

SCHOOL SHOOTING SAFETY AND PREPAREDNESS ACT

MAY 6, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SCOTT of Virginia, from the Committee on Education and Labor, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5428]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5428) to require the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on indicators of school crime and safety that includes data on school shootings, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “School Shooting Safety and Preparedness Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **TITLE 18 DEFINITIONS.**—The terms “firearm” and “ammunition” have the meanings given such terms in section 921 of title 18, United States Code. The term “large capacity ammunition feeding device” has the meaning given such term in section 921 of title 18, United States Code, as in effect on September 1, 2004.
- (2) **MASS SHOOTING.**—The term “mass shooting” means a shooting during which three or more individuals, not including the shooter, were injured or killed in one location or in multiple locations in close proximity.
- (3) **SCHOOL.**—The term “school” means—
- (A) an early childhood education program (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));
 - (B) an elementary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));
 - (C) a secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and
 - (D) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).
- (4) **SCHOOL SHOOTING.**—The term “school shooting” means an event or occurrence—
- (A) during which one or more individuals were injured or killed by a firearm; and
 - (B) that occurred—
 - (i) in, or on the grounds of, a school, even if before or after school hours;
 - (ii) while the victim was traveling to or from a regular session at school; or
 - (iii) while the victim was attending or traveling to or from an official school sponsored event.

SEC. 3. ANNUAL REPORT ON INDICATORS OF SCHOOL CRIME AND SAFETY.

(a) **IN GENERAL.**—The Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, shall publish not less frequently than on an annual basis a report on indicators of school crime and safety. Such report shall be produced by the National Center for Education Statistics of the Department of Education in consultation with the Bureau of Justice Statistics of the Department of Justice. Such report shall include, at a minimum, an updated version of the information provided in the National Center for Education Statistics report NCES 2021–092 issued in July 2021, and the data described in subsections (b) and (d).

(b) **STATISTICS ON SCHOOL SHOOTINGS.**—In collecting data on school shootings to be compiled in the annual report described in subsection (a), the National Center for Education Statistics shall collect at a minimum the following data annually:

- (1) The number of school shootings that have taken place nationwide.
- (2) Of the school shootings described in paragraph (1), the number that were mass shootings.
- (3) Of the school shootings described in paragraph (1), the number that were suicides.
- (4) Of the school shootings described in paragraph (1), the number that were accidents.
- (5) The number of people killed in each school shooting, including—
 - (A) the number of people whose cause of death was attributable to wound by firearm; and
 - (B) the number of people having some other cause of death.
- (6) The number of people injured in each school shooting, including—
 - (A) the number of people wounded by firearm; and
 - (B) the number of people injured in some other manner.
- (7) The time of the shooting and whether it occurred during school hours.
- (8) The demographics of each school, including—
 - (A) the locale code of the school, as determined by the Secretary of Education; and
 - (B) student demographic data disaggregated by—

- (i) economically disadvantaged students as compared to students who are not economically disadvantaged;
 - (ii) each major racial and ethnic group;
 - (iii) children with disabilities as compared to children without disabilities; and
 - (iv) English proficiency status.
- (9) The personal characteristics of each victim in the shooting, including, at a minimum, the victim's—
- (A) age;
 - (B) gender;
 - (C) race;
 - (D) ethnicity; and
 - (E) nationality.
- (10) The personal characteristics of the shooter, including, at a minimum the shooter's—
- (A) age;
 - (B) gender;
 - (C) race;
 - (D) ethnicity;
 - (E) nationality; and
 - (F) relationship to the school.
- (11) Whether the shooting was determined to be an accident, and if not, the motivation of the shooter, including any real or perceived bias based on race, religion, ethnicity, nationality, or sex (including sexual orientation or gender identity).
- (12) How the shooting was stopped, including—
- (A) whether the shooter was injured or killed, and if so, by whom; and
 - (B) if not, what was the other outcome of the incident (such as escape, arrest, or suicide).
- (13) The number and type of firearms and ammunition that were used in each shooting, including—
- (A) the make and model of the firearm;
 - (B) the manufacturer of the firearm;
 - (C) the make and model of the ammunition;
 - (D) the manufacturer of the ammunition;
 - (E) whether a large capacity ammunition feeding device was present at the scene or used during the shooting; and
 - (F) the number of rounds of ammunition fired by the shooter over the course of the shooting.
- (14) Where each of the firearms used in each shooting was obtained and how, including—
- (A) whether the firearm was registered;
 - (B) whether the firearm was purchased from a licensed gun dealer or an unlicensed sale; and
 - (C) the geographic location from where the shooter obtained the firearm.
- (15) If the original purchaser was not the shooter, what was, if any, the original purchaser's relationship to the shooter.
- (16) If the original purchaser was not the shooter and the firearm was obtained from the shooter's home, the gun storage practices being used in the home, and whether the gun owner was charged with failing to properly secure his or her firearm.
- (17) Whether the school had one or more teachers, as that term is defined in section 8553 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7943), who were armed, and if so, whether such armed teacher or teachers stopped the incident by shooting the shooter.
- (18) How long did the shooting last (the approximate elapsed time between the first and last shots fired).
- (19) What was the response time of law enforcement.
- (c) HISTORIC STATISTICS ON SCHOOL SHOOTINGS.—The Secretary of Education shall direct the National Center for Education Statistics—
- (1) to collect, to the extent practicable, the data required in subsection (b) for shootings that occurred before the date of the enactment of this Act; and
 - (2) to publish such data as revisions to the most applicable annual reports on indicators of school crime and safety issued by the National Center for Education Statistics before the date of the enactment of this Act.
- (d) SAFETY AND PREVENTION.—In collecting data on school shootings to be compiled in the annual report described in subsection (a), the National Center for Education Statistics shall collect, at a minimum, information on the existence or ab-

sence of the following measures at the time of the shooting at schools where a school shooting occurred in the previous year:

- (1) Physical security measures, including—
 - (A) building envelopes and interiors designed to protect occupants from human threats; and
 - (B) other physical security measures designed to avert and restrict violence.
 - (2) Other types of security measures, including measures designed to preserve open learning environments that positively influence student behavior.
 - (3) A communication plan with local law enforcement.
 - (4) A response plan that includes coordination with local agencies (law enforcement, fire department, hospitals, etc).
 - (5) An active shooter response plan (including the use of an alert system to notify students, faculty, and parents or guardians).
 - (6) A trauma response plan to address trauma resulting from the shooting, including coordination with school-based counselors, other school mental health professionals, and appropriate community partners and organizations, such as community action programs or agencies.
 - (7) Any other similar type of safety or prevention measure in place at the time of the school shooting.
- (e) RULE OF CONSTRUCTION.—In collecting data on school shootings to be compiled in the annual report described in subsection (a), any data disaggregation required by subsection (b) shall not be required in the case where such disaggregation would reveal personally identifiable information about any individual.

