

**Congress of the United States**  
**Washington, DC 20515**

August 1, 2022

The Honorable Miguel Cardona  
Secretary of Education  
United States Department of Education  
Washington, D.C. 20202

Dear Secretary Cardona,

As the Department of Education (Department) prepares to implement the Bipartisan Safer Communities Act (Act), we write to request comprehensive guidance from the Department to State Educational Agencies (SEAs) regarding evidence-based practices to develop safe, healthy, and supportive learning environments that the Act can help fund. The senseless and horrific murder of 19 children and two adults at Robb Elementary School in Uvalde, Texas compelled Congress, for the first time in nearly three decades, to come together and pass a bipartisan law to curb gun violence and make schools safer for students and educators. We are pleased to see more than \$1 billion for school improvement and school-based mental health services included in the Act, including the additional \$1 billion provided to Title IV-A of the Every Student Succeeds Act (ESSA). These additional federal dollars are designated specifically to foster safe and healthy schools, and to develop positive school climates that support learning for all students.

Although we welcome the additional federal investment in school safety and remain grateful for the bipartisan work to pass this important law, we are committed to making sure that the funding Congress authorized and appropriated serves students, schools, and communities equitably and effectively. An expansive body of research supports the effectiveness of counselors and social workers, racially and culturally responsive social and emotional learning (SEL), restorative justice, and whole-child learning to improve students' behavior in schools.<sup>1</sup> Research also shows that restrictive, hardened, and overly-policed learning environments can create distrust and discontentment among students, negatively affecting school climate.<sup>2</sup> Particularly in the context

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<sup>1</sup> Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign, and NAACP Legal Defense and Educational Fund, Inc. (2013, June). Police in Schools Are Not the Answer to School Shootings. Dignity in Schools Campaign. Retrieved July 19, 2022, from <https://dignityinschools.org/resources/police-in-schools-are-not-the-answer-to-school-shootings/>

<sup>2</sup> Gottfredson, G. D., Gottfredson, D. C., Payne, A. A., & Gottfredson, N. C. (2005). School climate predictors of school disorder: Results from a National Study of Delinquency Prevention in Schools. *Journal of Research in Crime and Delinquency*, 42(4), 412–444. <https://doi.org/10.1177/0022427804271931>; LiCalsi, C., Osher, D., & Bailey, P. (2021, August). An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes. AIR.org. Retrieved July 19, 2022, from <https://www.air.org/sites/default/files/2021-08/NYC-Suspension-Effects-Behavioral-Academic-Outcomes-August-2021.pdf>

of the broader Act that includes additional support for STOP School Violence Act (STOP) grants operated by Community Oriented Policing Services (COPS) Programs and codifies further involvement from the Department of Homeland Security (DHS) in school safety decision making, we urge the Department to prioritize the implementation of evidence-based, non-punitive practices that do not disproportionately discipline or criminalize marginalized student populations, including students of color, students from low-income backgrounds, and students with disabilities.

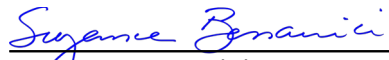
We urge the Department to take the following actions so communities across our nation can experience the numerous benefits of this Act and all students can attend safe and healthy schools.


- 1) **Clarify for SEAs, through guidance, the definition of “high-need” when awarding Title IV-A competitive subgrants to LEAs under their jurisdiction.** Under Division B, Title II of the Bipartisan Safer Communities Act, Congress appropriated \$1 billion to the Department for activities under Section 4108 of ESSA. The Act disburses formula grants to SEAs and, in turn, allows SEAs to make individual determinations for awarding subgrants, on a competitive basis, to high-need LEAs. We are concerned that the open-ended language may be interpreted vastly differently across states, and that a lack of clarity regarding the definition of what constitutes “high-need” may result in inconsistent and ineffective uses of Title IV-A funding that could prohibit funds from reaching districts with the greatest need. We also seek clarity about whether LEAs will still be required to submit comprehensive applications to their respective SEA to receive a grant, as required under Section 4106 of ESSA. By setting parameters and clear guidelines for SEAs in determining an LEA’s need, the Department can give SEAs the flexibility they need while preserving accountability for the supplemental appropriation provided by Congress to this vital program.
- 2) **Conduct and make publicly available a report of how SEAs and LEAs allocate and use their additional school safety funding, including funds received through Title IV-A formula grants and subgrants.** Additional oversight from the Department for the disbursement and expenditure of school safety funding provided through various streams in the Bipartisan Safer Communities Act is critical to promoting accountability and transparency. We request data about the content of LEAs’ applications to SEAs to receive competitive Title IV-A subgrants, the LEAs in each state ultimately selected to receive Title IV-A subgrants, the level and extent of community input solicited and collected by SEAs and LEAs in awarding subgrants and contracts through each funding stream, and any other relevant information collected by the Department throughout the implementation of the Act. We also request that the Department coordinate with the Department of Justice (DOJ) to conduct a review of the organizations that receive both STOP grants and COPS grants, and to monitor the effectiveness of those grants in improving school climate and conditions. As SEAs receive supplemental funding to support students’ social and emotional health and well-being and build positive school climates, we would welcome real-time information and assurances from the Department


to confirm that the funding we authorized and appropriated meets the Department's and Congress' shared goal of creating safer communities.

The Department of Education has a unique and important opportunity in this moment to help states and school districts build safe, healthy, and positive school climates nationwide with the additional funding provided by Congress. We encourage you to take proactive steps to provide the necessary leadership, guidance, and oversight to help states and districts use such funds in the spirit of ESSA and to support schools and students with the greatest need. Thank you.


Sincerely,


  
Suzanne Bonamici  
Member of Congress


  
Barbara Lee  
Member of Congress

  
Donald M. Payne, Jr.  
Member of Congress

  
Adriano Espaillat  
Member of Congress

  
Earl Blumenauer  
Member of Congress

  
Bonnie Watson Coleman  
Member of Congress

  
Kathy Castor  
Member of Congress



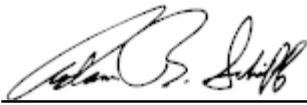
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Frederica S. Wilson  
Member of Congress  
Chair, Subcommittee on  
Higher Education and  
Workforce Investment



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Troy Carter  
Member of Congress



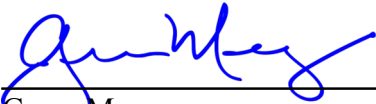
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Adam B. Schiff  
Member of Congress



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Dina Titus  
Member of Congress



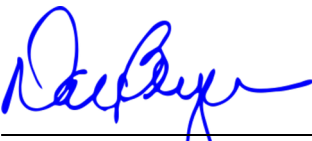
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Grace Meng  
Member of Congress



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Carolyn B. Maloney  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress