous curriculum for all students.

School psychologists. Have a minimum of a specialist-level degree (60 graduate semester hour minimum) in school psychology, which combines the disciplines of psychology and education. They typically have extensive knowledge of learning, motivation, behavior, childhood disabilities, assessment, evaluation, and school law. School psychologists specialize in analyzing complex student and school problems and selecting and implementing appropriate evidence-based interventions to improve outcomes at home and school. School psychologists consult with teachers and parents to provide coordinated services and supports for students struggling with learning disabilities, emotional and behavioral problems, and those experiencing anxiety, depression, emotional trauma, grief, and loss. They are regular members of school crisis teams and collaborate with school administrators and other educators to prevent and respond to crises. They have specialized training in conducting risk and threat assessments designed to identify students at-risk for harming themselves or others. School psychologists' training in evaluation, data collection, and interpretation can help ensure that decisions made about students, the school system, and related programs and learning supports are based on appropriate evidence.

School social workers. Have master's degrees in social work. They have special expertise in understanding family and community systems and linking students and their families with the community services that are essential for promoting student success. School social workers' training includes specialized preparation in cultural diversity, systems theory, social justice, risk assessment and intervention, consultation and collaboration, and clinical intervention strategies to address the mental health needs of students. They work to remedy barriers to learning created as a result of poverty, inadequate health care, and neighborhood violence. School social workers often focus on providing supports to vulnerable populations of students that have a high risk for truancy and dropping out of school, such as homeless and foster children, migrant populations, students transitioning between school and treatment programs or the juvenile justice system, or students experiencing domestic violence. They work closely with teachers, administrators, parents, and other educators to provide coordinated interventions and consultation designed to keep students in school and help their families access the supports needed to promote student success.

Roles of School Resource Officers

The presence of school resource officers in schools has become an important part of the duty to protect students and staff on campus. Families and school officials in communities around the country benefit from a more effective relationship with local police as part of a school safety plan. Specialized knowledge

of the law, local and national crime trends and safety threats, people and places in the community, and the local juvenile justice system combine to make SROs critical members of schools' policy-making teams when it comes to environmental safety planning and facilities management, school safety policy, and emergency response preparedness.

In order to fully realize the benefits of the presence of local police, the SROs must be trained properly. Officers' law-enforcement knowledge and skill combine with specialized SRO training for their duties in the education setting. This training focuses on the special nature of school campuses, student needs and characteristics, and the educational and custodial interests of school personnel. SROs, as a result, possess a skill set unique among both law enforcement and education personnel that enables SROs to protect the community and the campus while supporting schools' educational mission. In addition to traditional law enforcement tasks, such as investigating whether drugs have been brought onto campus, SROs' daily activities cover a wide range of supportive activities and programs depending upon the type of school to which an SRO is assigned. This can include conducting law-related education sessions in the classroom, meeting with the school safety team, conducting safety assessments of the campus, and problem solving with students or faculty. Trained and committed SROs are well suited to effectively protect and serve the school community. They contribute to the safe-schools team by ensuring a safe and secure campus, educating students about law-related topics, and mentoring students as informal counselors and role models.

Actions Principals Can Take Now to Promote Safe and Successful Schools

Policies and funding that support comprehensive school safety and mental health efforts are critical to ensuring universal and long-term sustainability. However, school leaders can work toward more effective approaches now by taking the following actions.

- Establish a school leadership team that includes key personnel: principals, teachers, school-employed mental health professionals, instruction/curriculum professionals, school resource/safety officer, and a staff member skilled in data collection and analysis.
- Assess and identify needs, strengths, and gaps in existing services and supports (e.g., availability of school and community resources, unmet student mental health needs) that address the physical and psychological safety of the school community.
- Evaluate the safety of the school building and school grounds by examining the physical security features of the campus.
- Review how current resources are being applied, for example:
  - Are school employed mental health professionals providing training to teachers and support staff regarding resiliency and risk factors?
  - Do mental health staff participate in grade-level team meetings and provide ideas on how to effectively meet students' needs?
  - Is there redundancy in service delivery?
  - Are multiple overlapping initiatives occurring in different parts of the school or being applied to different sets of students?
- Implement an integrated approach that connects behavioral and mental health services and academic instruction and learning (e.g., are mental health interventions being integrated into an effective discipline or classroom management plan?).
- Provide adequate time for staff planning and problem solving via regular team meetings and professional learning communities. Identify existing and potential community partners, develop memoranda of understanding to clarify roles and responsibilities, and assign appropriate school staff to guide these partnerships, such as school-employed mental health professionals and principals.
- Provide professional development for school staff and community partners addressing school climate and safety, positive behavior, and crisis prevention, preparedness, and response.
- Engage students and families as partners in developing and implementing policies and practices that create and maintain a safe school environment.

SUMMARY

Modern-day schools are highly complex and unique organizations that operate with an urgent imperative: Educate and prepare all children and youth to achieve their highest potential and contribute to society, no matter their socioeconomic background or geographic location. Creating safe, orderly, warm, and inviting school environments is critical to ensuring that all of our schools meet this goal. In order to create this type of environment, schools must work towards integrating services (academic, behavioral, social, emotional, and mental health) through collaboration using a multitiered system of support. Schools should strive to increase access to mental health services, increase the number of school employed mental health staff, and ensure that measures to improve school safety balance physical safety with psychological safety. To further support student safety, schools must develop effective emergency preparedness and crisis prevention, intervention, and response plans that are coordinated with local first responders. We look forward to working with the Administration, Congress, and state and local policy makers to help ensure that all schools are safe, supportive, and conducive to learning.

GUIDELINES FOR EFFECTIVE PRACTICE

ASCA: http://www.ascanationalmodel.org/

- *ASCA National Model, 2008*

NAESP: http://www.naesp.org/resources/1/Pdfs/LLC2-ES.pdf

- *Leading Learning Communities: Standards for What Principals Should Know and Be Able to Do*, 2008

NASP Professional Standards: http://www.nasponline.org/standards/2010standards.aspx

- *Model for Comprehensive and Integrated School Psychological Services*, 2010

NASRO: http://www.nasro.org/sites/default/files/pdf_files/NASRO_Protect_and_Educate.pdf

- *To Protect and Educate: The School Resource Officer and the Prevention of Violence in Schools*, 2012

NASSP: http://www.nassp.org/school-improvement

- *Breaking Ranks: The Comprehensive Framework for School Improvement*, 2011

SSWAA: http://sswaa.org/associations/13190/files/naswschoolsocialworkstandards.pdf

- *NASW School Social Work Standards*, 2012

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National Association of School Psychologists (NASP): www.nasponline.org

National Association of School Resource Officers (NASRO): www.nasro.org

National Association of Secondary School Principals (NASSP): www.nassp.org

School Social Work Association of America (SSWAA): www.sswaa.org

ENDORSING ORGANIZATIONS*

National Organizations

Alberti Center for Bullying Abuse Prevention
American Association of School Administrators
American Camp Association, Inc.
American Council for School Social Work
American Dance Therapy Association
American School Health Association
Born This Way Foundation
Character Education Partnership
Child Mind Institute
Coalition for Community Schools
Collaborative for Academic, Social, and Emotional Learning
Committee for Children
Council for Children with Behavioral Disorders
Council for Exceptional Children
Division 16, American Psychological Association
Gay, Lesbian & Straight Education Network
High Hope Educational Research Foundation
International School Psychology Association
Learning Disabilities Association of America
Mental Health America
Midwest Symposium for Leadership in Behavior Disorders
National Association of School Nurses
National Association of School Safety and Law Enforcement Officials

National Association of Social Workers
National Association of State Directors of Special Education
National Center for School Engagement
National Education Association
National Federation of Families for Children's Mental Health
National Network of Safe and Drug-Free Schools
National Organizations for Youth Safety
National PTA
Pride Surveys
Safe and Civil Schools
Trainers of School Psychology
The Trevor Project

State Associations

Alabama School Counselor Association
Alaska School Counselor Association
Arizona Association of School Psychologists
Arizona School Counselors Association
Association of School Psychologists of Pennsylvania
California Association of School Counselors
California Association of School Social Workers
Colorado School Counselor Association
Colorado Society of School Psychologists
Connecticut Association of School Psychologists
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Delaware Association of School Psychologists
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New Jersey Association of School Social Workers
New Jersey School Counselor Association
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New York State School Counselor Association
North Dakota School Counselor Association
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School Social Workers Association of Missouri
School Social Workers in Arkansas
School Social Workers in Maryland
South Carolina Association of School Psychologists
South Carolina Association of School Social Workers
South Carolina School Counselor Association
South Dakota School Counselor Association
Tennessee School Counselor Association
Utah School Counselor Association
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*As of March 25, 2015. For an updated list, visit www.nasponline.org/schoolsafetyframework

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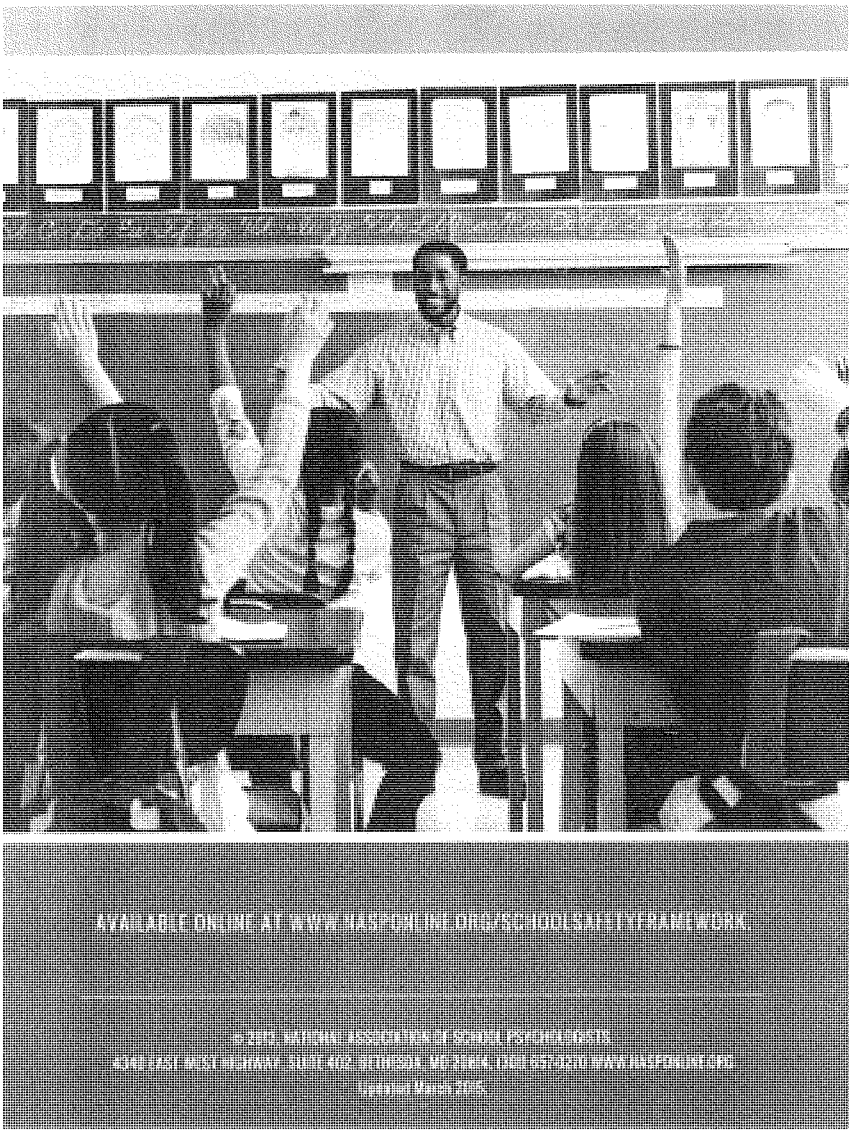
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Policy Recommendations for Implementing the Framework for Safe and Successful Schools

Implementing the Framework for Safe and Successful Schools[1] requires policies and practices that support ongoing efforts to establish comprehensive school safety programming. Following are policy and practice recommendations to consider when developing your action plan. Some recommendations may appear in multiple sections.