PURPOSE AND SUMMARY

The purpose of H.R. 5428, the *School Shooting Safety and Preparedness Act*, is to direct the U.S. Department of Education (ED), in consultation with the U.S. Departments of Justice (DOJ) and Health and Human Services (HHS), to annually collect and report on indicators of school safety for all school shootings in prekindergarten through 12th grade (PreK–12) schools and institutions of higher education. The bill creates definitions of “school shooting” and “mass shooting” for the purpose of data collection. This would also be the first time these terms would be defined in federal law. In addition to the number of shootings, H.R. 5428 requires data collection on a number of factors related to school shootings, including the number of people killed and injured, the demographics of the shooter and victims, and the type of gun and ammunition used, among other factors. The bill also requires a historical collection and reporting of data on prior school shootings.

COMMITTEE ACTION

110TH CONGRESS

On May 15, 2007, the Committee held a hearing entitled “Best Practices for Making College Campuses Safe” exploring how institutions of higher education can better prepare for mass casualty events in the wake of the mass shooting at Virginia Tech University on April 16, 2007. Witnesses included: Mr. Steven J. Healy, President, International Association of Campus Law Enforcement Administrators (IACLEA) and Director of Department of Safety, Princeton University; Dr. Louann Kennedy, former Provost, California State University at Northridge; Dr. Dewey Cornell, Director, Virginia Youth Violence Project, University of Virginia School of Education; and, Dr. Jan Walbert, President, National Association of Student Personnel Administrators and Vice President for Student Affairs, Arcadia University.

113TH CONGRESS

On February 27, 2013, the Committee held a hearing entitled “Protecting Students and Teachers: A Discussion on School Safety” which followed the mass school shooting at Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012. The purpose of the hearing was to examine the different facets from which K–12 schools must approach student safety to prevent and mitigate violence. At the hearing, the Committee heard from six witnesses: Mr. Bill Bond, School Safety Specialist, National Association of Secondary School Principals, Paducah, KY; Mr. Mo Canady, Executive Director, National Association of School Resource Officers, Hoover, AL; Mr. Brett Bontrager, Senior Vice President and Group Executive of Stanley Security Solutions, Stanley Black & Decker; Mr. Fredrick Ellis, Director of Office of Safety and Security, Fairfax County Public Schools, VA; Dr. Vincent Pompei, School Counselor, Val Verde Unified School District, Perris, CA; and, Dr. David Osher, Vice President, American Institutes for Research, Washington, DC.

115TH CONGRESS

Other Legislative Action

On February 16, 2018, then-Ranking Member Robert C. “Bobby” Scott (D–VA) and the other 16 Democratic members of the Committee requested a hearing on school shootings and safety. While in direct response to the mass school shooting at Marjory Stoneman Douglas High School in Parkland, FL on February 14, the request was also made in consideration of the increasing epidemic of school shootings since the Committee held its last school safety hearing five years prior.¹ In the absence of a hearing despite repeated requests, Ranking Member Scott hosted a Member forum examining evidenced-based violence prevention and school safety measures on March 20, 2018. Panelists included Dr. Dewey G. Cornell, forensic clinical psychologist and professor of education, University of Virginia; Dr. Akil E. Ross, Sr., Principal, Chapin High School, Chapin, SC; and, Mrs. Stacey Lippel, English Teacher and Survivor of Shooting at Marjory Stoneman Douglas High School, Parkland, FL.

116TH CONGRESS

On September 11, 2019, the Committee held a hearing entitled “The Importance of Trauma-Informed Practices in Education to Assist Students Impacted by Gun Violence and Other Adversities”. The Committee examined the different ways trauma manifests in students who experience mass shootings or high levels of community gun violence. The Committee heard testimony from: Dr. Nadine Burke Harris, Surgeon General, State of California; Dr. Ingrida Barker, Associate Superintendent, McDowell County Schools, Welch, WV; Dr. Janice Jackson, CEO, Chicago Public Schools, Chicago, IL; and, Mrs. Joy Hofmeister, State Superintendent of Public Instruction, State of Oklahoma.

¹ Letter from Rep. Robert C. “Bobby” Scott, Ranking Member, and 16 other Minority Members of the H. Comm. on Educ. & the Workforce, to Rep. Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce (Feb. 16, 2018) <https://edlabor.house.gov/imo/media/doc/2018-02-16%20Committee%20Democrats%20Request%20Hearing%20on%20School%20Shooting.pdf>

On September 12, 2019, Rep. Tulsi Gabbard (D–HI) introduced H.R. 4301, the *School Shooting Safety and Preparedness Act*, with Reps. Lucy McBath (D–GA) and Jahana Hayes (D–CT) as original co-sponsors. The bill was referred solely to the Committee on Education and Labor.

On September 18, 2019, the Committee considered H.R. 4301 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 27–22. The Committee considered the following amendments to H.R. 4301:

- Rep. McBath offered an amendment in the nature of a substitute to make conforming and technical changes in the bill. The amendment was adopted by a recorded vote.
- Ranking Member Virginia Foxx (R–NC) offered an amendment to the amendment in the nature of a substitute, representing the minority substitute. The Foxx amendment struck the definitions and mentions of school shootings from the bill. The amendment was defeated by a recorded vote of 22–25.

117TH CONGRESS

On September 29, 2021, Rep. Debbie Wasserman Schultz (D–FL) introduced H.R. 5428, the *School Shooting Preparedness and Safety Act*, with Reps. McBath and Hayes as original co-sponsors. The bill was referred solely to the Committee on Education and Labor.

On February 16, 2022, the Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled “Serving All Students: Promoting a Healthier, More Supportive School Environment.” The hearing examined outdated discipline practices and highlighted ways schools can implement evidence-based approaches to creating healthy school environments that support students’ social, emotional, and academic development. During the hearing, members and witnesses also discussed the trauma of gun violence and the role of common-sense gun reform as part of the solution to create supportive and healthy schools. The Committee heard testimony from: Ms. Kristen Harper, Vice President for Public Policy and Engagement, Child Trends; Mr. Guy Stephens, Founder and Executive Director, Alliance Against Seclusion and Restraint; Ms. Morgan Craven, J.D., National Director of Policy, Advocacy and Community Engagement, Intercultural Development Research Association; and, Mr. Max Eden, Research Fellow, American Enterprise Institute.

On March 16, 2022, the Committee considered H.R. 5428 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 27–21. The Committee considered the following amendments to H.R. 5428:

- Rep. McBath offered an amendment in the nature of a substitute to make conforming and technical changes to the bill. The amendment was adopted by a voice vote.
- Rep. Burgess Owens (R–UT) offered an amendment to the amendment in the nature of a substitute, representing the minority substitute. The Owens amendment struck the definitions and mentions of “school shooting” and “mass shooting” from the bill and would require the Department of Education to consult with the Department of Homeland Security in collecting and publishing data on school safety while eliminating the detailed data collection on school shooting collected by the

underlying bill. The amendment was defeated by a recorded vote of 21–28.

