

Congress of the United States

House of Representatives

Washington, D.C. 20515

August 28, 2018

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

Dear Secretary DeVos:

We write to express opposition to any forthcoming action by the U.S. Department of Education (Department) to allow funds authorized under Title IV-A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), for the purchase of firearms or firearms training for school staff. Reporting by the New York Times and other outlets indicate that you have been asked by State and school district leaders to allow federal funds to be used for these purposes.¹ Based on the program's authorizing statute, recent Congressional action, and precedent, you have the authority to deny such use of funds. Therefore, we urge you to swiftly exercise your authority to clarify to State and Local Educational Agencies that ESEA Title IV-A funds may not be used to arm teachers and other school staff.

In December of 2015, Congress passed the Every Student Succeeds Act (ESSA) with strong bipartisan support to help ensure educational opportunity for all students. Central to achieving that goal is implementation of the law's newly-authorized formula grant program, the Student Support and Academic Enrichment Grant Program (Title IV-A). Title IV-A is intended to provide school districts with supplemental federal resources to ensure low-income students have access to improved educational opportunities through programming and services to improve school climate, increase access to a well-rounded education beyond tested subjects, and bolster the availability of cutting edge technology to support student learning. Using program funds to put more guns in schools is counter to the program's statutory purpose and Congressional intent.

Title IV-A affords local leaders the flexibility to tailor investments to meet local needs; however, in writing and enacting ESSA, Congress never contemplated, and thus never intended, that such flexibility would allow for the procurement of firearms. Congress denounced the presence of firearms in schools in ESEA section 4102(5)(B), which defines the term "drug and violence prevention" as a program that fosters "the creation and maintenance of a school environment free of weapons."² Thus,

¹ Emma, C. & Stratford, M. (2018, Aug 23). Texas, Oklahoma push DeVos to fund guns in schools. *Politico*. Retrieved from <https://subscriber.politicopro.com/education/article/2018/08/texas-oklahoma-push-devos-to-fund-guns-in-schools-750219>

Ganim, S. & Hansler, J. (2018, Aug 23). Trump admin disputes NYT report on Education Department plan to arm teachers. *CNN*. Retrieved from <https://www.cnn.com/2018/08/23/politics/nyt-betsy-devos-funding-plan-arm-teachers/index.html>

Green, E.L. (2018, Aug 22). Betsy DeVos is said to weigh letting school districts use federal funds to buy guns. *The New York Times*. Retrieved from <https://www.nytimes.com/2018/08/22/us/politics/betsy-devos-guns.html>

² *Elementary and Secondary Education Act of 1965* § 4102(5)(B), as amended by *Every Student Succeeds Act*, P.L. 114-95 (2015).

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any use of funds to purchase weapons not only violates intent, but it also clearly contradicts the plain reading of the statute.

Congressional opposition to the implementation of federal funds for guns in schools is not open to interpretation. In authorizing the STOP School Violence Act in the aftermath of the Parkland, FL school shooting, Congress acted to prohibit program funds from being used for the purchase of firearms or firearms training. Subsection (a) of section 2706 of Division S of the Fiscal Year 2018 Consolidated Appropriations Act states: “(a) *NO FUNDS TO PROVIDE FIREARMS OR TRAINING.* – No amounts provided as a grant under this part may be used for the provision to any person of a firearm or training in the use of a firearm.”³ Further, it is the longstanding position of the federal government that using federal funds to purchase firearms and ammunition as related to school safety is not allowed. For example, The Homeland Security Grant Program authorizing statute allows funds to be used broadly for not only “enhancing school preparedness” but also “any other appropriate activity” as determined by the Federal Emergency Management Agency.⁴ Yet despite this flexible authorizing statute, both 2017 program guidance⁵ and the Fiscal Year (FY) 2018 notice of funding opportunity⁶ issued by the Trump administration maintain longstanding policy that prohibits the purchase of firearms and ammunition as allowable program expenses.