Integration of Services and Initiatives

- Provide ongoing, high quality, relevant, and job embedded professional development to all school staff.
- Encourage the use of professional learning communities or other structured avenues to foster collaboration among school staff.
- Ensure that district and school building teams have representation of diverse stakeholders, including principals, teachers (general and special education), parents, school security professionals and school resource officers (SROs), school-employed mental health professionals (e.g., school psychologists), and other specialized instructional support personnel.
- Engage in resource mapping to better understand available resources and how they are utilized through the school or district to support:
  - Instruction
  - Organization and management
  - Learning supports (e.g., mental and behavioral health services)
- Develop a process for regular examination of school initiatives to improve student outcomes.
  - Are any initiatives redundant?
  - Are all initiatives directly related to the school improvement plan?
  - Do you have staff buy-in?
- Effectively engage parents and families in school improvement and school safety efforts.

Related Resources

- Assessing School Level and District Level Needs
- Ready to Learn, Empowered to Teach: Guiding Principles for Effective Schools & Successful Students
- Ensuring High-Quality, Comprehensive and Integrated Student Supports (NASP Position Statement)
- NASSP Position Statement on Safe Schools
- NASP Online Learning Center
- NASP PREPaRE Training Curriculum
- Leading Success Module on Safe and Healthy School Environments

[1] Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). A framework for safe and successful schools [Brief]. Bethesda, MD: National Association of School Psychologists.

Implementation of Integrated Multitiered Systems of Support (MTSS)

- Establish a process for universal screening for academic, behavioral, and emotional barriers to learning.
- Implement high-quality, rigorous curricula that address core academic competencies, social–emotional learning principles, mental and behavioral wellness, and positive behavior.
- Establish a process for regularly reviewing student data (both behavioral and academic).
  - Require a multidisciplinary, data-based decision-making team comprised of diverse stakeholders, including principals/administrators, teachers (general and special education), parents, school-employed mental health professionals (e.g., school psychologists) and other specialized instructional support personnel.
- Ensure access to a range of high-quality, evidence-based interventions to address the comprehensive needs of students.
- Build upon existing district and state initiatives related to MTSS (e.g., response to intervention and positive behavioral interventions and supports).
- Embed time for planning and problem solving into the staff master schedule.
- Explicitly include MTSS efforts in the school improvement plan.
- Braid available funding streams to scale up existing efforts.
- Embed MTSS principles into all relevant professional development.
- Leverage existing technical assistance available from state, regional, and national centers.

Related Resources

- Leveraging Essential School Practices, ESSA, MTSS, and the NASP Practice Model: A Crosswalk to Help Every School and Student Succeed
- Integrated Model of Academic and Behavior Supports (NASP Position Statement)
- The School Counselor and MTSS
- ESSA and Multitiered Systems of Support
- ASCA specialist trainings/PD opportunities

Access to School-Based Mental Health Supports

- Examine existing ratios of school psychologists, school social workers, and school counselors.
  - Work with district and state leaders to develop a long-term plan to achieve recommended ratios of *each profession.*
- Develop and implement a process for parents, teachers, and students to refer themselves or others for mental health support.
- Provide annual (or biannual) professional development to all school staff in mental health first aid, the appropriate referral process, suicide prevention, and other relevant mental and behavioral health topics.
  - Utilize existing school-employed mental health professionals in the development and delivery of this professional development.
  - Provide additional professional development to school-employed mental health professionals on current evidence-based practices.
- Develop policies and procedures for conducting suicide risk and threat assessments.

  - Require involvement of the school counselor, school psychologist, or school social worker.
- Conduct a needs assessment to evaluate existing and needed supports.
  - Examine availability of services in all tiers (prevention/early intervention, targeted support, intensive support).
- Implement universal screening for mental and behavioral health concerns.
- Ensure availability of evidence-based mental health supports for students identified as being 'at-risk' in universal screening measures and other referral processes.
- If your school or district maintains formal partnerships with community agencies who provide mental and behavioral health, establish clear expectations for communication and collaboration among school-employed mental health professionals and community-employed providers.
- Braid available funding streams to scale up existing efforts.

Related Resources

- NASP Practice Model Implementation Guide
- Mental and Behavioral Health Services for Children and Adolescents (NASP Position Statement)
- Shortages in School Psychology Resource Guide
- School Psychologists: Qualified Health Professionals Providing Child and Adolescent Mental and Behavioral Health Services (NASP White Paper)
- NASSP Position Statement on Mental Health
- The School Counselor and Student Mental Health
- Community Schools White Paper
- School–Community Alliances Enhance Mental Health Services

Integration of School Safety and Crisis Preparedness Efforts

- Require establishment of a dedicated safety/crisis response team that includes, at a minimum, school principals/administrators, school employed mental health professionals, school security professional/SROs, community stakeholders, parents, and other school staff as appropriate. Convene this team on a regular basis.
- Develop a memorandum of understanding (MOU) with school security agency/local police department with clear articulation of specific roles and responsibilities of school security personnel or the school resource officer.
- Examine existing ratios of school psychologists, school social workers, and school counselors.
  - Work with district and state leaders to develop a long-term plan to achieve recommended ratios of *each profession.*
- Develop an emergency response plan with procedures for regular review.
- Provide ongoing staff development on the school safety and crisis plan that includes regularly scheduled practice and coordination with community responders.

Related Resources

- Model School District Policy on Suicide Prevention
- School Violence Prevention (NASP Position Statement)
- NASP PREPaRE Training Curriculum
- NASP Online Learning Center

Balance of Physical and Psychological Safety

- Ensure annual (at least) collection and review of school-wide climate and school safety data.
  - Data collection should include teacher, parent, and student perception of school climate and safety.
- Include explicit goals related to school climate and school safety in the school/district level improvement plan.
- Regularly examine the use and effectiveness of extreme physical security measures (e.g., metal detectors, armed security).
  - Examine the use of these measures in conjunction with student perception of school safety.
- Develop and implement procedures (including anonymous reporting) for students, staff, and families to report potential threats or other concerning behaviors.
- Promote mentoring programs and other efforts to ensure that all students have a positive relationship with at least one adult.
- Develop and implement a process for parents, teachers, and students to refer themselves or others for mental health support.
- Provide annual (or biannual) professional development to all school staff—and students as appropriate—in mental health first aid, the appropriate referral process, suicide prevention, and other relevant mental and behavioral health topics.
- Ensure availability of evidence-based mental health supports for students identified as being 'at-risk' in universal screening measures and other referral processes.

Related Resources

- School Security Measures and Their Impacts on Students (NASP Research Summary)
- ESSA and School Climate
- Best Practice Considerations for Active Shooter and Armed Assailant Drills
- School Safety: What Really Works

Use of Effective Discipline Practices

- Create and communicate clear behavioral expectations for staff and students.
- Clearly articulate, and consistently enforce, consequences for inappropriate behavior.
- Routinely teach students appropriate behavior, and make sure that staff model appropriate behavior.
  - Reinforce the display of appropriate behavior.
- Establish a process for regularly reviewing student discipline data (in conjunction with other available data sources).
  - Require a multidisciplinary, data-based decision-making team comprised of diverse stakeholders, including principals, teachers (general and special education), parents, school-employed mental health professionals (e.g., school psychologists) and other specialized instructional support personnel.
- Prohibit the use of zero tolerance policies.
- Establish enumerated antibullying and harassment policies.
- Establish procedures for responding to all reports of bullying and harassment.

Related Resources

- Bullying Prevention and Intervention in Schools (NASP Position Statement)
- Corporal Punishment (NASP Position Statement)
- NASSP Position Statement on Corporal Punishment
- NASSP Position Statement on School Discipline
- A Framework for School-Wide Bullying Prevention and Safety
- Effective School-Wide Discipline

Please cite as: NASP (2017). Policy recommendations for implementing the *framework for safe and successful schools* [Brief]. Bethesda, MD: National Association of School Psychologists.

Available online at *www.nasponline.org/schoolsafetyframework*.

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Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

July 25, 2019

Dear Chairman Johnson and Ranking Member Peters,

On behalf of National Disability Rights Network (NDRN), I write to thank you for holding the July 25, 2019 hearing entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." NDRN would like to submit for the Record this letter which articulates our grave concerns about recent federal and state school safety initiatives that we strongly believe do not adequately protect students.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) agencies for individuals with disabilities. The P&As were established by Congress to protect the rights of people with disabilities and their families. The P&As are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A affiliated with the Native American Consortium in the Four Corners region of the Southwest. Collectively, the 57 P&As are the largest provider of legally based advocacy services to people with disabilities in the United States.

P&As provide critical legal advocacy to students with disabilities. In fact, in 2016, P&As worked on nearly 14,000 individual cases and hundreds of systemic cases enforcing the educational rights of students with disabilities. One critically important area of P&A work involves protecting the rights of students with disabilities who belong to more than one protected class (intersectionality). Therefore, it is critical that we ensure that the needs of the disability community are being met as any proposals regarding school safety are considered.

NDRN and the P&A Network, share the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. However, a false dialectic has coopted the discussion on this topic --forcing an illogical binary choice -- that school safety cannot coexist alongside with accessibility, student privacy, fairness and positive and inclusive school environments. This thinking results in the stigmatization of classes of students, none of whom have been actually been involved in school shooting incidents. This false choice allows school safety to be used to advance other, pre-existing policy priorities that are factually unrelated to school safety.

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A crucial part of that shared goal is understanding key facts about school safety in the U.S. School shootings such as those in Newtown, Connecticut in 2012 and in Parkland, Florida in 2018 have fueled the perception that students are less safe. Yet, data from the National Center for Education Statistics shows that the numbers of violent deaths in schools have remained relatively constant in the past 30 years. This does not mean that communities and lawmakers should not seek to improve school safety; it does mean that such improvements must emerge from facts, rather than fears and misguided perceptions, about the prevalence of violence in schools.

Another key fact is the contexts in which school safety policies operate, in particular the constant budget shortfalls that many schools face. One consequence of these shortfalls is that schools increasingly rely on law enforcement at the expense of crucial health and safety services. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers but no counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists, and 10 million are in schools with police officers but no social workers. Without these key services, law enforcement may be asked to help resolve problems for which they are not trained and that require professionals with entirely different knowledge and skills.

More specifically, NDRN wishes to express our absolute opposition to the creation of a registry of students with mental health needs. Proposals such as this would allow for increased access to the personal information of students with disabilities. The new anonymous reporting mechanisms and softened information barriers in such proposals will likely be misused in the name of safety, permitting implicit bias to take hold and undermining civil rights protections. P&As working in the field frequently encounter cases already in which students are removed from school without due process protections and/or referred to law enforcement, based on stereotypic assumptions about their needs and abilities. Permitting additional information sharing will both increase these outcomes and prevent students from seeking needed services. Students will not seek out mental health services if they know that information may migrate to law enforcement and other outside entities. We need to encourage rather than discourage youth to utilize the services they need.

In general, children of color and children with disabilities are currently removed from school and arrested at disproportionate rates due to decisions by improperly trained, supported, and supervised school staff. It stands to reason that increased access to anecdotal information about behaviors, including non-violent but non- traditional behavior caused by disability, in a climate of fear, will only increase this pattern. Removal of children from school for non-violent disability related behaviors does not prevent school shootings nor will it improve school safety. Presently, the US is in the midst of a crisis of suicide among young people.[1] An increase in suicide attempts by school aged youth is a more likely outcome of these proposals than increased school

[1] Melissa Healy, *Suicide rates for U.S. teens and young adults are the highest on record,* The Los Angeles Times (June 18, 2019), https://www.latimes.com/science/la-sci-suicide-rates-rising-teens-young-adults-20190618-story.html.

safety.

Additionally, NDRN strongly opposes proposals which have been put forward that would arm school staff. NDRN feels that such initiatives would increase the risk that children with disabilities and children of color will be injured by a firearm while at school. There is data to demonstrate that these children are disproportionately impacted by adult abuse (corporal punishment, restraint and seclusion) at school, at the hands of improperly trained, supported and supervised school staff. This data raises reasonable concerns that students with disabilities and students of color are more likely than others to be the target of poorly trained school staff bearing weapons.

We also invite the Committee to understand the serious consequences of student safety policies that have not been proven to prevent violence and do not protect privacy. For example, nearly every aspect of the Federal Commission on School Safety report focuses on sharing data and, thus, has privacy implications for students, teachers, and the public. Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance—except on acceptable data sharing during emergencies under the federal student privacy law, FERPA—to educators, districts, or states on how to implement security measures while including appropriate privacy protections. NDRN recommends that the Committee obtain information from researchers, legal experts and other interested stakeholders before taking any additional steps toward legislation. Errors in legislation made in this emotionally charged environment will impact generations of young people.

We appreciate the opportunity to submit NDRN's concerns to the Senate Committee on Homeland Security & Governmental Affairs. Should you have any questions or wish to be provided with additional information, please do not hesitate to contact Amanda Lowe, Senior Policy Analyst, at amanda.lowe@ndrn.org

Sincerely,

Curt Decker
Executive Director

1201 16th St., N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Lily Eskelsen Garcia
President

Rebecca S. Pringle
Vice President

Princess R. Moss
Secretary-Treasurer

John C. Stocks
Executive Director

July 24, 2019

Chairman Ron Johnson
Ranking Member Gary Peters
U.S. Senate Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

The 3 million members of the NEA and the 50 million students they serve thank you for the upcoming hearing on "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." NEA members are keenly aware of the need to safeguard school communities. However, this cannot come at the expense of students' privacy and right to educational opportunity, an investment in the support programs and school professionals that will help students thrive, or by arming educators—an idea NEA members overwhelmingly oppose.

Many school districts are fixating on security and surveillance measures, but a skewed focus on these can send the message that school is a dangerous, potentially violent place. This keeps students from viewing school as a place of learning, where curiosity, imagination and expression can flourish.

NEA members believe that while it is wise to take commonsense measures to enhance school safety, it is crucial to examine the privacy and equity implications of school safety proposals and laws. Some target hardening technologies may undermine student privacy and discriminate against or profile students based on race, religion, ethnicity, disability, sexual/gender orientation, family income, and other factors, contributing to the school-to-prison pipeline.

All students are entitled to an education that respects their civil rights and dignity and prepares them for healthy, successful lives. This is why NEA members believe we must focus on:

- Providing students with the dedicated professionals—including counselors and school psychologists—who can nurture well-being, offer emotional support, help students process difficult emotions, and identify behavioral concerns and mental health issues; and
- Enacting laws that would require background checks for all guns sold, as well as most transfers, and taking other steps to enhance gun safety.

In these times, it is crucial that we make students and educators safer. But as we do, we must not lose sight of the learning environments we wish to create, or the privacy and equity concerns that many targeting-hardening techniques raise.

Sincerely,

Marc Egan
Director of Government Relations
National Education Association

July 23, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security &
Government Affairs
U.S. Senate
328 Hart Senate Office Building
Washington, D.C. 20515

The Honorable Gary Peters
Ranking Member
Committee on Homeland Security &
Government Affairs
U.S. Senate
724 Hart Senate Office Building
Washington, D.C. 20515

Dear Chairman Johnson, Ranking Member Peters and Members of the Committee on Homeland Security & Government Affairs:

On behalf of National PTA and our 3.5 million PTA members, we appreciate the opportunity to submit this letter in advance of the Committee's hearing on "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence," scheduled for July 25, 2019. National PTA is the oldest and largest volunteer child advocacy association in the United States, with congresses in all 50 states, DC, Virgin Islands, Puerto Rico and Europe. For over 120 years, National PTA has been a strong advocate for family engagement and ensuring every child can attend school in a healthy and safe environment.

We are concerned that this hearing will focus solely on the hardening of schools and increased surveillance of students which could undermine student safety and civil rights, thereby threatening students' ability to learn and prosper within their schools. Many of these initiatives are reactionary rather than carefully considered evidence-based policies and practices which National PTA endorses in A Framework for Safe and Successful Schools.

A founding principle of National PTA's mission is to promote the safety and well-being of all children and youth, so we share the concerns of students, parents, educators and lawmakers who work to fulfill the right of students and educators to attend schools that are safe and conducive to learning and achievement. National PTA recognizes that school safety is a multi-faceted issue with no one clear solution for each community. All efforts to address school safety must involve all stakeholders, especially students, parents, and families and take into account a variety of factors including the physical and psychological safety of students.

First and foremost, schools must protect students and educators from the inside out by promoting a positive school climate that encourages nurturing relationships, and mutual trust and respect among students, staff and families. Our association believes that any federal school safety initiatives must:

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- Involve students, parents and families in the development, implementation and evaluation of all school safety plans, including emergency preparedness, crisis response, and threat assessment protocols, school discipline policies and procedures, and student health and wellness support services
- Provide and connect students with necessary behavioral and mental health resources at school and in their community
- Improve access to and funding for qualified school-based health and wellness practitioners, such as school counselors, school nurses, school psychologists and school social workers
- Refrain from arming educators and other school personnel
- Encourage schools to use positive school discipline policies and behavioral interventions and supports that are effective, fair and consistently implemented
- Require all decisions related to physical security measures—including the use of a School Resource Officer (SRO) —to be locally determined, collaborative and incorporate input from students, parents, families, educators, school leaders and the community

Our association is also concerned about the impact of consistent budget shortfalls faced by many schools to implement evidence-based school safety policies and practices. Schools have been forced to rely on local law enforcement in their attempts to establish safe learning environments, and this been to the detriment of school mental health services. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers but no counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists and 10 million are in schools with police officers but no social workers.

National PTA believes that any effort to offer students the healthiest and safest learning environments possible must improve staffing ratios of school counselors, school psychologists, school social workers and school nurses to provide school-based behavior, health and mental health services. Specifically, we urge Congress to fully fund Title IV-A, the Student Support and Academic Enrichment Grant program under the Every Student Succeeds Act (ESSA) at its authorized level to support safe and healthy students through comprehensive school mental health programs, drug and violence prevention programs, training on trauma-informed practices and other health and physical education programs.

Furthermore, any efforts to keep schools safe must also focus on protecting students' privacy, dignity, and right to a high-quality education. It is important that this hearing closely examine the privacy and equity implications of recent state school safety proposals and laws calling for increased surveillance or data sharing in an attempt to reduce school violence. In particular,

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we are concerned that some of these proposals may discriminate against or target students based on their disability or perceived differences. Our association has endorsed the Ten Principles for School Safety which provides a guide to policymakers and education stakeholders on the role and importance of privacy and equity in safety plans. National PTA is deeply committed to the promotion of privacy and security policies that maintain the confidentiality of sensitive data that students and families provide to educational institutions, as well as the data collected at school and through the use of online products and services.

If school safety measures include physical or digital monitoring, it must be developed transparently, in consultation with experts, students, families, educators and community stakeholders, and must focus on real threats of harm. Students and parents deserve to attend schools where decisions about threats are made by those who are most affected and have deep knowledge of the strengths and vulnerabilities of their campus. School administrators, counselors, and educators—human beings who can account for students' particular needs—are in the best position to make these decisions rather than a broad based algorithm. It is also imperative that if students are identified as a threat, they and their families are party to the information used to make that decision and must have an opportunity to correct or amend erroneous information and have access to support services to address the perceived threat.

Many organizations have noted that surveillance technologies like social media monitoring and facial recognition can harm students by stifling their creativity, individual growth, and speech, as well as contribute to the school-to-prison pipeline. Studies show that school surveillance can disproportionately target students with disabilities and students of color. If schools use surveillance tools in classrooms and hallways, students and their families deserve clear policies on which data is collected, who has access to it, how it will be used, and when it will be destroyed. Students and parents deserve assurance that the data will not be misused and that data collection and storage will comply with relevant privacy laws. Students and families expect that schools be held accountable, with clear consequences for those who put student privacy at risk by violating data-sharing protocols.

Any efforts to ensure the safety of students and educators within schools must be evidence-based and carefully balance students' privacy and their physical and psychological safety, while also engaging all stakeholders. National PTA promotes the establishment of and support for school safety policies and procedures that emphasize family engagement, adequate funding for student supports and services, and conditions that create and foster positive and welcoming school environments.

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We appreciate the opportunity to share our views on school safety. If you would like additional information regarding National PTA's positions on these issues, please contact Jacki Ball, Director of Government Affairs at (703) 518-1243 or jball@pta.org.

Sincerely,

Leslie Carrell Boggs
President
National PTA

Nathan R. Monell, CAE
Executive Director
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July 21, 2019

The Honorable Jacky Rosen
144 Russell Senate Office Building
Washington, DC 20510

Dear Senator Rosen,

The Nevada Association of School Psychologists (NVASP) is dedicated to ensuring all students are safe and successful in schools. It is our hope that when discussions occur surrounding school safety, it is remembered that the physical safety of our children is only one piece of school safety. While even one life lost to violent crime is too many, consider the toll of unmet mental health needs across the country. Suicide is the second leading cause of death in young people. One in five children and youth will experience a mental health disorder. Approximately 80% of students who need mental health care do not receive it. We understand that physical safety alone is not sufficient, and we have an obligation to ensure students are also psychologically safe.

NVASP has worked closely with the Nevada legislature during the 2019 session to ensure the mental health of our students is a priority across the state. Our Director of Government and Professional Relations, Katherine Dockweiler, was a voice at the table.

On March 19, 2018 then Governor Sandoval established the Nevada Statewide School Safety Task Force. The Task Force included 26 individuals representing state legislators, superintendents, school board members, principals, teachers, mental health providers, healthcare professionals, law enforcement, parents, and students. Two workgroups were created to tackle the concerns of school safety: Physical Infrastructure Workgroup and Student Well Being Workgroup. These groups worked diligently to provide recommendations that not only addressed the physical safety of our students, but also their mental health and psychological safety.

The work of this task force resulted in the creation and eventual passing of Senate Bill 89. SB 89 recognizes the importance of children's ***physical safety*** by prescribing that schools provide safe and respectful learning environments free of bullying and cyber-bullying. A SafeVoice program will enable any person to report dangerous, violent, or unlawful activity in schools, and the jurisdiction of school police officers is to be extended to all school property, buildings, and facilities within the school districts. Additionally, schools must develop plans for responding to crises, emergencies, and suicides, and drills should occur monthly to instruct pupils in appropriate procedures in the event of a lockdown, fire, or other emergency.

SB 89 also addresses the ***social-emotional and mental health needs*** of our students by requiring the State Board of Education to develop nonbinding recommendations for ratios of pupils to specialized instructional support personnel (including school counselors, school psychologists, school social workers, and school nurses) and develop a 15-year strategic plan to achieve the ratios in each district. A statewide framework shall be created for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils

including 1) engaging the parents and guardians, 2) assessing the social, emotional, and academic development of pupils, and 3) screening, intervening, and monitoring the social, emotional, and academic progress of pupils. Additionally, schools will establish a plan to provide for the restorative discipline of pupils.

NVASP supports the recommendations provided through A Framework for Safe and Successful Schools, a joint statement issued through a collaboration between the American School Counselor Association, National Association of School Psychologists, School Social Work Association of America, National Association of School Resource Officers, National Association of Elementary School Principals, and National Association of Secondary School Principals. This framework recognizes that school safety and positive school climate are not achieved by singular actions, but rather by comprehensive and collaborative efforts. The following best practices are outlined in the framework:

1) Integrate services through collaboration
2) Implement multi-tiered system of supports (MTSS)
3) Improve access to school-based mental health supports
4) Integrate school safety and crisis/emergency prevention, preparedness, response, and recovery
5) Balance physical and psychological safety
6) Employ effective, positive school discipline
7) Allow for the consideration of context, understanding there is no one-size fits-all approach to creating safe and successful schools
8) Acknowledge that sustainable and effective improvement takes patience and commitment

We appreciate and applaud all efforts to keep our children safe in school. NVASP is committed to our vision that all students in Nevada have equal access to quality learning, behavior, and mental health supports in order to feel physically and psychologically safe and allow them to gain the skills needed to thrive in school, home, and life.

Please consider the Nevada Association of School Psychologists a resource in further discussions regarding school safety.

Sincerely,

Stephanie Patton, Ed.S., NCSP
President-Elect
Nevada Association of School Psychologists
stephanie.patton.nvasp@gmail.com

Public Advocacy For Kids

Equitable, Fair, and Just policies for ALL children

July 22, 2019

The Honorable Ron Johnson, Chair
Senate Homeland Security and Government Affairs Committee
328 Senate Hart Office Building
Washington, DC 20510

The Honorable Gary Peters, Ranking Minority
Senate Homeland Security and Government Affairs Committee
724 Hart Senate Office Building
Washington, DC 20510

Dear Senators Johnson, Peters and Members of the Senate Committee
On Homeland Security and Government Affairs:

On behalf of Public Advocacy for Kids, an organization that focuses primarily on federal policy and regulations that impact America's young people and families, especially those who are low income and special needs children related to education, health, social services, juvenile justice, early learning, parent and community engagement and equitable resources, both rural and urban, we write to thank you for holding this July 25, 2019 hearing, entitled: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence."

No question that parents and students are concerned about the safety of their children but seek safety initiatives that adequately protect students. But they don't want policies based on growing public fear, but rather initiatives that come from careful consideration of evidence-based safety goals, strategies, and their potential consequences. This fear has, in some cases, driven a rushed process resulting in policies that neglect privacy to an extent that seriously undermines student safety and civil rights. For this reason, we invite the committee to do three things: understand key facts and context about safety in U.S. schools; understand the grave potential consequences of safety policies that do not protect students' privacy; and perhaps most important, understand that safety and privacy are not competing goals but, rather, integral to each other and to keeping students safe.