- Rep. Elise Stefanik (R–NY) offered an amendment to include data collection and reporting on the implementation of bail reform, the presence of school resource officers at schools, and the implementation of alternative discipline practices in school districts that have experienced a school shooting. The amendment was defeated by a recorded vote of 22–27.

- Rep. Rick Allen (R–GA) offered an amendment to include a study regarding school safety and school choice, including whether increased school choice increases perceptions of school safety. The amendment was defeated by a recorded vote of 22–27.

COMMITTEE VIEWS

The United States experiences over 40,000 gun-related deaths and more than 73,000 gun-related injuries on average each year, equating to more than 110 deaths every day.² Unfortunately, children have not been shielded from this tragic history. In 2018, gun violence was the leading cause of death for all children and teens. This marked the first time in our nation’s history that more children and teens died from gun violence than those that died from motor vehicle accidents.³ Black children and teens had the highest gun death rate in 2019, followed by American Indian/Alaska Native children and teens.⁴ And while schools should be safe havens where children are protected from gun violence, it is a uniquely American reality that students are shot on their way to and from school, in school, and at school-hosted events. Since the Columbine High School massacre in 1999, mass school shootings have been on the rise. A Nov. 30, 2021, shooting in which a student killed four people and injured seven at an Oxford, Michigan high school was reported to be the deadliest school shooting since May 2018.⁵ As the Committee discussed during a hearing in the 116th Congress, children in the United States face the devastating trauma of gun violence more frequently than anywhere else in the world.⁶ From Sandy Hook to Chicago,⁷ gun violence in and around schools is a

²EVERYTOWN FOR GUN SAFETY, GUN VIOLENCE IN AMERICA (2022), <https://everytownresearch.org/gun-violence-america/>.

³CHILDREN’S DEF. FUND, The State of America’s Children, 2021, <https://www.childrensdefense.org/state-of-americas-children/soac-2021-gun-violence/> (last visited Mar. 29, 2022).

⁴*Id.*

⁵Livia Albeck-Ripka & Sophie Kasakove, *What We Know About the Michigan High School Shooting*, N.Y. TIMES, Dec. 19, 2021, <https://www.nytimes.com/article/oxford-school-shooting-michigan.html>; Education Week, *School Shootings in 2021: How Many and Where*, EDUCATION WEEK, Mar. 01, 2021, <https://www.edweek.org/leadership/school-shootings-this-year-how-many-and-where/2021/03>.

⁶*The Importance of Trauma-Informed Practices in Education to Assist Students Impacted by Gun Violence and Other Adversities: Hearing Before the Subcomm. on Early Childhood, Elementary and Secondary Educ. Of the House Comm. on Educ. & Lab.* 116th Cong., (2019).

⁷Gun violence in America is so prevalent that metonyms like Sandy Hook and Chicago are ingrained in our discourse, and this shorthand allows us to reference these events without describing them in detail. But we should not forget that in 2012, a 20-year-old armed with an assault rifle walked into Sandy Hook Elementary School in Newtown, Connecticut and murdered 26 people, 20 of them students between 6 and 7 years old. In 2021, 57 school aged children died in Chicago due to gun violence, 16 of them in elementary or middle school. In 2020, 49 school aged children died in Chicago due to gun violence, 12 of them before they reached high school. Hartford Courant Staff, *28 Dead, Including 20 Children After Shooting Rampage at Sandy Hook School in Newtown*, HARTFORD COURANT, Dec. 14, 2021; Emmanuel Camarillo

Continued

national crisis that continues to claim the lives of our students and educators and deserves Congressional attention.

A concerted response is needed to solve the epidemic of gun violence in American schools. The need is particularly pressing as our nation's children continue to recover from trauma from the COVID-19 pandemic and return to in-person learning. According to Everytown for Gun Safety, an advocacy organization founded in response to Sandy Hook which attempts to track gunfire incidents in schools, K-12 schools experienced a pronounced decrease in gunfire incidents during the COVID-19 pandemic, followed by a rise to pre-pandemic levels as schools nationwide returned to in-person learning. From March through December 2020, a period of time in which most schools across the nation were closed due to the COVID-19 pandemic, there were only 25 reported incidences of gun violence on K-12 school grounds.⁸ In contrast, the first half of the 2021-2022 school year, when most students nationwide returned to in-person learning, had the most reported incidences of gun violence on school grounds in recent history.⁹ Between August 1 and December 31, 2021, Everytown counted 123 instances of gun violence on K-12 school grounds—nearly four times the previous average for that time period.¹⁰

However, there is conflicting data on the number of gunfire incidents on school grounds throughout the pandemic. According to the publication Education Week, there were 10 school shootings in 2020, in contrast to 34 school shootings in 2021, 24 of which occurred after August 1.¹¹ This conflict itself illustrates the need for H.R. 5428. As there is no current uniform definition of school shooting, and data is collected and tallied in varied ways by different nongovernmental organizations, there is no consistent unasailable data source from which to develop policy. If policymakers do not have accurate statistical data about the nature of the problem of gun violence in schools, there is little chance of developing thoughtful solutions to the problem. The Committee believes H.R. 5428 is a small but crucial step in making sure that a federal response to gun violence in schools is evidence-based instead of politically expedient.

Policymakers can either commit to solving problems or use them to advance partisan agendas. The Committee has deep concerns that the issue of gun violence in schools is especially susceptible to politicization. When a mass school shooting occurs, it dominates news cycles and drives rash policy. And while no one disagrees that these events deserve attention, mass shootings often overshadow the daily incidents of gun violence that occur in and around schools throughout America. As Kristen Harper, Vice President for Public Policy and Engagement for Child Trends, said during the Committee's February 16, 2022 hearing on promoting a healthier, more supportive school environment, "the pattern of providing support to schools only after tragedy undermines the work [as] schools need consistent support so that they have the resources they need to

& Nader Issa, *Murders of students amid the pandemic strain school' ability to cope, heal*, CHICAGO SUN-TIMES, Dec. 20, 2021.

⁸Everytown for Gun Safety, *Gunfire on School Grounds in the United States*, (March 29, 2022, 4:08 PM), <https://maps.everytownresearch.org/gunfire-in-school/#ns>.

⁹*Id.*

¹⁰*Id.*

¹¹Education Week, *supra* note 5.

focus on services and relationships so that tragedies do not happen.”¹² Until we have comprehensive data on gun violence in America as proposed in H.R. 5428, we are destined to lurch from one mass casualty event to another, resulting in the politicization of the issue.