Students and school staff deserve a learning environment that is safe, welcoming, and conducive to quality instruction and student learning. Arming teachers would not only jeopardize student and staff health and safety, but also run counter to Congressional intent, precedent, and common sense. We urge you to clearly and unequivocally disallow the arming of teachers using ESEA funds intended to improve equity of educational opportunity. Please respond to this letter by providing written confirmation of your intent to issue, before the end of the current fiscal year, formal guidance that excludes the purchase of firearms or firearms training as allowable expenditures of ESEA Title IV-A program funds on or before Friday, August 31st 2018.

Sincerely,

ROBERT C. “BOBBY” SCOTT
Ranking Member
Committee on Education and the Workforce

JERROLD NADLER
Ranking Member
Committee on the Judiciary

³ *Consolidated Appropriations Act, 2018* § 2706, P.L. 115-141 (2018).

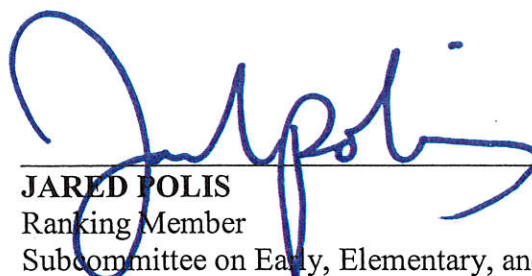
⁴ *Homeland Security Act of 2002* § 2008, P.L. 107-296 (2002).

⁵ DiNanno, T. (2017, Nov 1). Guidance to Recipients and Subrecipients of FEMA Preparedness Grants Regarding Implementation of Executive Order 13809 Restoring State, Tribal, and Local Law Enforcement’s Access to Life-Saving Equipment and Resources. *U.S. Department of Homeland Security FEMA*. Retrieved from https://www.fema.gov/media-library-data/1509981634187-ff65775f330fb464d5711c3278f80194/ControlledEquipmentRecission_IB_Final_11-1-17.pdf

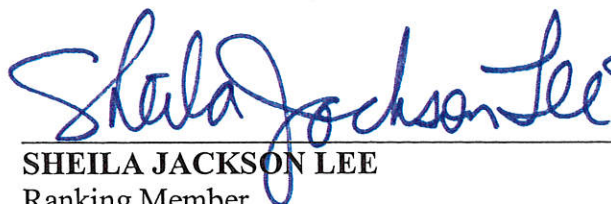
⁶ Appendix C of *FY 2018 HSGP Funding Guidelines*. Department of Homeland Security. Retrieved from https://www.fema.gov/media-library-data/1526578809767-7f08f471f36d22b2c0d8afb848048c96/FY_2018_HSGP_NOFO_FINAL_508.pdf



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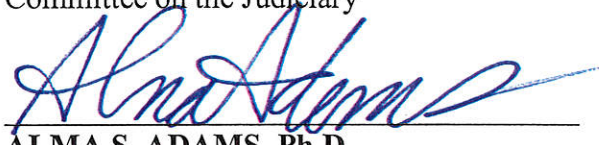
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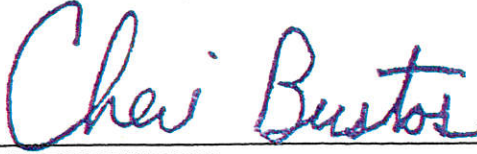
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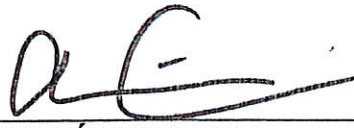
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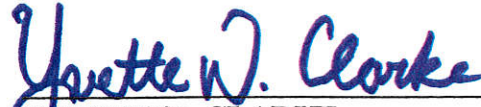
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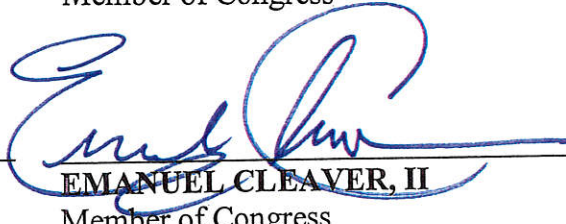
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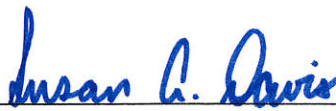
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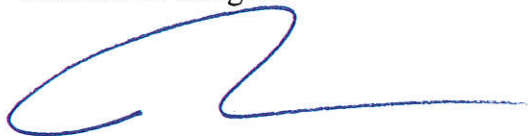
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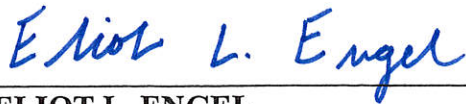
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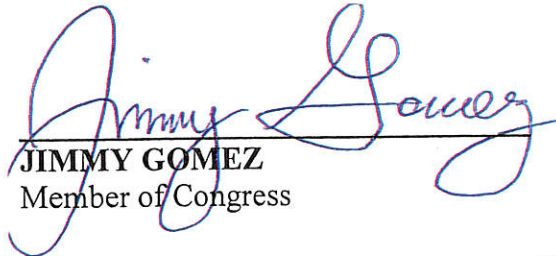
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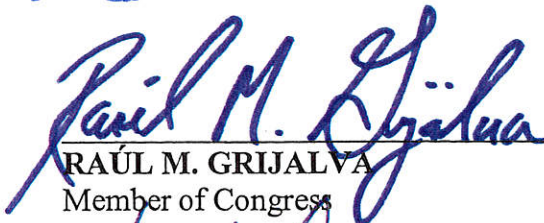
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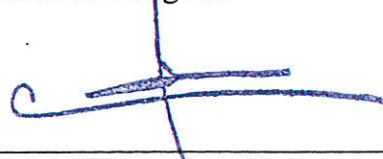
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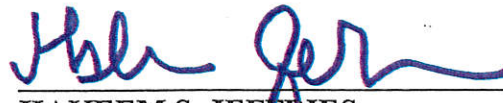
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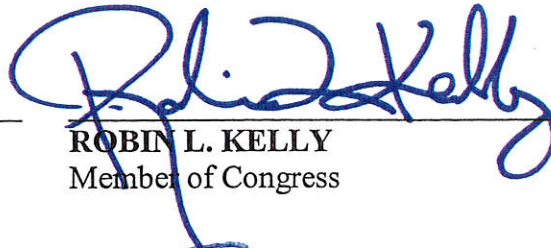
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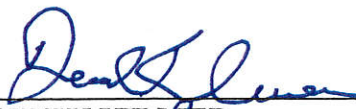
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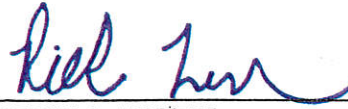
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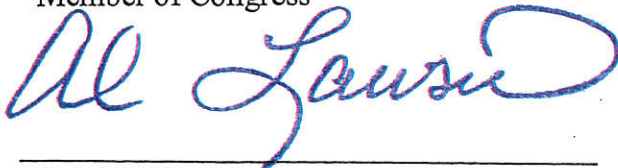
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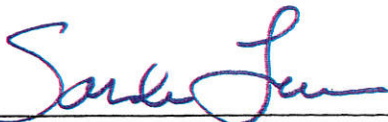
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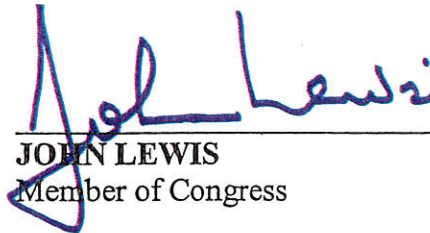