I am Arnold Fege, president of Public Advocacy for Kids, and a long time public education teacher, principal, school administrator and child policy advocate, and know something about student privacy as one of the original authors of FERPA passed in the early 70's when it was known as the Buckley amendment. And later updated with the leadership of Senator Orin Hatch in the early 80's to reflect growing privacy concerns. We are not opposed to data, but we are very concerned about who collects the data, about the accuracy of the date, who the data is shared with and danger of the Internet to children around third party access. But we also an organization which shares the concerns of students, parents, educators, lawmakers, and others who want nothing more than to fulfill students' right to be safe and flourish in school. But we are very concerned that in the haste to pass legislation, we ignore data from the National Center for Education Statistics shows that the numbers of violent deaths in schools have remained relatively constant in the past 30 years. This does not mean that communities and lawmakers should not seek to improve school safety; it does mean that such improvements must emerge from facts, rather than fears and misguided perceptions, about the prevalence of violence in schools.

Another key fact is the contexts in which school safety policies operate, in particular the constant budget shortfalls that many schools face. One consequence of these shortfalls is that schools increasingly rely on law enforcement at the expense of crucial health and safety services. In March 2019, *Education Week* reported that 1.7 million students attend schools with police officers but no counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists, and 10 million are in schools with police officers but no social workers. Without these key services, law enforcement may be asked to help resolve problems for which they are not trained and that require professionals with entirely different knowledge and skills.

Moreover, the U.S. Department of Education Office for Civil Rights reports that students with disabilities are more likely to be restrained, referred, or arrested by law enforcement, and has documented bias against students of color regarding referral to law enforcement agents in school. Finally, the presence of armed school resource officers or guards has not prevented some of the most high-profile mass school shootings, such as those at Columbine High School and at Marjory Stoneman Douglas High School. Given these facts, school safety initiatives calling for unfettered access to student records for law enforcement represent a significant safety risk to students.

We also invite the committee to understand the serious consequences of student safety policies that have not been proven to prevent violence and do not protect privacy. For example, nearly every aspect of the Federal Commission on School Safety report focuses on sharing data and, thus, has privacy implications for students, teachers, and the public. Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance—except on acceptable data sharing

during emergencies under the federal student privacy law, FERPA—to educators, districts, or states on how to implement security measures while including appropriate privacy protections.

At the state level, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act, in March 2018. This law calls for numerous initiatives that threaten students' privacy, including the creation of a school safety database that would collect information about children and young people's social media activity and other sensitive topics, and store it in a state database to be shared with state employees, schools, and law enforcement. *Education Week* recently detailed the types of information to be collected in the database. Some of the potential categories include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; children who have been treated for substance abuse or undergone involuntary psychiatric assessments; children who have been in foster care or homeless; and children who have feelings of anger or persecution. This database represents a significant safety risk because it collects highly sensitive information without a clear, evidence-based rationale for inclusion, could be used to categorize children as threats who have been victims of bullying or whose only "risk" factor is their disability, and will create a de facto state repository designed to track children based on federally protected characteristics.

Because of this safety risk, we have asked the state to immediately halt the construction of this database and, instead, create a commission of parents, students, and experts on education, privacy, security, equity, disability rights, civil rights, and school safety, to identify measures that have been demonstrated to effectively identify and mitigate school safety threats.

Many of these safety strategies and proposals have not been shown to prevent violence or keep schools safer. For example, the proposed database in Florida will include students' social media posts, but as the Brennan Center for Justice reports, there is no proof that social media monitoring programs work. The Department of Homeland Security has been using this technology since 2016 and has not found it to be effective. Moreover, no evidence demonstrates that creating a massive digital surveillance infrastructure helps to prevent school violence. But studies do suggest that it may cause students to feel less safe at school. And without safeguards and protections, the state risks building a structure to systematically discriminate against students based on protected statuses.

We outline these risks so that all education stakeholders can understand that safety and privacy are not competing goals. In a climate of fear, safety initiatives focus narrowly on acts of violence, but many educators know that school safety is about more than preventing shootings. It also encompasses issues such as hallway behavior, monitoring visitors, technology use, anti-bullying programs, and ensuring that schools avoid discriminatory practices. And privacy is a key part of safety. For this reason, we urge the committee to define safety inclusively, to ensure that facts, evidence, and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep students truly safe in schools.

We thank the Chairs and this Committee for the opportunity to express our views and hope that the Committee will take them into consideration as they explore the next steps.

Respectfully,

Arnold F. Fege, President
Public Advocacy for Kids

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July 25, 2019

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security &
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

The Honorable Gary Peters
Ranking Member
Senate Committee on Homeland Security &
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Ranking Member Peters:

At Sandy Hook Promise, we believe that everyone has a responsibility to protect our kids from violence in their schools. To do this, we must make informed, evidence-based choices about how we ensure our children's safety. We are pleased that the Senate Committee on Homeland Security and Governmental Affairs is examining school safety issues during this week's hearing on state and federal recommendations for enhancing school safety. As the committee considers the full spectrum of school safety solutions, we encourage you to prioritize evidence-based violence prevention programs to help detect warning signs of violence as recommended by the Department of Homeland Security.

We are among the family members whose loved ones were killed in the mass shooting at Sandy Hook Elementary School that took the lives of 20 precious first-graders and 6 of their dedicated educators on December 14, 2012. Together, we formed Sandy Hook Promise, a national nonprofit committed to preventing gun violence before it happens by delivering no-cost, evidence-based prevention programs to our schools that train students and adults to know the signs of gun violence and intervene to stop a potential tragedy. To date, we have trained over 7.5 million youth and adults and averted multiple school shootings, suicides, and other violent threats across all 50 states.

In Sandy Hook Promise's *Know the Signs* programs, students and adults in school environments are taught to recognize the signs of potential violence, take them seriously, and report them appropriately. This approach is important because violence in schools is often committed by members of the school community. The Rural School and Community Trust reviewed nearly forty years of data and found that 90% of school-based mass violence events occurred in middle and high schools, and in these events, 65% of violent attacks were committed by students. Training students in the signs and signals of harm is essential because we know that they are often the most likely to recognize warning signs in their peers. Students are often privy to information—especially on social media—that may not otherwise come to the attention of adults.

A recent report on averted school shootings showed that when school shootings have been averted, it was largely due to people speaking up about a potential threat before harm could occur. The Police Foundation's first of its kind Averted School Violence Project, developed with the support of the Community Oriented Policing Services (COPS) Office, tracked and evaluated 51 instances of school violence over two years that were averted, avoided, or somehow stopped. They found that 68% of all averted violent threats were stopped because a student saw something and spoke up, leading them to

name prevention programming as their top recommendation for preventing school shootings. Training the community to recognize warning signs and say something works. In fact, it has saved lives.

This Police Foundation report is supported by a 2018 report from the Department of Homeland Security. Within the report titled, *K-12 School Security: A Guide for Preventing and Protecting Against Gun Violence*, the Department of Homeland Security stated, "The importance of detecting and addressing concerning behavior, thoughts, or statements cannot be overstated. In fact, preventing violence by detecting and addressing these red flags is more effective than any physical security measure." We must assess all options on the spectrum of school safety solutions, including violence prevention programming.

At Sandy Hook Promise, we have worked diligently to create opportunities for these programs to grow and reach more students. In March 2018, we helped pass the Students Teachers and Officers Preventing (STOP) School Violence Act which gives students and educators tools and support to take proactive steps towards stopping tragedies. States, localities, school districts and Indian tribes are using this essential funding to bring evidence-based violence prevention programs to their schools. This includes training students to identify warning signs of potential violence against self or others and why getting help for others can prevent tragedies such as suicide, mental health crisis, and interpersonal violence. STOP funds are also being used to develop and operate school-based teams to help receive, triage, and intervene when warning signs are reported and create and implement anonymous reporting systems, among other allowable uses.

Today, we have developed another policy designed to expand access to life-saving school safety programs. The Suicide and Threat Assessment National Dedicated to Universal Prevention (STANDUP) Act, H.R. 2599, would expand access to suicide prevention training for students as well as threat assessment training for teachers and administrators by requiring states receiving certain funds under the Substance Abuse and Mental Health Services Administration (SAMHSA) to adopt these policies at a statewide level.

We strongly urge the Senate Committee on Homeland Security & Governmental Affairs to consider comprehensive school safety solutions, like those included in the STOP and STANDUP Acts, to expand access to evidence-based violence prevention programs to stop school violence.

Thank you for your work to keep our children safe, and please contact us with any questions or if we can be a resource to the committee.

Sincerely,

Mark Barden

Mark Barden

(Daniel's father)

Nicole Hockley

(Dylan's mom)

The Honorable Margaret Wood Hassan
Ranking Member
Subcommittee on Federal Spending Oversight & Emergency Management Committee on Homeland Security & Governmental Affairs
432 Hart Senate Office Building
Washington, D.C. 20510

July 23, 2019

Dear Senator Wood Hassan,

I have good news to share with you that perfectly aligns with the "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence" hearing scheduled for July 25th, 2019. Since the Parkland, Florida high school shooting, my organization has been trying to apply our innovative Peer to Peer (P2P) model to preventing violence, and improving high school safety and security.

Briefly, the P2P program started in 2014 as a public/private sector partnership between U.S. Government and EdVenture Partners to challenge the direct threat of hate and extremist propaganda both domestically and globally. Today, P2P can be found in 75 countries throughout the world. P2P is implemented in a university classroom where students earning academic credit, create and activate their own social media campaigns to challenge violent extremist ideology, propaganda and recruitment messaging. Harvard University recently released results of a three-year longitudinal study on the efficacy of the P2P model and revealed P2P "shows measurable impact in reducing hate and increasing tolerance," two social ills in need of our attention.

Since P2P began as a USG initiative between DoD, State, NCTC and DHS, federal agencies and staff members knew of P2P's popularity throughout higher education, and identified its possible application to the national problem of high school safety. The Final Report of the Federal Commission on School Safety recommended the federal government sponsor a P2P Competition Challenge to develop school security campaigns. This report ignited federal action, and I am happy to share with you that this coming fall 2019 semester, the U.S. Department of Homeland Security and the U.S. Department of Education are jointly funding a pilot program titled the P2P High School Safety Challenge, a first time ever, peer-to-peer driven national initiative. High school students will become a school safety agency and using an operational budget of $500, these students will design, test, implement and measure the success of a social or digital media initiative, product or tool that they create, activate and believe to be most appropriate and effective in making their school safer and to help prevent violence.

Encouragingly, we have garnered the support and partnership of organizations for our pilot semester that will bring the P2P High School Safety Challenge to upwards of 150 high schools in 50 states. Naturally, we look forward to bringing this important and vital program to the Granite State, as well.

The funding of the P2P High School Safety Challenge by DHS and the Department of Education demonstrates their belief that students themselves must be part of the solution in violence prevention and high school safety. I am confident this pilot semester will demonstrate impact and success, and I hope USG will expand and grow P2P to include hundreds more high schools. Should you wish to learn more and discuss this program further, (https://www.edventurepartners.com/) I would be honored to have this conversation with you.

Thank you for your attention to this matter.

Sincerely,

Tony Sgro

Tony Sgro, CEO

U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC, 20510

July 24, 2019

Dear Chairman Johnson, Ranking Member Peters, and Members of the Senate Homeland, Security & Governmental Affairs Committee,

On behalf of the SPLC Action Fund and the Campaign to Keep Guns Off Campus, thank you for holding the July 25, 2019 hearing, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." Our organizations believe that students and schools will be made less safe if measures are enacted that: (1) perpetuate or worsen the school to prison pipeline, (2) discriminate against or target students based on a protected characteristic, or (3) traumatize or further harm students' health and mental health. Instead, we believe real school safety must be premised on protecting students' rights, privacy, and dignity. We write today to urge Congress to use the opportunity of this hearing (as well as future hearings or other means of Congressional investigation and oversight) to closely examine the privacy, equity, and safety implications of recent federal and state-level school security proposals, such as laws calling for increased student surveillance or data sharing as a purported means to reduce school violence. In particular, we are concerned that some of these proposals may discriminate against or target students based on, among other characteristics, their disability or perceived differences. What's more, we are deeply troubled by efforts to "harden" schools (arming educators, frequent active shooter drills, increased video surveillance, etc.) without taking into account the cost, effectiveness, or dangers of these approaches.

We invite the committee to, among other things, seek answers about how local, state, and federal school safety policy will: (1) protect student privacy; (2) avoid targeting any population of student based on a protected characteristic; (3) avoid perpetuating or worsening the school to prison pipeline; (4) protect student data from misuse, inappropriate dissemination, flawed algorithms, or hacking; (5) prevent already-limited federal, state, and local funding for public education from being further decimated by school safety costs; (6) protect children from the trauma, possible violence and unintended consequences of "hardened" schools and armed personnel; and (7) guarantee transparency and accountability from federal, state, and local entities as school safety data collection or other sharing initiatives occur, so parents, educators, and students can help guide the conversation and ensure not only their safety, but also their privacy and civil rights.

Florida's Unproven and Wasteful "School Safety" Responses Put Students at Risk

A. Misuse of student data

Many recent state school safety proposals call for increased surveillance in an alleged attempt to reduce school violence; in 2018, Florida passed SB 7026, the Marjory Stoneman Douglas High School Public Safety Act. Among other things, this law created a school safety "centralized integrated data repository and data analytics resource" that would collect, compile and analyze sensitive information about children and young people, to be shared with school threat assessment teams, state employees, and law enforcement to identify threats. As *Education Week* recently

detailed, some of the potential categories for data collection include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; student social media activity; and children who have been homeless or in foster care.[1]

As our organizations wrote in a letter to Florida Governor DeSantis,[2] we believe that if any state collects and stores some of this information, it will chill or discourage many students and their families from seeking the services they need in school, which ultimately will undermine school safety. Students who are homeless, in the foster care system, or who have mental health disabilities may limit the services they use, out of concern that the state may use the information about their protected needs to flag them as potential threats. Likewise, students who are bullied because they are LGBTQ, have a disability, or are a member of another minority group (e.g., a minority religion) may choose not to report discrimination to their schools if they fear the schools will respond by identifying them as threats. This could create a perverse incentive, leading students to avoid reporting serious or dangerous behavior because they themselves fear being labeled as a potential school shooter.

B. Arming educators does not make schools safer

Further, this past session, Florida passed SB 7030, which seeks to allow educators to be armed in school, despite consensus that arming educators does not stop mass shooters and will even endanger students. The consensus among public health researchers, based on the available empirical evidence, is that "increasing the presence of guns in the hands of civilians in schools, no matter how well intentioned, may backfire."[3] Until very recently, lawmakers and policy experts across the country agreed with this assessment and uniformly rejected the idea of teachers and school staff carrying guns. For example, in a joint report on developing school emergency plans by the U.S. Department of Education, the U.S. Department of Health and Human Services, the U.S. Department of Homeland Security, the U.S. Department of Justice, and the FBI, the agencies concluded: "the possibility of an active shooter situation is not justification for the presence of firearms on campus in the hands of any personnel other than law enforcement officers."[4] In the last five years, there have been over 70 publicly-reported incidents of mishandled guns in schools.[5]

Armed educators serving in disciplinary roles will also increase the risk of deadly force being used negligently or recklessly against students. Experience shows that trained law enforcement officers will periodically incorrectly assess non-threatening situations as life-threatening—a mistake likely to be repeated by teachers and educators with far less training. This danger is

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[1] Benjamin Herold, *Florida Plan for a Huge Database to Stop School Shootings Hits Delays, Legal Questions*, Education Week, May 30, 2019, https://www.edweek.org/ew/articles/2019/05/30/florida-plan-for-a-huge-database-to.html.

[2] *33 Organizations Send Letter to Florida Governor DeSantis*, July 9, 2019, https://ferpasherpa.org/letterdesantis.

[3] Sonali Rajan & Charles Branas, "Arming Schoolteachers: What Do We Know? Where Do We Go From Here?," American Journal of Public Health 108, no. 7 (July 2018): 861.

[4] U.S. Dep't of Education et al., *Guide for Developing High-Quality School Emergency Operations Plans* 66 (2013), https://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

[5] Giffords, *Every Incident of Mishandled Guns in Schools* (updated July 1, 2019), https://giffords.org/2019/06/every-incident-of-mishandled-guns-in-schools/.

particularly acute for students of color and students with disabilities.[6] These students' ordinary adolescent misbehavior is more likely to be misinterpreted as dangerous, leading to excessive discipline and the use of force.[7] With school staff members carrying guns, vulnerable students could find themselves the victims of deadly force based on a misunderstanding.

C. Other problematic requirements

Florida SB 7030 also expands zero tolerance referrals to law enforcement, and promotes school hardening and anonymous reporting. This legislation comes out of recommendations from a state-level commission, the Marjory Stoneman Douglas High School Public Safety Commission, which has relied heavily on law enforcement recommendations for school safety, rather than deeply investigating evidence-based measures to ensure all students are safe in school. Unfortunately, states across the country may be following Florida's misguided lead.[8]

Federal "School Safety" Responses Threaten to Further the School to Prison Pipeline

At the federal level, the Federal Commission on School Safety—established by President Trump and led by Secretary of Education Betsy DeVos—released recommendations late last year that largely ignore settled law; ignore both evidence and evidence-based solutions; and ignore progress made towards safe, welcoming, and healthy schools for all students. This included the recommendation in the Commission's report to rescind legal guidance issued in 2014 by the United States Departments of Justice (DOJ) and Education (ED). The DOJ/ED guidance was issued to address the serious harm of unnecessary and discriminatory school discipline, harm that disproportionately affects students of color and students with disabilities. The recommendations speciously connected non-discriminatory school discipline with school safety, and so the guidance was subsequently rescinded, leaving schools and districts across the country without those resources to help schools follow the law and makes schools safer and fairer for all.

School Safety Policy Must be Evidence-Based and Keep Schools Safe for All Students

We agree with policymakers, families, and educators that we must do more to keep our students safe. But real school safety does not need to come at the cost of student privacy, student dignity, and students' civil rights. Instead, lasting and effective school safety measures come from the

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[6] *See, e.g.*, Jason Okonofua and Jennifer L. Eberhardt, "Two Strikes: Race and the Disciplining of Young Students," Psychological Science, 26, no. 5 (April 2015).

[7] *See, e.g.*, U.S. Government Accountability Office, *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities* (Apr. 2018); Brown Center on Education Policy at the Brookings Institution, "Schools, Black Children, and Corporal Punishment" (Jan. 2016).

[8] For example, Virginia House Bill 1734, just signed into law by the governor this month, requires the development of a case management tool to centralize the data collected by threat assessment teams in Virginia schools, and does not provide information about who can access that data and how long information will be kept. Virginia House Bill 1734, 2019, http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1734. New York, Bill No. A04484 would require that schools, in consultation with law enforcement, install "security cameras supported by artificial intelligence" as appropriate, without clarifying what is meant by "artificial intelligence" or providing privacy protections for the data to be collected. New York State Assembly Bill A04484, 2019, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A04484&term=2019&Summary=Y&Actions=Y&Text=Y.

careful consideration of evidence-based safety goals, strategies, and their potential consequences.[9] The foundation of true school safety is a climate of support and inclusion. It is important for policymakers to understand that safety and privacy are not competing goals; rather, they are complementary—and integral to keeping students safe.

Specifically, privacy and equity must be the core guardrails for any school safety initiatives. Our organizations recommend that the committee examine the *Principles for School Safety, Privacy, and Equity*, which we signed on to with forty other diverse organizations.[10] First and foremost, students deserve safety measures that are evidence-based.[11] Students deserve schools where decisions about threats are made by, among others, school administrators, counselors, and educators—skilled, qualified professionals who can make individual assessments and take into account students' particular needs and circumstances. An algorithm cannot replace the professional judgment of trained educators and other experts. And when students are identified as a threat,[12] they and their families deserve access to the information used to make that decision and must have the basic due process rights guaranteed to them under law to dispute that decision.

Many organizations have noted that surveillance technologies like social media monitoring[13] and facial recognition[14] can perpetuate or worsen the school to prison pipeline, and can also harm students by stifling their creativity, individual growth, and speech. For example, the Brennan Center for Justice reports that, although school districts are spending more on social media monitoring technology, there is little evidence it is keeping students safer.[15] What's more, studies show that school surveillance can disproportionately target students with disabilities[16] and students of color.[17] There is also no evidence that creating a widespread digital

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[9] National Criminal Justice Technology Research, Test & Evaluation Center, *A Comprehensive Report on School Safety Technology*, Johns Hopkins University Applied Physics Laboratory in cooperation with The Johns Hopkins University School of Education Division of Public Safety Leadership, October 2016, https://www.ncjrs.gov/pdffiles1/nij/grants/250274.pdf; Heather L. Schwartz, Rajeev Ramchand, Dionne Barnes-Proby, Sean Grant, Brian A. Jackson, Kristin J. Leuschner, Mauri Matsuda, Jessica Saunders, The Role of Technology in Improving K–12 School Safety, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1488.html.

[10] *Principles for School Safety, Privacy, and Equity*, March 29, 2019, https://ferpasherpa.org/schoolsafetyprinciples.

[11] See footnote 6.

[12] Bethany Barnes, Targeted: A Family and the Quest to Stop the Next School Shooter, The Oregonian/OregonLive, June 24, 2018, https://expo.oregonlive.com/news/erry-2018/06/75f0f464cb3367/targeted_a_family_and_the_ques.html.

[13] Faiza Patel and Rachel Levinson-Waldman, *Monitoring kids' social media accounts won't prevent the next school shooting*, The Washington Post, March 5, 2018, https://www.washingtonpost.com/news/posteverything/wp/2018/03/05/monitoring-kids-social-media-accounts-wont-prevent-the-next-school-shooting.

[14] Stefanie Coyle and John Curr III, New York School District Seeks Facial Recognition Cameras for Public Schools, ACLU, June 20, 2018, https://www.aclu.org/blog/privacy-technology/surveillance-technologies/new-york-school-district-seeks-facial-recognition.

[15] Faiza Patel, Rachel Levinson-Waldman, Jun Lei Lee, Sophia Den Uyl, *School Surveillance Zone*, Brennan Center for Justice, April 30, 2019, https://www.brennancenter.org/analysis/school-surveillance-zone.

[16] Azza Altiraifi and Valerie Novack, Efforts to Address Gun Violence Should Not Include Increased Surveillance, Center for American Progress, February 20, 2019, https://www.americanprogress.org/issues/disability/news/2019/02/20/466468/efforts-address-gun-violence-not-include-increased-surveillance.

[17] Melinda D. Anderson, *When School Feels Like Prison*, September 12, 2016, https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556.

surveillance infrastructure helps to prevent school violence. But studies do suggest that such an apparatus may cause students to feel less safe at school—the opposite of its intention.[18] And without privacy safeguards, protections, and limits on surveillance, policymakers risk building a structure to systematically discriminate against students based on protected statuses.

There is consensus among experts, including mental health professionals, educators, and researchers, about what works to ensure students are safe at school. Consensus approaches include making high-quality mental health treatment available, positive school discipline practices and policies to de-escalate school-based conflicts, and keeping open lines of communication in school while respecting student privacy. As states and the federal government address the critical issue of student and school safety, they should seek input and consensus from all stakeholders, especially students, families, and educators.

Students deserve schools that are held accountable for ensuring everyone feels safe, healthy, and welcome, with clear consequences for those who put student privacy at risk. And students, families, and educators all deserve transparency.

We urge the Committee to seek real answers, based on real evidence, rather than relying on bias or fear. Our students deserve nothing less.

Sincerely,

Zoe Savitsky
Deputy Legal Director
SPLC Action Fund

Bacardi Jackson
Senior Supervising Attorney
SPLC Action Fund

Katherine Dunn
Regional Policy Analyst
SPLC Action Fund

Andy Pelosi
Executive Director
The Campaign to Keep Guns Off Campus

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[18] National Association of School Psychologists, *School Security Measures and Their Impact on Students*, 2018,https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf; Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 Emory Law Journal 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.

School Social Work Association of America
3001 Veazey Terrace, NW • Suite 825
Washington, DC 20008

July 23, 2019

The Honorable Ron Johnson, Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC, 20510

The Honorable Gary Peters, Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20910

Dear Chairman Johnson and Ranking Member Peters,

The School Social Work Association of America (SSWAA) thanks you for holding the upcoming hearing on "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." We want to share our members' concerns about recent federal and state school safety initiatives that we believe do not adequately protect students. Many of these initiatives include legislation resulting more from growing public fear about children's safety than from careful consideration of evidence-based safety goals, strategies, and their potential consequences. In some cases, this fear has driven a rushed process resulting in policies that neglect privacy to an extent that seriously undermines student safety and civil rights. For this reason, we invite the committee to do three things: understand key facts and context about safety in U.S. schools; understand the grave potential consequences of safety policies that do not protect students' privacy; and perhaps most important, understand that safety and privacy are not competing goals but, rather, integral to each other and to keeping students safe.