Regrettably, the Committee saw the tragedy of school shootings succumb to political machinations. In the wake of the school shooting at Marjory Stoneman Douglas High School in Parkland, FL on February 14, 2018, which took 17 lives,¹³ former President Trump announced the establishment of the Federal Commission on School Safety (Commission).¹⁴ The Commission was charged to make policy recommendations on many issues surrounding school safety and violence, except, puzzlingly, for the role of guns in gun violence.¹⁵ Instead, the Commission focused considerable attention on the Obama Administration’s 2014 School Discipline guidance package, which was issued to help schools understand their obligations to administer discipline in schools without discriminating against students on the basis of race, color, or national origin, as required under Title VI of the Civil Rights Act of 1964, or adversely affecting school safety.¹⁶ Almost immediately after the shooting at Parkland, some Congressional Republicans wrongly placed blame on the guidance by questioning whether the shooter evaded police identification as a threat because his school did not appropriately discipline him. This political approach ran counter to that of the Obama-era discipline guidance package.¹⁷ At the Commission’s recommendation, then-U.S. Department of Education Secretary Betsy DeVos rescinded the School Discipline guidance package without any evidence that the implementation of the guidance caused or contributed to mass school shootings.¹⁸

Statistical evidence of disparities in school suspension and exclusionary practices, which disproportionately impact students of color and students with disabilities, was a focal point of the rescinded guidance package.¹⁹ Contrary to the dubious research on school discipline disparities cited in the Commission’s report, the 2014 guidance package laid out that these disparities are not a result of more frequent or serious infractions committed by students of color.²⁰ Nor are discipline disparities a result of inherent, tempera-

¹² *Serving All Students: Promoting a Healthier, More Supportive School Environment: Hearing Before the Subcomm. on Early Childhood, Elementary & Secondary Educ. of the H. Comm. on Educ. & Lab.*, 117th Cong. (2022).

¹³ Laurel Wamsley & Richard Gonzales, *17 People Died in the Parkland Shooting. Here Are Their Names*, NPR Feb. 15, 2018, <https://www.npr.org/sections/thetwo-way/2018/02/15/586095587/17-people-died-in-the-parkland-shooting-here-are-their-names>.

¹⁴ The White House, Factsheet, President Donald J. Trump is Taking Immediate Actions to Secure Our Schools, Mar. 12, 2018 (Archived Location: <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-taking-immediate-actions-secure-schools/>).

¹⁵ *Id.*

¹⁶ See U.S. Dept’s of Educ. & Just., Joint “Dear Colleague” Letter on the Nondiscriminatory Administration of School Discipline (Jan. 8, 2014) <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html> (archived, under review).

¹⁷ E.g., Erica Green, *Trump Finds Unlikely Culprit in School Shootings: Obama Discipline Policies*, N.Y. TIMES A10 (Mar. 14, 2018).

¹⁸ FED. COMM’N ON SCH. SAFETY, FINAL REPORT 72 (2018), <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>; U.S. Dept’s of Educ. & Just., Joint letter rescinding 2014 School Discipline Guidance Package (Dec. 21, 2018) <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201812.pdf> (archived, under review).

¹⁹ U.S. Dept. of Educ., Guiding Principles, A Resource for Improving School Climate and Discipline (January 2014) <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf> (archived, under review).

²⁰ *Id.*

mental differences between Black and white children. A Government Accountability Office (GAO) report substantiated those disparate data points a month after the shooting at Parkland.²¹ Additionally, in a 2020 report on the characteristics of school shootings, GAO examined 318 school shootings over the 2009–10 to 2018–19 school years and found no empirical research linking school discipline practices with mass school shootings.²²

Yet Committee Republicans used the markup of H.R. 5428 to insinuate once again some connection between certain school discipline practices and school shootings where none has been found. This insinuation was taken a step further in the amendment offered by Rep. Stefanik during the mark up of H.R. 5428. The amendment required data collection and reporting on the implementation of bail reform, the presence of school resource officers at schools, and the implementation of alternative discipline practices in districts that have experienced a school shooting. It should be underscored that bail reform is significantly beyond the scope of the Committee’s jurisdiction. Furthermore, research shows that while school resource officers do effectively reduce some forms of violence in schools, they do not prevent school shootings or gun-related incidents.²³ And the suggestion that alternative discipline practices may be related to school shootings runs counter to the GAO findings and are not founded upon evidence.

The Committee hopes that by providing a clear definition as to what a school shooting is, H.R. 5428 will paint a fuller picture of the issue of gun violence in schools. While tragic mass shootings grip the national conscience and spur policymaking, experts have told us these mass shootings are outliers compared to the ongoing gun violence in schools, around school grounds, and in communities. Community gun violence is an adverse childhood experience (ACE) that inflicts trauma and has ripple effects in children’s lives, from their school attendance, academic achievement, psychological development, and even their lifetime earnings.²⁴ The Committee notes that mass shootings will continue to receive media attention and outsized focus, but it hopes that data collection required by H.R. 5428 will paint an equally compelling picture of the persistent trauma caused by gun violence experienced in too many schools around the country.

While H.R. 5428 is focused on gun violence in schools and surrounding communities, Committee Republicans chose to focus their attention on school choice. This was exemplified most by an amendment during markup that sought to use school shootings as a plat-

²¹The report found that Black students accounted for 15.5 percent of all public school students, but represented about 39 percent of students suspended from school—an overrepresentation of about 23 percentage points. Differences in discipline were particularly large between Black and White students. Although there were approximately 17.4 million more White students than Black students attending K–12 public schools in 2013–14, nearly 176,000 more Black students than White students were suspended from school that school year. U.S. GOV’T ACCOUNTABILITY OFF., GAO–18–258, K–12 EDUCATION: DISCIPLINE DISPARITIES FOR BLACK STUDENTS, BOYS, AND STUDENTS WITH DISABILITIES (2018), <https://www.gao.gov/products/GAO-18-258>.

²²U.S. GOV’T ACCOUNTABILITY OFF., GAO–20–455, K–12 EDUCATION: CHARACTERISTICS OF SCHOOL SHOOTINGS (2020) <https://www.gao.gov/assets/gao-20-455.pdf>.

²³Montserrat Avila Acosta et al., *The Thin Blue Line in Schools: New Evidence on School-Based Policing Across the U.S.* 3 (Annenberg Inst. at Brown U. EdWorking Paper No. 21–476), <https://www.edworkingpapers.com/sites/default/files/ai21-476.pdf>.