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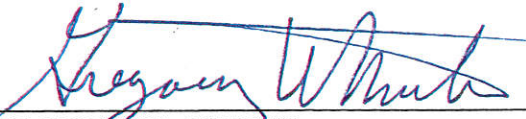
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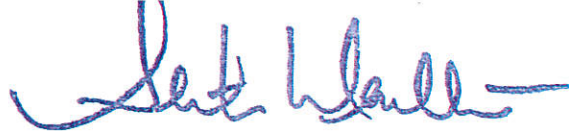
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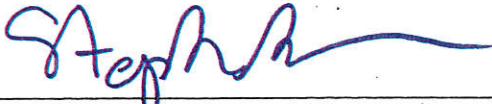
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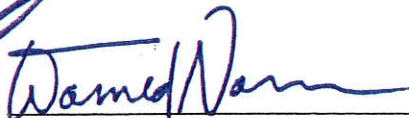
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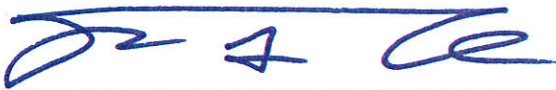
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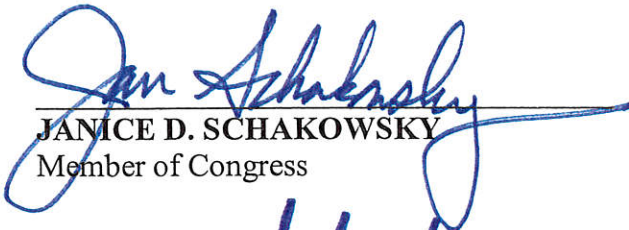
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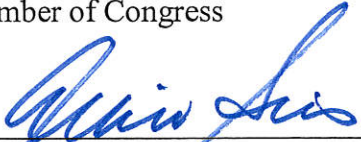
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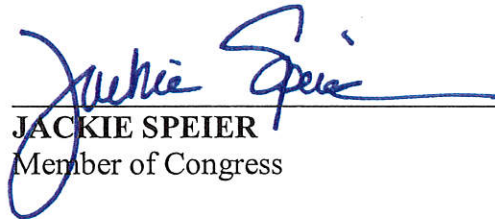
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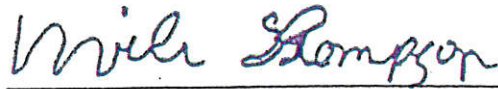
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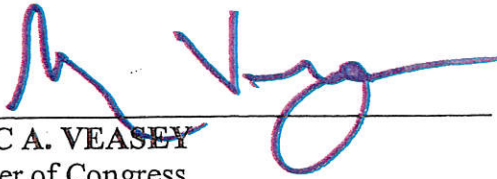
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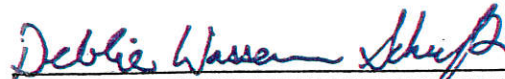
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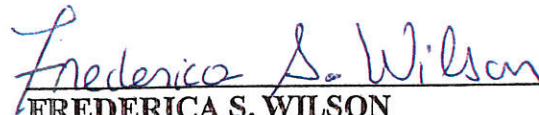
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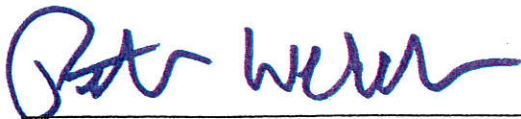
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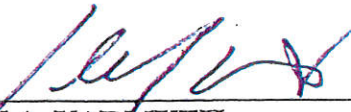
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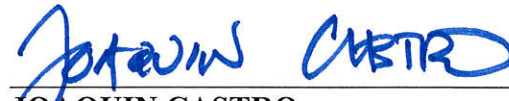
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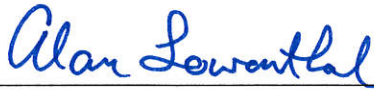
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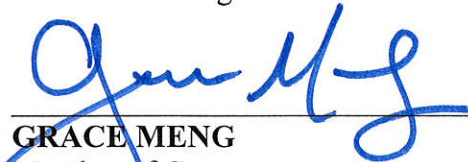
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