The School Social Work Association of America (SSWAA) believes all children and youth have a right to a quality public education delivered in a safe and supportive learning environment. Violence, injury and unaddressed student mental health concerns can create climates that inhibit learning while adversely affecting the wellbeing of students and school personnel across the United States (Astor, Benbenishty, & Marachi, 2010). SSWAA supports a comprehensive approach to school safety that promotes the emotional and physical wellbeing of all education stakeholders: students, school personnel, families, and community members. This approach focuses on addressing the mental and behavioral health of all students, developing healthy school climates, training educators in early identification protocols, ensuring safe facilities, creating family partnerships, and establishing community collaborations that support safety (SSWAA, 2014).

School social workers are highly qualified mental health professionals who provide direct services to students and families in the form of individual or group therapeutic support and also serve as a resource to administrators and other educators, providing consultation and training on identifying students with mental health needs and a referral process when services are sought (SSWAA, 2013). They address social, emotional, and environmental barriers to student success by offering education, prevention, and crisis intervention as a means to promote a positive and safe school climate. In times of crises, school social workers are uniquely positioned to assist in crisis management and postvention, helping students, families and staff process their pain and fears. At the same time, our expertise in navigating resources and collaborating with community mental health providers is pivotal in the recovery process (Issurdatt, 2013). As mental health professionals, we understand learning cannot occur when students, families, staff and administrators are profoundly impacted by a crisis or unmet mental health needs.

SSWAA shares the concerns of students, parents, educators, lawmakers, and others whose main goal is to fulfill students' right to be safe and flourish in school. A crucial part of that shared goal is understanding key facts about school safety in the United States, focusing particularly on data about school violence and schools' resources. In the wake of tragic mass shootings, families and communities across the country are understandably worried about students' safety. School shootings such as those in Newtown and in Parkland have fueled the perception that students are less safe. Yet, data from the National Center for Education Statistics shows that the numbers of violent deaths in schools have remained relatively constant in the past 30 years. This does not mean communities and lawmakers should not seek to improve school safety; however, it does mean that such improvements must emerge from facts, rather than fears and misguided perceptions, about the prevalence of violence in schools.

Another key fact is the contexts in which school safety policies operate, in particular the constant budget shortfalls facing many schools. One consequence of these shortfalls is the increasing reliance on law enforcement at the expense of crucial health and safety services. In March 2019, *Education Week* reported that *1.7 million students attend schools with police officers but no school counselors, 3 million students attend schools with police officers but no school nurses, 6 million are in schools with police officers but no school psychologists, and 10 million are in schools with police officers but no social workers*. Without these key services, law enforcement may be asked to help resolve problems for which they are not trained and that require professionals with entirely different knowledge and skills. Thus, a foundation of a school-based system for supporting the emotional, physical and academic needs of all students is an *interdisciplinary team approach* comprised of a variety of specialized instructional support personnel with different backgrounds, perspectives, training and skill sets such as school social workers, school counselors, school psychologists, school nurses, and other specialized instructional support personnel (SISP) working in collaboration with school resource officers (Gearity, 2014; SSWAA, 2013). School-employed mental health professionals serve in critical leadership roles related to school safety, positive school climate, and providing school-based mental health services.

Moreover, the U.S. Department of Education Office for Civil Rights reports that students with disabilities are more likely to be restrained, referred, or arrested by law enforcement, and has documented bias against students of color regarding referral to law enforcement agents in school. Finally, the presence of armed school resource officers or guards has not prevented some of the most high-profile mass school shootings, such as those at Columbine High School and at Marjory Stoneman Douglas High School. Given these facts, school safety initiatives calling for unfettered access to student records for law enforcement represent a significant safety risk to students.

We also invite the committee to understand the serious consequences of student safety policies that have not been proven to prevent violence and do not protect privacy. For example, nearly every aspect of the Federal Commission on School Safety report focuses on sharing data and, thus, has privacy implications for students, teachers, and the public. Although several sections of the report acknowledge the need for privacy safeguards, the Commission unfortunately offers little guidance—except on acceptable data sharing during emergencies under the federal student privacy law, FERPA—to educators, districts, or states on how to implement security measures while including appropriate privacy protections.

At the state level, Florida passed SB 7026, the Marjorie Stoneman Douglas High School Public Safety Act, in March 2018. This law calls for numerous initiatives that threaten students' privacy, including the creation of a school safety database that would collect information about children and young people's social media activity and other sensitive topics, and store it in a state database to be shared with state employees, schools, and law enforcement. *Education Week* recently detailed the types of information to be collected in the database. Some of the potential categories include children who have been victims of bullying based on protected statuses such as race, religion, disability, and sexual orientation; children who have been treated for substance abuse or undergone involuntary psychiatric assessments; children who have been in foster care or homeless; and children who have feelings of anger or persecution. This database represents a significant safety risk because it collects highly sensitive information without a clear, evidence-based rationale for inclusion, could be used to categorize children as

threats who have been victims of bullying or whose only "risk" factor is their disability, and will create a de facto state repository designed to track children based on federally protected characteristics.

Because of this safety risk, we have asked the state to immediately halt the construction of this database and, instead, create a commission of parents, students, and experts on education, privacy, security, equity, disability rights, civil rights, and school safety, to identify measures that have been demonstrated to effectively identify and mitigate school safety threats.

Many of these safety strategies and proposals have not been shown to prevent violence or keep schools safer. For example, the proposed database in Florida will include students' social media posts, but as the Brennan Center for Justice reports, there is no proof that social media monitoring programs work. The Department of Homeland Security has been using this technology since 2016 and has not found it to be effective. Moreover, no evidence demonstrates that creating a massive digital surveillance infrastructure helps to prevent school violence. But studies do suggest that it may cause students to feel less safe at school. And without safeguards and protections, the state risks building a structure to systematically discriminate against students based on protected statuses.

We outline these risks so that all education stakeholders can understand that safety and privacy are not competing goals. In a climate of fear, safety initiatives focus narrowly on acts of violence, but many educators know that school safety is about more than preventing shootings. It also encompasses issues such as hallway behavior, monitoring visitors, technology use, anti-bullying programs, and ensuring that schools avoid discriminatory practices. SSWAA believes school safety is enhanced by establishing a culturally competent school community committed to prevention, support, early identification, community and family involvement, and acceptance of diversity. When each member feels welcomed, valued, and able to meaningfully participate in the school community's academic and social-emotional success, the community will have helped ensure its own safety. Furthermore, privacy is a key part of ensuring safety. For this reason, we urge the committee to define safety inclusively, to ensure that facts, evidence, and students' best interests inform school safety policies and initiatives. We believe this is the only way to keep students truly safe in schools.

Sincerely,

Rebecca K. Oliver

Rebecca Oliver
Executive Director

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July 23, 2019

The Honorable Gary Peters
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Letter for the Record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

Dear Ranking Member Peters,

The Dignity in Schools Campaign-New York (DSC-NY) is a citywide coalition of more than 20 organizations led by youth, parents, educators and advocates working to transform New York City public schools and create a system of school discipline and safety that is based on mutual respect and problem solving, not punishment and criminalization.

Since its inception in 2009, DSC-NY has been at the forefront of creating a school system in NYC that invests in the success of young people, which includes increasing mental health support and investing in restorative justice, a practice that helps school communities build common values and address the root cause of a problem when conflict occurs. DSC-NY advocates for these support systems because they keep schools safe and end discipline practices that lead to harsher punishments for students of color, students with disabilities and Lesbian, Gay, Bisexual, Transgender and Queer (LGBT) students[1]. For example, a case study of the implementation of restorative justice within Denver Public Schools discovered that over the course of six years suspensions of Black students decreased by approximately 7 percentage points and that suspensions of Latinx students decreased approximately 6 percentage points. One school in the case studied that was stereotyped as a "gang factory" found that after one

[1] U.S. Dep't of Education, 2015-2016 Civil Rights Data Collection: School Climate and Safety (April 2018), https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf. *See also*, Hilary Burdge, Adela C. Licona & Zemi T. Hyemingway, LGBTQ Youth of Color: Discipline Disparities, School Push-out, and the School-to-Prison Pipeline 2, https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf ("Research shows that LGBTQ youth of color in particular face persistent and frequent harassment and bias-based bullying form peers and school staff as well as increased surveillance and policing, relatively greater incidents of harsh school discipline, and consistent blame for their own victimization.").

year of implementing Restorative Justice that 11 of the 14 cases of fighting that were referred to the process were resolved, suspensions dropped by over 40% and police citations dropped by 86%[2].

Research and experience show that increasing school safety hinges on creating a positive school climate where students feel welcome and safe.[3] Since 2015 NYC has implemented restorative justice in the form of a pilot program and shifted away from punitive practices. This approach lead to a decrease in overall suspensions[4] and an increase in graduation rate[5]. Recognizing that safety and academic success within our school system is best achieved by supporting our young people, New York City, which is the largest school district in the country, has decided to expand restorative justice to all middle and high schools over the course of three years and provide social emotional learning for all elementary schools.

On the other hand, the "hardening" of schools will only lead to harming students of color through overinvesting in a system that criminalizes them[6]. While there is still more work to be done to create a school system that New York City young people deserve, the City is taking steps to end the school to prison pipeline. DSC-NY recommends that the committee not spend federal resources on efforts that will ultimately make schools dangerous and unwelcoming, but instead work to provide more resources to schools and districts to both protect students' rights and promote positive school climates.

Sincerely,

Kate McDonough

Dignity in Schools Campaign-NY

katem@nesri.org

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[3] Steinberg, Matthew, Elaine Allensworth, and David Johnson. *Student and Teacher Safety in Chicago Public Schools*. Consortium on Chicago School Research, 2011, available at: https://consortium.uchicago.edu/publications/student-and-teacher-safety-chicago-public-schools-roles-community-context-and-school

[4] New York City Department of Education Suspension Data. https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/suspension-reports

[5] Zimmerman, Alex. New York City graduation rate ticks up to 76 percent in 2018. Chalkbeat January 30th, 2019. https://www.chalkbeat.org/posts/ny/2019/01/30/new-york-city-graduation-rate-ticks-up-to-76-percent-in-2018/.

[6] Urban Youth Collaborative. The $746 Million a Year School-to-Prison Pipeline: The Ineffective, Discriminatory, and Costly Process of Criminalizing New York City Students (2017).

July 23, 2019

The Honorable Gary Peters, Ranking Member
U.S. Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Letter for the Record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

Dear Ranking Member Peters,

The Dignity in Schools Campaign ("DSC") would like to submit this letter for the record for the July 25, 2019, Hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs, "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence."

DSC is a coalition of over 100 grassroots and education advocacy organizations in 28 states. Since its inception in 2006, DSC members have worked to dismantle the school-to-prison pipeline by advocating for educational environments that keep students in school and learning. We have challenged the systemic use of exclusionary discipline practices that disproportionately impact students of color, students with disabilities, and students who identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ), which the Department of Education's (ED's) most recent civil rights data and other national research verifies.[1] Our recent national advocacy efforts have included releasing a toolkit for school communities on how to engage in the implementation of state plans under the Every Student Succeeds Act (ESSA),[2] including the promotion of effective strategies for reducing these persistent racial

[1] U.S. Dep't of Education, 2015-2016 Civil Rights Data Collection: School Climate and Safety (April 2018), https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf. *See also*, Hilary Burdge, Adela C. Licona & Zemi T. Hyemingway, LGBTQ Youth of Color: Discipline Disparities, School Push-out, and the School-to-Prison Pipeline 2, https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf ("Research shows that LGBTQ youth of color in particular face persistent and frequent harassment and bias-based bullying form peers and school staff as well as increased surveillance and policing, relatively greater incidents of harsh school discipline, and consistent blame for their own victimization.").

[2] Dignity in Schools, Engage for Equity: A Toolkit for School Communities on the Every Student Succeeds Act, http://dignityinschools.org/resources/engageforequity.

disparities in school discipline and providing meaningful supports to school districts to reduce the overuse of exclusionary discipline; and re-releasing a brief on why increasing the police presence in schools would lead to further disparities for students of color.[3]

Research and experience show that increasing school safety hinges on creating a positive school climate where students feel welcome and safe[4]. Efforts to harden schools both undermine efforts to improve school climate and pose a particular problem for students of color, increasing the risk that they will enter the school-to-prison pipeline.