²⁴*The Importance of Trauma-Informed Practices in Education to Assist Students Impacted by Gun Violence and Other Adversities: Hearing Before the Subcomm. on Early Childhood, Elementary and Secondary Educ. Of the House Comm. on Educ. & Lab.* 116th Cong., (2019) (testimony of Dr. Nadine Burke Harris, Surgeon General, State of California).

form for advancing school privatization. The Allen amendment to H.R. 5428 proposed a study on the effect of school safety on school choice, including whether increased school choice increases perceptions of school safety. Given that over 91 percent of students in America attend public schools,²⁵ the infatuation with school privatization and choice undermines the Committee’s efforts to promote safer school environments for all students. A study of school choice and the perceptions of school safety is especially troubling given the link between abstract choice policies and school segregation. In a recent report on school segregation, the UCLA Civil Rights Project indicated that “[s]chool choice plans without equity policies and strategies often end up with the best-educated and connected families getting the best choices, actually increasing inequality. All school choice programs need voluntary goals, policies, and practices that foster diversity and integration.”²⁶

Instead of playing politics when these tragedies occur, Congress should follow the evidence offered by the experts and act to remedy these preventable harms. H.R. 5428 is a small but crucial step in that direction of following the evidence. Without accurate, comparable data over incidents and years, and without uniform definitions for school shooting and mass school shooting, we will not be properly equipped to make sound policy choices. Thousands of students all over the country marched in the streets to ask policymakers to pass evidence-based solutions to shield them from gun violence.²⁷ Parkland survivor and student activist Emma Gonzalez would not have called on students to “fight for your lives before it’s somebody else’s job” if “thoughts and prayers” extended through floor speeches were enough to be responsive to the need.²⁸

Unfortunately, Committee Republicans’ proposed amendment in the nature of a substitute to H.R. 5428 aimed to strike the definitions of “school shooting” and “mass shooting” from the bill and require the Department of Education to consult with the Department of Homeland Security in collecting and publishing data on school safety. While the amendment would codify the current report on Indicators of School Crime and Safety issued by the National Center for Education Statistics, it would strike the requirement to collect additional data elements on school shootings, defeating the purpose of the underlying bill to collect more granular, comparable data on school shootings and mass school shootings.

It is the Committee’s hope that just as a hard look at ED’s data on racial discipline disparities drove evidenced-based policy change, federally-recognized data collection on school shootings will help the country better understand the pervasive problem of gun violence in schools and in turn spur policy change. Such data will illuminate the daily gun-related violence incidents that occur before and after school, on the way to or from school, at school-related

²⁵ Approximately 49.3 million of the 54 million PK–12 students in the United States attend public schools. See Institute of Education Sciences, Fast Facts Back-to-School Statistics (2021), <https://nces.ed.gov/fastfacts/display.asp?id=372#PK12-enrollment>.

²⁶ Erica Frankenberg, et al. *Harming Our Common Future: America’s Segregated Schools 65 Years after Brown*, 37 May 2019, www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/harming-our-common-future-americas-segregated-schools-65-years-after-brown/Brown-65-050919v4-final.pdf.

²⁷ Rebecca Shabad et al., *At March for Our Lives, survivors lead hundreds of thousands in call for change*, MSNBC, (Mar. 24, 2018) <https://www.nbcnews.com/news/us-news/march-our-lives-draws-hundreds-thousands-washington-around-nation-n859716>.

²⁸ *Id.*

events and oftentimes not committed by students, in communities plagued by inequities and trauma which are currently invisible. All current data suggest these types of shootings are actually more prevalent than mass shootings but receive little attention.²⁹ Collecting data brings to the forefront what could be otherwise ignored.

H.R. 5428 also directs ED, in consultation with DOJ and HHS, to annually report on indicators of school safety for school shootings that occur. This includes statistics on school shootings, such as the number of shootings, the number of people killed, whether a shooting was ruled an accident, demographics of shooters and victims, the motivation of shooters, types of firearms and ammunition used, how the firearm was acquired, the state of origin of the firearm, and more. Crucially, H.R. 5428 would also direct ED to collect data regarding school response plans to address trauma resulting from school shootings, including, but not limited to, coordination with school-based counselors and other school mental health professionals and appropriate community partners/organizations, such as community action programs or agencies. To ground this work in education, it is the Committee's intent that local school officials use other relevant sources of pre-existing data to evaluate post-shooting effects on school communities, such as academic achievement, student and teacher absenteeism, and indicators of school climate such as discipline and crime statistics data. By shining a light on how gun violence in schools actually affects the education of students in those schools, the Committee expects this robust data collection to paint a broader, more accurate picture of what gun violence in American schools looks like, as well as how American schools have responded to the trauma resulting from gun violence, in the hope of providing Congress with information necessary to enact meaningful policy to reduce it.

The Committee understands that ED may need to take on additional work, in consultation with DOJ and HHS, to stand up new processes or structures for the robust data collection required under H.R. 5428. Yet the fact such work is not currently being done should not serve as a deterrent to accomplishing it. To the extent that new processes or structures require additional resources, these can and should be considered during the regular budget and appropriations process. In the Fiscal Year 2022 (FY22) Omnibus Appropriations package, the Institute of Education Sciences received \$737 million, aligned with IES' FY22 budget request of \$737.4 million and an increase of \$94 million over the FY21 enacted level.³⁰ Furthermore, House Democrats have made significant investments in IES through both the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and the American Rescue Plan (ARP), providing IES with an additional \$28 million in pandemic related funding through CRRSA and \$100 million through ARP.³¹ House Republicans supported supplemental funds in FY21 for IES only when such funds were attached to an

²⁹ GAO-20-455 at 23.

³⁰ Joint Explanatory Statement of Division H, Part 2 at 159, accompanying H.R. 2471 (Pub. L. No. 117-103, 136 Stat. 49) (Mar. 15, 2022) https://docs.house.gov/billsthisweek/20220307/BILLS-117RCP35-JES-DIVISION-H_Part2.pdf.

³¹ Pub. L. No. 116-260, 134 Stat. 1938 (2020); Pub. L. No. 117-2, 135 Stat. 28 (2021).

omnibus bill to prevent a government shutdown; no House Republicans supported the ARP.³²

The Committee believes the data collection required under H.R. 5428 would help Congress address not only mass school shootings but also violence in our most underserved communities. Conflicts are rarely confined to just the school or just the community, so data on school shootings will illuminate community violence issues as well, an important benefit to H.R. 5428's data collection. As Rep. McBath said during the Committee's "Serving All Students" hearing this year, "this is a preventable crisis that we cannot afford to ignore any longer . . . it's critical that we take steps to address the epidemic of gun violence and school shootings that continue to plague our country every single day."³³ H.R. 5428 will provide data which will help Congress take a first step in considering effective policy solutions to the nationwide epidemic of gun violence in schools.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

This section states that the title of the bill the "School Shooting Safety and Preparedness Act."

Sec. 2. Definitions

This section defines the terms "firearm" and ammunition" as such terms are defined in criminal code. It also defines the term "large capacity ammunition feeding device" as such term was defined in criminal code prior to the expiration of the assault weapons ban. The section defines the term "school" to be inclusive of educational settings from early childhood through post-secondary education. It creates new definitions for the terms "mass shooting" and "school shooting."

Sec. 3. Annual report on indicators of school crime and safety

Requires the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to annually publish a report on indicators of school crime and safety. Such report is already produced under existing authority of the National Center for Education Statistics, so the effect of this section is to require future reports to include statistics on school shootings, historic statistics on school shootings, and data on safety and prevention, including active shooter response plans and trauma response plans.

³² 167 CONG. REC. No. 45, H1285–86 (House of Reps. Roll Call Vote 72 on H.R. 1319, the American Rescue Plan, P.L. 117–2, which contained additional funding for IES); see 166 CONG. REC. No. 171, H5434–35 (House of Reps. Roll Call Vote 214 on H.R. 925, The Heroes Act, which contained additional funding for IES specifically for NAEP, and other coronavirus relief measures, and received no Republican votes); but see 166 CONG. REC. No. 171, H 7314 (House of Reps. Roll Call Vote 251 on agreement to Senate amendment of H.R. 133, Consolidated Appropriations Act FY2021, which contained supplemental IES funding in Division M—Coronavirus Response and Relief Supplemental Appropriations Act, which passed with support of two-thirds of the Republican Conference).

³³ *Serving All Students: Promoting a Healthier, More Supportive School Environment: Hearing Before the Subcomm. on Early Childhood, Elementary & Secondary Educ. of the H. Comm. on Educ. & Lab.*, 117th Cong. (2022).

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute are explained in the descriptive portions of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

H.R. 5428 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

UNFUNDED MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates regarding H.R. 5428, as amended, prepared by the Director of the Congressional Budget Office.

EARMARK STATEMENT

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5428 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of rule XXI.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following roll call votes occurred during the Committee's consideration of H.R. 5428:

Date: 3/16/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:1

Bill: 5428

Amendment Number:2

Disposition: Defeated by a roll call vote of 21-28

Sponsor/Amendment: Owens / RANS_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)			X	Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)	X		
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)		X	
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)			X
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)			X				

TOTALS: Ayes: 21

Nos:28

Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3/16/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:2

Bill: 5428

Amendment Number:3

Disposition: Defeated by a roll call vote of 22-27

Sponsor/Amendment: Stefanik / RAMD_002

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)			X	Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)	X		
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)			X
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)			X				

TOTALS: Ayes: 22

Nos:27

Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3/16/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:3

Bill: 5428

Amendment Number: 4

Disposition: Defeated by a roll call vote of 22-27

Sponsor/Amendment: Allen / RAMD_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)			X	Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)	X		
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)			X
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)			X				

TOTALS: Ayes: 22

Nos:27

Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 3/16/22

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call: 4 Bill: H.R. 5428 Amendment Number: Motion

Disposition: Adopted by a Full Committee Roll Call Vote 27- 21

Sponsor/Amendment: McBath Motion to Report H.R. 5428 to the House, with an amendment and with recommendation that the amendment be agreed to, and the bill as amended, do pass

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)	X			Mrs. FOXX (NC) (Ranking)		X	
Mr. GRIJALVA (AZ)	X			Mr. WILSON (SC)		X	
Mr. COURNTEY (CT)	X			Mr. THOMPSON (PA)		X	
Mr. SABLAN (MP)			X	Mr. WALBERG (MI)		X	
Ms. WILSON (FL)	X			Mr. GROTHMAN (WI)		X	
Ms. BONAMICI (OR)	X			Ms. STEFANIK (NY)		X	
Mr. TAKANO (CA)	X			Mr. ALLEN (GA)		X	
Ms. ADAMS (NC)	X			Mr. BANKS (IN)		X	
Mr. DESAULNIER (CA)	X			Mr. COMER (KY)			X
Mr. NORCROSS (NJ)	X			Mr. FULCHER (ID)		X	
Ms. JAYAPAL (WA)	X			Mr. KELLER (PA)		X	
Mr. MORELLE (NY)	X			Ms. MILLER-MEEKS (IA)		X	
Ms. WILD (PA)	X			Mr. OWENS (UT)		X	
Mrs. MCBATH (GA)	X			Mr. GOOD (VA)		X	
Mrs. HAYES (CT)	X			Mrs. MCCLAIN (MI)		X	
Mr. LEVIN (MI)	X			Mrs. HARSHBARGER (TN)		X	
Ms. OMAR (MN)	X			Mrs. MILLER (IL)		X	
Ms. STEVENS (MI)	X			Mrs. SPARTZ (IN)			X
Ms. LEGER FERNÁNDEZ (NM)	X			Mr. FITZGERALD (WI)		X	
Mr. JONES (NY)	X			Mr. CAWTHORN (NC)		X	
Ms. MANNING (NC)	X			Mrs. STEEL (CA)		X	
Mr. MRVAN (IN)	X			Ms. LETLOW (LA)		X	
Mr. BOWMAN (NY)	X			Mr. JACOBS (NY)		X	
Mrs. CHERFILUS-MCCORMICK (FL)	X			<i>Vacancy</i>			
Mr. POCAN (WI)	X						
Mr. CASTRO (TX)	X						
Ms. SHERRILL (NJ)	X						
Mr. ESPAILLAT (NY)	X						
Mr. KWEISI MFUME (MD)			X				

TOTALS: Ayes: 27

Nos: 21

Not Voting: 4

Total: 53 / Quorum: / Report:

(29 D - 24 R)

*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of rule XIII of the Rules of the House of Representatives, the goals of H.R. 5428 are to direct the Secretary of Education to collect and report data relevant to school shootings.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of H.R. 5428 establishes or reauthorizes a program of the Federal Government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

HEARINGS

For the purposes of Section 2(r) of H. Res. 8 for the 117th Congress, the Committee held a legislative hearing entitled “Serving All Students: Promoting a Healthier, More Supportive School Environment”. The hearing examined outdated discipline practices and highlighted ways schools can implement evidence-based approaches to creating healthy school environments that support students’ social, emotional, and academic development. During the hearing, members and witnesses also discussed the trauma of gun violence and the role of common-sense gun reform as part of the solution to create supportive and healthy schools. The Committee heard testimony from: Ms. Kristen Harper, Vice President for Public Policy and Engagement, Child Trends; Mr. Guy Stephens, Founder and Executive Director, Alliance Against Seclusion and Restraint; Ms. Morgan Craven, J.D., National Director of Policy, Advocacy and Community Engagement, Intercultural Development Research Association; and Mr. Max Eden, Research Fellow, American Enterprise Institute.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974*, and pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the following estimate for H.R. 5428 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 2022.

Hon. ROBERT C. (BOBBY) SCOTT,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5428, the School Shooting Safety and Preparedness Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Garrett Quenneville.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5428, School Shooting Safety and Preparedness Act			
As ordered reported by the House Committee on Education and Labor on March 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5428 would require the Secretary of Education, in coordination with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on school crime and safety, including statistics on school shootings.

Based on the cost to prepare similar reports, CBO estimates that it would cost \$1 million over the 2022–2026 period to collect data and write the annual reports; any spending would be subject to the availability of appropriated amounts.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director for Budget Analysis.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 5428. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Con-

gressional Budget Office under section 402 of the *Congressional Budget Act*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 5428, as reported, are shown as follows:

MINORITY VIEWS

Every Republican Member on this Committee believes that students should be safe at school and that any child dealing with trauma should receive the services necessary to heal. Yet instead of debating this serious topic of school safety, the majority brought forward a bill about reporting requirements and gun politics. This partisan legislation, disguised as a data collection bill, was pushed through the Committee this Congress without a single hearing—denying Members an opportunity to discuss the bill’s substance. As was noted last Congress when a substantially similar bill was marked up, the Democrats’ own panelist noted at a school safety forum in March 2018 that “gun safety is not in the purview of this committee. . . .”¹ The sole hearing the Committee held on trauma last Congress did not prove there is a need for detailed firearm data beyond what is already available.