For example, there have been no conclusive studies to show that arming teachers or other school staff, which is now allowable in Florida,[5] makes schools safer.[6] Instead, having greater access to guns increases the likelihood of injury and death.[7] Even with firearm training, in the event of imminent harm or violence, many people tend to forget their technical training and may cause unintended injuries or death.[8] The increased presence of guns in schools also increases the chances of accidental injury or harm. Recently, for example, a student in Wisconsin was injured when a janitor's gun discharged; a first grader in Alabama was struck by a fragment when a teacher's gun discharged; and a high schooler in California was injured when a teacher unintentionally fired a gun.[9]

The risk of harm is even greater for students of color. The judgment of school

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[3] Dignity in Schools, Police in Schools are Not the Answer to School Shootings, http://dignityinschools.org/resources/police-in-schools-are-not-the-answer-to-school-shootings/.

[4] Steinberg, Matthew, Elaine Allensworth, and David Johnson. *Student and Teacher Safety in Chicago Public Schools.* Consortium on Chicago School Research, 2011, available at: https://consortium.uchicago.edu/publications/student-and-teacher-safety-chicago-public-schools-roles-community-context-and-school

[5] Lauren Wamsley, *Florida Approves Bill Allowing Classroom Teachers to Be Armed*, NPR, May 2, 2019, available at https://www.npr.org/2019/05/02/719585295/florida-approves-bill-allowing-classroom-teachers-to-be-armed.

[6] Michal Hansen, *There are Ways to Make Schools Safer and Teachers Stronger- but They Don't Involve Guns,* The Brookings Institution, Feb 27, 2018, available at https://www.brookings.edu/blog/brown-center-chalkboard/2018/02/27/there-are-ways-to-make-schools-safer-and-teachers-stronger-but-they-dont-involve-guns/.

[7] Michael Siegel, et al., *The Relationship Between Gun Ownership and Firearm Homicide Rates in the United States, 1981–2010,* 103 AM. J. OF PUBLIC HEALTH 2098 (Oct. 9, 2013); Matthew Miller, et al., *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership,* 2001-2003, SOCIAL SCIENCE & MEDICINE, Feb. 2007, available at https://www.sciencedirect.com/science/article/pii/S0277953606004898?via%3Dihub.

[8] Cindy Long & Tim Walker, *Arming Teachers is Not the Answer,* National Educational Association Today, March 5, 2018, available at http://neatoday.org/2018/03/05/arming-teachers/.

[9] Kelly Drane, *Every Incident of Mishandled Guns in Schools,* Giffords Law Center, Jun. 1, 2019.

staff is affected by implicit,[10] and sometimes explicit,[11] bias. This is one aspect of the school-to-prison pipeline, where students of color are unfairly denied an opportunity to succeed, and instead are pushed out of school and into the juvenile or criminal justice system. In the same way that implicit bias negatively affects how teachers disproportionately discipline African-American students for minor violations, the lives of students of color would be vulnerable to the influence these biases would have on the snap judgments armed staff would make in times of crisis. More specifically, research has shown that African-American children are routinely seen and treated as older than they are[12] and are disproportionately perceived as scary or threatening, such as in cases dealing with police, which often lead to death as a result of mistaken identity or a biased perception.[13]

These consequences are not limited to arming school staff. Increasing the presence of law enforcement in schools, adding metal detectors, using facial recognition technology, and other efforts to "harden" schools have not been found to increase school safety, but will unfairly negatively impact students of color.

For these reasons, DSC encourages the Committee to work to prohibit the use of federal resources on efforts to "harden" schools that make students less safe. The Committee should also work to provide more resources to schools and districts to both protect students' rights and promote positive school climates, including school counselors, social workers, and access to evidence-based and promising programs like Restorative Practices, Positive Behavior Interventions & Supports[14] and trauma-informed care.[15] These measures get to the root of problems students are facing and

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[10] *See* Ajmel Quereshi et al., *Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline*, NAACP Legal Defense & Educational Fund, Inc., 2017, available at http://www.naacpldf.org/files/about-us/Bias_Reporty2017_30_11_FINAL.pdf;

[11] *See, e.g.*, Matt Stevens, *Florida Teacher Says Her Racist Podcast Was 'Satire'*, N.Y. Times, Mar. 7, 2018, available at https://www.nytimes.com/2018/03/07/us/florida-teacher-racism.html; WFLA Web Staff, *Florida teacher used n-word, told students dating black people was 'not worth it,' district says*, WFLA, Mar. 10, 2018, available at http://wfla.com/2018/03/10/florida-teacher-used-n-word-told-students-dating-black-people-was-not-worth-it-district-says/; The Grio, *Florida teacher put on probation for telling racist jokes in classroom*, The Grio, Oct. 27, 2016, available at https://thegrio.com/2016/10/27/florida-teacher-racist-jokes/.

[12] Philip Bump, *Study: Cops Tend to See Black Kids as Less Innocent Than White Kids*, The Atlantic, March 10, 2014, available at https://www.theatlantic.com/national/archive/2014/03/cops-tend-to-see-black-kids-as-less-innocent-than-white- kids/383247/.

[13] Sherilyn Ifill, *Black Children Will be the Victims of Armed Teachers*, TIME, March 5, 2018, available at http://time.com/5186040/sherrilyn-ifill-black-children-classroom/.

[14] *See* Jenni Owen, et al., *Instead of Suspension: Alternative Strategies for Effective School Discipline*, Duke Center for Child and Family and Policy, 2015, available at https://law.duke.edu/childedlaw/schooldiscipline/downloads/instead_of_suspension.pdf.

[15] *See* Katy O'Grady, *Transforming Schools with Trauma-Informed Care*, ASCA SCHOOL COUNSELOR, Jan. 2017, available at https://www.schoolcounselor.org/asca/media/asca/ASCAU/Trauma-Crisis-Management-Specialist/TransformingSchools.pdf.

proactively create safer environments for everyone in the school community.

Thank you for considering this letter. If you have any questions or concerns, please do not hesitate to contact Natalie Chap at natalie@dignityinschools.org.

Sincerely,
The Dignity in Schools Campaign
(www.dignityinschools.org)

Post-Hearing Questions for the Record
Submitted to Max Schachter
From Senator Josh Hawley

"Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"
July 25, 2019

1. **You wrote that many state and local governments have not learned the lessons of tragedies like the Parkland shooting. In your view, what are the most important lessons from these tragedies that school districts around the country need to take seriously? What are the main obstacles to getting schools to take the necessary steps to protect themselves from a future tragedy?**

1. School mass murders are over in less than four minutes.
2. They are committed by insiders; Students that currently attend the institution or did attend the institution.
3. Mass notification to everyone on campus including law enforcement is paramount and must occur within seconds not minutes of a gun arriving on campus.
4. Law enforcement will most likely arrive too late to prevent the slaughter of many innocent victims.

It is with these facts in mind that I recommend these measures be implemented immediately:

1. Designate a single staff member who is responsible for school safety and security for the district and coordinates each school's safety team.

2. Ensure an armed Safe School Officer/Guard/Guardian is on every campus every day, all day, while school is in session.
   a. Each school must have, at minimum, one safe school officer physically on school campus from bell to bell every day while school is in session. A safe school officer shall be either a school resource officer, a law enforcement officer commissioned by the school board, a school guardian that has complied with specific requirements for such position under state law, or a school security guard that has met the school guardian requirements under state law.

3. Lock or staff all classrooms during school hours.

4. Ensure line of sight can be immediately blocked on every classroom window.
   a. Classroom doors should either have no windows or be equipped with a device that can readily block the line of sight through the windows but does not indicate occupancy. First floor exterior windows should be able to be blocked from line of sight without sacrificing natural surveillance or lighting.

5. Identify the safest space available in every classroom or student gathering area to shelter-in-place during a school "Lockdown".
   a. Every classroom should have a clearly identified and accessible "safest space" available. Teachers must be required to keep the safest space free of clutter and objects that require more than one person to move. Teachers must set up their classroom so not to impede access to the safest spaces. Students and staff should train on and practice options-based responses when identifying and drilling on the use of the "safest space."

6. Identify members for a Safe Buildings Team on each campus.

7. Implement School Incident Command

8. Create collaborative planning teams

9. Empower ALL staff to initiate emergency procedures including calling a "Lockdown" of the school with immediate notification technology.
    a. School districts should empower each staff member with decision making authority, means and training on options-based solutions to take needed actions in emergencies. For example, all school staff should be able to initiate lockdowns when appropriate.

10. Provide trauma aid instruction for school personnel including "Stop the Bleed" training.
    a. School employees in school-based emergencies are the very first responders and should be provided with basic training in first aid protocols, including CPR , Stop the Bleed kits, and the use of automatic external defibrillators.

11. Perform an annual physical site security risk assessment at every school in the district to include a "lockdown drill" within the first 90 days of school.

12. Establish a single point of entry that includes a visitor management and screening program.
    a. All gates should remain closed and locked unless opened for active ingress or egress (e.g. arrival and dismissal). When opened for active ingress and egress, every open gate and perimeter building door should be staffed and never left open and unattended. After the first class starts, the school should move to a single point of entry.

13. Ensure every student has a trusted adult.

14. Deploy an anonymous reporting system (app) for students to report concerning, unsafe, potentially harmful, dangerous, violent, or criminal activities.

15. Designate and train behavioral threat assessment teams in each school linked to the district's anonymous reporting system.

16. Ensure police and first responders have the ability to view school cameras in real-time during an emergency situation.

17. Commit to an age-appropriate, full-spectrum rehearsal of your active shooter policy with local first responders and agencies (Mitigation, Preparedness, Response, Recovery).

18. Establishing a formal active assailant response policy.

The main obstacle to getting schools to protect themselves from a future tragedy is the mindset "it won't happen here, my school/community is safe." This mindset permeates American society and it prevents people from having the security mindset necessary to make our schools safe. The obstacle is not funding. As you study the list above, many of the measures are low cost and can be implemented in a short time frame. If communities across this country thought their schools were not safe or that their children were not safe they would do everything in their power to fix that and protect them.

2. **You have been critical of various programs that have allowed for excessive leniency for students who exhibit violent or unstable behaviors, which are often predictors of future incidents. Can you tell me more about what role you think school discipline policies have in preventing school shootings?**

I recommend you read Andrew Pollack's book why Meadow died https://www.amazon.com/Why-Meadow-Died-Policies-Parkland/dp/1642932191

It details the culture of leniency that permeates Broward County Public Schools. That culture enabled my son's murderer to accumulate 55 different disciplinary infractions and never be arrested. The culture of leniency leads to minimal consequences for students. They learn to take advantage of the system. They end up bullying, hurting, intimidating, assaulting students and teachers without the consequences necessary to alter their behavior. A child that exhibits this behavior in elementary and middle school and is not introduced to the criminal justice system will get more violent as he gets older and instead of preventing this child from entering into the high school to prison pipeline they have ensured after the child graduates he will join the pipeline. In communities that have a culture of excessive leniency they also have a tendency to not trust law enforcement and have a negative view of their efforts. This creates another whole host of issues as well.

3. **You wrote about the need for a school safety rating system. Have you seen any progress on this front? What are the main obstacles to establishing such a rating system?**

I am continuing my work to develop the school safety rating system. I view the main obstacle will be the lack of cooperation from the school districts that consistently under report violence on their campus. They do this in order to make their numbers look good for the parents of their community. I would love to work with you to create the most impactful school safety rating system. Every parent deserves to know if their school is doing everything necessary to prevent the next school shooting and if they are enacting the best practices required to mitigate the number of casualties during the next school mass murder.

Marjory Stoneman Douglas High School
Public Safety Commission

IN MEMORY OF:

Alyssa Alhadeff
Scott Beigel
Martin Duque Anguiano
Nicholas Dworet
Aaron Feis
Jaime Guttenberg
Christopher Hixon
Luke Hoyer
Cara Loughran
Gina Montalto
Joaquin Oliver
Alaina Petty
Meadow Pollack
Helena Ramsay
Alexander Schachter
Carmen Schentrup
Peter Wang

September 12, 2019

The Honorable Ron Johnson
United States Senate
Chairman, Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson:

I am writing in response to your letter of August 20, 2019, requesting that I answer post-hearing questions from the hearing held on July 25, 2019, titled "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence." The following are the questions submitted by Senator Josh Hawley and my responses.

1) What are the major lessons learned by the Marjory Stoneman Douglas High School Public Safety Commission that all schools should implement?

First and foremost there needs to be a culture change in the schools and the elimination of complacency when it comes to school security. Everyone needs to understand and accept that another active assailant attack will occur again on a K-12 school campus in the United States—the only questions are where and when? No school is "safe" or immune from a mass casualty attack. The crucial question for each school is what are they doing differently today to drive a different outcome than what occurred at Stoneman Douglas High School on February 14, 2018? This is critical because 34 people shot/killed in under four minutes is unacceptable.

Another lesson that needs to be learned is that perfect does not exist and resistance to change while waiting for the perfect solution is dangerous and creates vulnerabilities on school campuses. Everyone needs to ask themselves the question "what can they live with," and not view school security options through the lens of what they want. All school security options have to be objectively considered based on fact and available resources and enhancements, not resisted due to political or ideological opposition.

Marjory Stoneman Douglas High School
Public Safety Commission

IN MEMORY OF:

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Alexander Schachter

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Peter Wang

The Broward County School District, the second largest school district in the state of Florida at the time of the shooting in February 2018, did not have, and had never developed, an active assailant response policy. Stoneman Douglas High School with 3,300 students had completed no active assailant response drills and no student active assailant response training in the year preceding the shooting. Fence gates at the school were left open and doors to buildings unlocked. There were no policies requiring that classroom doors be locked or identifying safe areas within classrooms. There had been no adequate physical site security assessment at the school.

There was complacency and some opposition to these measures because of what people preferred and this is unacceptable. Everyone needs to recognize that such a shooting can and will occur anywhere, at any time, and that no community is exempt. As explained during my oral testimony before the committee, we are 20 years post-Columbine and too many schools have not implemented the necessary policies and practices to ensure their campuses are as safe as possible. There must be a sense of urgency to enhance school safety and we should not be having this same conversation 20 years post-Parkland as we are 20 years post-Columbine.

Another major lesson is that schools must immediately implement harm mitigation measures while they are working toward ways to prevent school shootings. We also need robust threat assessment teams at all schools and mental health services that will intervene and treat youth who exhibit troubling behavior.

2) You distinguish between "harm mitigation" and "harm prevention" when it comes to school shooting, and you argue that harm mitigation is often just a matter of schools making the effort to make the necessary preparations. Can you tell us more about what you think are the most important harm-mitigation measures that schools should be putting in place?

The most important and immediately effective harm mitigation measure is having someone on campus who can neutralize the threat as soon as it manifests (shoot the shooter before he kills anyone else). Effective harm mitigation also entails training all school personnel to identify a threat, providing them with a communication infrastructure to communicate the threat to others, and educate students and staff on the most effective response measures when they are told of an active threat on campus. If the threat is not identified, then there is nothing to react to. If the threat is identified and the person identifying the threat cannot communicate the threat to others, then there is nothing for them to which they can react.

Marjory Stoneman Douglas High School
Public Safety Commission

IN MEMORY OF:

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Peter Wang

More specifically, effective harm mitigation also includes ensuring that every school has an active assailant response policy; students and staff are trained in the procedures set forth in the policy; that schools regularly conducts drills; doors to student occupied spaces are required to be locked; there are identified safe areas in every student occupied space; opaque coverings are available for door windows to student occupied spaces; and that all school personnel are empowered to activate active assailant response procedures. All three components are essential to harm mitigation.

3) What role do you think school discipline policies have in preventing school shootings?

It is essential that schools balance their policies, and the application of those policies, so that they do not create a culture of leniency, while at the same time recognizing that kids make bad choices and not all bad choices warrant harsh consequences. As diversion programs have their place so too do Zero Tolerance policies, especially when it comes to acts of violence or aggression. Balance is essential to effective school discipline policies. Strict enforcement of certain school policies and referrals to behavioral threat assessment teams for further evaluation are essential to any school shooting prevention effort.

Thank you for the opportunity to testify before your committee and if I can be of further assistance please do not hesitate to ask.

Sincerely,

Sheriff Bob Gualtieri
Commission Chair

Post-Hearing Questions for the Record
Submitted to Deborah Temkin, Ph.D.
From Senator Maggie Hassan

"Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence"

July 25, 2019

1. In cases of targeted violence and school shootings, we know that other people—peers, family members, etc.—often learn of the shooter's plans ahead of time but may fail to report this or other signs that an individual is headed down a destructive path.

2. What are the best opportunities to focus on prevention and intervention in schools? And what can we do to increase bystander and peer reporting before it's too late?

Prevention science research suggests that school-based prevention and intervention efforts are most effective when they are fully integrated into the daily operations of a school wherein adults role model the behaviors and strategies they are teaching students, and the specific programs and interventions are selected based on data (Domitrovich et al., 2010; Hirschstein et al, 2007).There is no one-size-fits-all prevention strategy that will work for every school. Moreover, no single program will work to address the needs of all students. Multi-tiered systems of supports (e.g., Positive Behavior Interventions and Supports [PBIS]) are designed to provide a baseline of support to all students ("universal strategies") in addition to more targeted and intensive supports for those who are at higher risk for—or are already engaged in—deviant, delinquent, or other risky behaviors (Stoiber & Gettinger, 2015).

With respect to violence prevention, multi-tiered support could mean providing universal programming by way of social and emotional learning—which has been shown to both reduce aggression and improve academic achievement (Durlak et al., 2011)—in addition to more intensive supports such as mental health counseling or "Check-in/Check-out" supports for those at higher risk (Hawken et al., 2014). Check-in/Check-out supports work to build a one-on-one relationship between students and a designated counselor; they also facilitate communication between students, teachers, and parents about behavioral expectations, to ensure that students have the supports they need to be successful during their school day (Hawken et al., 2014). However, providing mental health supports without broader universal programming may fail to address the broad array of factors that contribute to a youth's propensity for violence (Moore et al., 2015). Those with mental health needs are more likely to be victims of violence than to perpetrate it (Moore et al., 2015).

Creating positive, safe, and supportive school climates is essential for establishing an environment in which 1) violence is less likely to occur, and 2) students are more likely to report a threat when one occurs (Eliot et al., 2010). Such climates are marked by a sense of

mutual trust between and among students, teachers, and staff (Cohen et al., 2009). As noted in my written testimony, children who have developed strong and caring relationships with school staff are far less likely to bring weapons to school (Watkins, 2008); in addition, when students feel a sense of attachment to their school, they are more willing to report the presence of weapons (Connell et al., 2014). To create such environments, schools must invest time in addressing the needs of the whole child—including students' social, emotional, mental, and physical health needs—and ensuring that policies and practices are supportive rather than exclusionary, stigmatizing, or traumatizing (Harper & Temkin, 2019).

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Post-Hearing Questions for the Record
Submitted to Dr. Deborah Temkin
From Senator Jacky Rosen

Hearing: "Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence "
July 25, 2019

*1. **SAFE STORAGE**: In many ways, states and cities are taking the lead in adopting solutions to our gun violence epidemic. For example, in Nevada, Governor Sisolak recently signed into law SB89, which requires evidence-based threat assessment programs to be instituted in schools in order to identify and deescalate potentially dangerous situations. Likewise, municipalities across the country have responded to findings by the federal government even when Congress has failed to act. For instance, the Federal School Safety Commission report found that "most school shooters obtain their weapons from family members or friends rather than by purchasing them" and recommended that "states seeking to prevent unlawful adolescent access to firearms should consider offering training or other resources to promote safe storage of firearms." The Los Angeles School Board took action on this issue by adopting an approach wherein parents are actively involved in promoting safe firearm storage practices in the homes of students. The school board passed a resolution requiring information on responsible storage to be sent home to every family in the district. This information explains the importance of responsible gun storage, the legal obligations to protect minors from negligent gun storage, and asks that all parents return the letter acknowledging receipt. This letter will go to over 700,000 families in the LA school district.*

a. Dr. Temkin, do you endorse school boards taking these kinds of steps to raise awareness about the importance of responsible firearm storage?

To my knowledge, there is no research examining whether such school-driven awareness campaigns are effective in improving gun storage or reducing minors' access to weapons. There is some research on similar awareness efforts administered through pediatric offices; unfortunately, it has found that these efforts have very little impact on home gun storage practices (Grossman et al., 2000; Stevens et al, 2002).

b. What are other ways that local, state, and federal stakeholders can engage parents on the issue of safe storage? What safe storage best practices would you suggest?

Practices to encourage safe firearm storage are beyond my expertise. However, the American Academy of Pediatrics has done extensive work in this area and may be able to provide further guidance around this approach.

c. How might focusing on safe storage avoid the traumatic and psychologically harmful experiences associated with the active shooter drills that necessarily come along with the "school hardening" approach to school safety?

In general, we should encourage schools and school districts to pursue a multi-pronged approach to preventing gun violence that includes prevention strategies. However, promoting any one approach will not preclude schools, districts, and others from advocating for or implementing additional practices and strategies. Just because a school is promoting safe storage of firearms does not necessarily mean they are not also implementing zero-tolerance policies or other "school-hardening" strategies.

i. Might this safe storage approach avoid the unintentional but real risk that "school hardening" – with its use of armed guards, pat-downs, zero tolerance, etc. – will disproportionately impact students of color and disabled students in a negative way?

Promoting any one approach will not preclude schools, districts, and others from advocating for or implementing other practices and strategies. In addition to encouraging strategies that are evidence-based—such as implementing Multi-Tiered Systems of Support (MTSS) or focusing on improving school climate—schools should be provided with the research showing the potentially harmful effects of other strategies (Harper & Temkin, 2018). For example, research suggests that the presence of school-based law enforcement can increase referrals to the juvenile justice system for largely minor offenses, which can further exacerbate discipline disparities for students of color and students with disabilities (James & McCallion, 2013). Unless school officials understand the potential risks of using these seemingly easy, visible measures, they may default to implementing them (Harper & Temkin, 2018).

*2. **SCHOOL-BASED THREAT ASSESSMENTS:** This past spring, my home state of Nevada passed SB 89, a comprehensive school safety bill that recognizes the importance of children's physical safety at school while also addressing the social-emotional and mental health needs of our students. This legislation will implement evidence-based strategies and create school-based threat assessment programs to empower school officials to intervene and help prevent acts of violence. Many experts, including law enforcement personnel, have called for schools and districts to implement school-based threat assessment programs to identify students in crisis and provide them the supports they may need. Drafting and passing the school safety bill in my state was a collaborative process, with legislators working with superintendents, principals, law enforcement, mental health providers, and students to find the right balance and program for a school-based threat assessment.*

a. Dr. Temkin, why is it important for school-based threat assessments to be designed specifically for students and a school setting?

Threat assessment, broadly, refers to the process of evaluating a threat of violence to determine whether the threat is real, and to take the actions necessary to prevent violence from occurring (O'Toole, 2000). Particularly for children and adolescents, whose executive functioning is still developing, it is important that officials recognize that a perceived threat may or may not be intended to lead to actual harm. Thus, a school-based threat assessment protocol should account for all aspects of students' experiences and development in order to determine the veracity of the threat (Cornell, 2011). Schools are also uniquely situated to provide supports to students or

connect students and their parents with services in ways that threat assessments that take place outside of school settings are not (Cornell, 2011).

b. Can you detail why these assessment programs should be evidence-based?

Any program, practice, or strategy has the potential to result in positive outcomes; however, it also has the potential to have no effect, or even to have negative effects, on those who participate. For this reason, it is important to evaluate the effects of the strategies we are implementing and, once a strategy has evidence to support it, to ensure that it is being implemented as it was designed to be used ("with fidelity"). Many "common-sense" programs used in the past have been shown to have negative effects. For example, the original DARE substance abuse prevention program (the current version is based on a different, evidence-based approach) was shown to lead to increases in student drug use (Werch & Owen, 2002). Similarly, the "Scared Straight" program to prevent juvenile criminality had the opposite effect, increasing the likelihood of delinquency (Petrosino et al., 2003). As these examples demonstrate, scaling up unproven, untested programs and strategies has the potential to cause harm for the very students we are trying to protect (Wilson & Juarez, 2015).

With respect to the use of threat assessment, some specific, evidence-based implementation guides are available that have been evaluated (see, for instance, Cornell et al., 2004). This guidance makes it clear that threat assessment should only be used to evaluate and respond to specific, actual threats of violence, not to identify students who may fit a stereotypical profile of a potential school shooter. As the FBI notes in its guidance on school-based threat assessment, there is no single profile of a school shooter (O'Toole, 2000). Further, threat assessment is designed to identify the supports and actions needed to ameliorate a threat, which should involve not only law enforcement but also mental health and other support representatives. Threat assessment that is implemented beyond these guidelines is no longer evidence-based, and could carry risks of harming, stigmatizing, and profiling students who pose little risk to the school community.

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