School violence is a serious topic that deserves serious solutions. The latest Indicator report demonstrates one clear concern: too many students feel unsafe at school.² Yet, Democrats seem content to collect data rather than offer students an opportunity to attend a school where they feel safe. School choice would help these students escape that fear and focus on learning.

Safety concerns due to firearms are also not the only threat students face in schools, as a plethora of available and reported studies show. The hearing on examining trauma-informed practices in education, held last Congress,³ highlighted that America’s students experience trauma in a variety of ways. Committee Republicans worked to improve the Majority’s flawed bill by offering an amendment that would better provide policymakers, school leaders, families, and other members of the public with accurate information on school crime and safety from the relevant federal agencies already collecting this data. The Republican amendment would have also provided school officials with some evidence-based best practices for how to address issues that may arise on school campuses.

H.R. 5428 does not improve upon the deficiencies that were present in the bill from last Congress. In fact, it is not clear what this legislation intends to accomplish. Therefore, Committee Republicans are left to conclude that Democrats introduced this bill merely to make a political point instead of addressing the safety of students at school. Much of the data required under this legislation is already collected by the relevant agencies. Further, while current data indicates that there are multiple other challenges to school

¹ Cornell, Dewey G., University of Virginia, PhD, written statement for the “Forum on School Safety,” hosted by Committee Democrats and Democratic Leadership, House Committee on Education and the Workforce, March 20, 2018, Page 2.

² <https://nces.ed.gov/pubs2021/2021092.pdf>, highlights section.

³ House Education and Labor Committee Subcommittee on Early Childhood, Elementary, and Secondary Education hearing titled, *The Importance of Trauma-informed Practices in Education to Assist Students Impacted by Gun Violence and Other Adversities*, September 11, 2019.

safety besides school shootings, the new data points required in H.R. 5428 focus solely on firearms. The bill does not empower parents, school leaders, and teachers to address the problems students are facing.

In addition to concerns about the relevance of some of the data required for the report, we have concerns about the burden it would place on schools to report the data and on NCES to collect the data. Additionally, requiring NCES to go back and revise previously published reports is inappropriate and overly demanding. The task is also cost prohibitive when weighed against the relative value of the data. All of this suggests that this legislation does not appear to be about school safety but about gun politics.

CONFUSION IN THE FIELD

In expanding current definitions and creating new definitions, Democrats are developing a new collection of information that will likely cause confusion in the broader field of research and will lead to further debates without the ability to act on the information. For example, creating a new definition of “mass shooting” or “school shooting” is not simple. Understanding how those or comparable terms are used in other data collections is important to ensure policymakers can crosscheck the data for consistency in both data sets. Otherwise, the same incident could be included in two different collections but not reported consistently because of differing definitions. When one data collection reports four victims of a mass shooting, including the shooter, but another data collection includes the same incident but reports only three victims because it does not count the shooter, the data gets muddled and is unreliable. Another example of this confusion is the bill’s definition of “school shooting” that includes an event or occurrence that occurred on school grounds even if before or after school hours, which could capture incidents wholly separate from the school or school system. While that definition brings in incidents that occurred while a victim was traveling to or from a regular session at school, the data could also include a random act of violence disconnected from the school or the school system. Haphazardly redefining terms as this bill does leads to inconsistent data that does not meet experts’, schools’, parents’, and policymakers’ needs. As a result of this inconsistent data, school and community leaders could establish inappropriate interventions or, worse, could provide parents or students with a false sense of security or insecurity.

DATA COLLECTION CHALLENGES

While the issue of creating new definitions for data collection purposes is serious, the scope of the data collection is equally problematic. When the data collection required is focused just on gun crimes and does not put equal focus on other crimes, such as stabbings or sexual assault, the data will be skewed to present an inaccurate picture of what is happening in schools. The over-emphasis on gun violence is detrimental to solving the variety of problems impacting school safety. In this bill, the Democrats create a significant requirement for reporting on firearms but completely ignore sexual assaults, stabbings, bullying, harassment, or assaults.

To remedy this oversight, the Republican substitute amendment required experts to review available data on all challenges to school safety and to determine whether it provided an accurate picture of what is happening in schools. Further, if the available data did not accurately show what is happening in schools, then the amendment directs researchers to identify what is needed. Importantly though, it does not unilaterally authorize any new data collection. Instead of being singularly focused on guns, the Republican substitute amendment was broadly focused on challenges to school safety in every form.

Moving beyond the concerns with the data specific elements of the bill, the legislation has several flaws in the execution of the data expected to be collected. Despite noting the concerns with the legislation last Congress, it appears the Democrats have either ignored or once again did not get any technical assistance from the Department of Education (the Department) on this legislation. Despite the quick markup after notice on this bill, Committee Republicans asked for technical assistance from the Department and were informed of multiple concerns in that feedback. Some issues that were raised by the Department and others include that the Department cannot reliably determine how guns were stored or the motivation of the shooter. The Department also does not have access to the details of how the shooter was stopped beyond reading public media accounts or accessing police records. Requiring the Department to collect data they do not currently have, to access police records, and to create new definitions are some of the areas where simple assistance from experts could have improved this bill.

The idea of doing retroactive collection of all the data on past school shootings is also concerning, even if the information required could be easily collected every year moving forward. If the Majority had engaged in bipartisan conversations, the Committee could have discussed the best way to take a historical look at the data. Instead of approaching this issue with the diligence it deserves, the Democrats moved forward with a requirement to collect data for shootings that occurred “before the date of the enactment of the Act,” meaning going back to some unspecified starting date trying to gather all the objective and subjective data required under the law. This type of information gathering poses concerns about data reliability and could cause additional trauma to the victims of the past events.

FLAWED DATA ELEMENTS

It is also important to point out the flawed firearm-specific data elements included in the Democrats’ bill. While some of this data may be useful to law enforcement as they track down suspects, much of it is useless in effecting either public policy or school safety. It is a further question whether even the more helpful data is relevant and useful to school personnel looking to craft school safety policies and procedures. For instance, the bill collects data on the weapon and ammunition used in a school shooting. This data could help police track down a suspect or prevent a future crime; however, it is not likely to help a principal or school board develop or enforce any particular safety policy because safety plans focus on preventing incidents, not particular manufacturers’ products.

The bill also tracks data concerning how a gun was purchased—whether it was from a licensed gun dealer or an unlicensed sale. Again, this may help law enforcement track down a suspect, or even help policymakers with jurisdiction over criminal activity to have a better understanding of where problems may exist in the purchase pipeline, but it does not help educators keep a school safe. Knowing how a gun was stored or if the original purchaser of the firearm was not the shooter but the firearm was obtained from the shooter’s home may be of interest to the police or the state, but it is not clear how this information would be useful to school personnel. Other details which the bill sets out to measure, such as motivation of shooters and real or perceived bias, would be useful to school leaders and parents looking to improve school safety, but are too subjective to be measured in a data driven report.

The Democrats require the report to include the demographics of each victim, the demographics of the shooters, and the relationship to the school of each shooter. This is likely helpful information to schools and policymakers to understand who has been involved in school shootings, but policymakers should be wary of drawing hard conclusions about who is vulnerable to a possible incident in the future based on such data. As we already know from the Averting Targeted School Violence report issued by the U.S. Secret Service in 2021, there is no profile of a student attacker nor is there a profile for the type of school that has been targeted.⁴

WE HAVE THE DATA

We already have the data showing that too many of our schools are unsafe. As the 2021 indicator report says, “violent deaths and shootings at schools are rare but tragic events . . . Based on the most recent data there were a total of 56 school-associated violent deaths in the 17–18 school year.” This included 46 homicides, nine suicides, and one legal intervention death. 35 of those deaths and eight of the suicides were of school-age youth.⁵ This is absolutely heartbreaking.

The same 2021 report gives us historical data, telling us the number of school shootings going back to the 2000–01 school year as well as the number of incidents per year that led to injuries and the number that resulted in deaths. Turning to the CDC’s school associated violent death study, we know that homicide is the second leading cause of death among youth aged 5–18. We also know that less than 2 percent of these homicides occur on school grounds, on the way to and from school, or at or on the way to and from a school-sponsored event.⁶ Given that these statistics are known, it is odd to see that a significant part of the bill focuses on gathering data to report these same facts.

Other reports on school safety, for example the School Health Policies and Practices Report showed the following about surveyed schools:

⁴ <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>.

⁵ <https://nces.ed.gov/pubs2021/2021092.pdf>.

⁶ <https://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/SAVD.html#:~:text=Homicide%20is%20the%20second%20leading,from%20a%20school%2Dsponsored%20event.>

- 75.9 percent of elementary schools use security cameras and 85.5 of high schools do the same;
- 5.6 percent of elementary schools require uniforms and 77.2 percent of elementary schools require the enforcement of some sort of dress code;
- almost the same percentage of elementary and high schools require monitoring on campus;
- nearly all school districts have specific anti-bullying policies; and
- 71.8 percent of the districts have utilized material from the Department of Education for crisis preparedness and 94.6 percent of them have a comprehensive district-level crisis plan.

This is already reported information, available to school leaders and policy officials, yet this bill also requires NCES to collect information on security measures and communications plans. This is duplicative work for no value to those on the ground: school leaders, parents, local officials, and medical professionals.

It is clear there is a lot of information available regarding safety in schools and specific school safety incidents. There are reports that have synthesized available data and done other research to produce reports to help school leaders prevent or avert school violence. School leaders, law enforcement, parents, medical professionals already have the needed to help protect student safety. That data is not skewed to focus solely on firearms but rather on all challenges to student safety, so it is fundamentally more helpful to politicians, law enforcement, and school personnel than the data gathered by the Democrats unnecessary and tunnel-vision bill.

REJECTED REPUBLICANS AMENDMENTS

Republican Substitute

The Republican substitute amendment, offered by Rep. Burgess Owens (R-UT), embraced ensuring that this important safety information continues to be provided by the Department. The amendment sought to codify an existing annual, informative report on school crime and safety indicators and provided an opportunity for subject matter experts to determine if the right data is available and being used. This analysis would ensure that the report would be helpful for school officials, parents, and policymakers to determine what is actually happening in schools. It would also help inform decisions of school administrators about the actions that best protect their students. The amendment also required the Department, in consultation with the departments of Justice, Homeland Security, and Health and Human Services, to review the available data on safety and prevention measures and, if sufficient evidence exists, to make recommendations about measures in schools that could mitigate or prevent crime and safety incidents. This is the better way to help school leaders, communities, students, and families.

School Choice

Democrats want to conduct study after study and report on problems, regardless of how many times and in how many other ways those problems are being studied and reported on. Tragically,

though, they steadfastly refuse to offer children trapped in unsafe schools a solution. Republicans, on the other hand, want solutions. Unfortunately, an amendment that would actually offer children an escape hatch is not germane to this bill, which goes to highlight one of the problems with the Democrats' bill.

School choice is a solution that works and is a solution most parents support.⁷ The Urban Institute studied the tax credit scholarship program in Florida, the country's largest school choice program. Its research found that students who enroll in private schools through the program were more likely to attend and graduate college than their public-school peers, and that the positive effects of the program increased with the number of years of participation.⁸ Finally, and of particular relevance in this legislation, school choice can increase public safety and families' perception of safety. Research into Milwaukee's citywide voucher program found that students who participated in that program through 12th grade committed fewer crimes than their publicschool peers.⁹ Other research has consistently shown that student safety is a key motivator for parents who place their children in school choice programs.¹⁰ Rep. Rick Allen (R-AL) offered a simple amendment to look at the impact of school safety regarding school choice. Unfortunately, Rep. Allen's amendment was rejected along party lines.

Crime Wave

Rep. Elise Stefanik (R-NY) offered an amendment to add relevant data elements to the required report. Violent crime has escalated in communities across the country. There has been a significant increase in homicides and aggravated assaults throughout the United States. If the Committee is concerned about children's safety, the focus should be on policies that help deter and punish crime instead of on revising a statistical report. The criminal justice system should include a robust police force that faithfully enforces the laws of the land without bias and with fairness for all. It should include a justice system that includes vigorous prosecution of criminal activity, especially violent activity. Instead, we have people advocating to defund the police—including school resource officers—to let violent criminals out of jail, and to not prosecute alleged criminals for their crimes. A statistical report on school shootings will not keep our children safe. Rep. Stefanik's amendment was rejected along party lines.

CONCLUSION

Once again, the Majority passed a partisan bill that does little to provide educators or school staff with the tools to help traumatized students. Instead of using the markup to develop real solutions to address school safety, the Democrats trotted out a flawed bill that made no improvements to the text that was marked up last Congress. When the Democrats showcase a real willingness to

⁷ <https://www.federationforchildren.org/new-poll-school-choice-support-at-all-time-high/>.

⁸ <https://www.urban.org/research/publication/effects-florida-tax-credit-scholarship-program-college-enrollment-and-graduation>.

⁹ <http://www.uaedreform.org/downloads/2016/03/the-school-choice-voucher-a-get-out-of-jail-card.pdf>.

¹⁰ <https://www.heritage.org/education/commentary/here-are-10-reasons-school-choice-winning>.

address these issues constructively, Republicans remain ready to engage in a serious conversation on school safety.

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