

Statement of Francisco M. Negrón, Jr.
Before the Federal Commission on School Safety
“Proactively Protecting Our Schools”
Eisenhower Executive Office Building
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Good Afternoon, Commissioners, and thank you for inviting the National School Boards Association to offer comments on improving school safety and information sharing. NSBA, through our member state school boards associations, represents the nation’s 95,000 board members serving more than 50 million public school students. In addition, NSBA is fortunate to count among its programs the NSBA Council of School Attorneys. As the professional network of 3000 plus attorneys who represent public school boards, the Council informs the work of local school board attorneys as they come together with their school boards and district staff to maintain safe and supportive environments where students can learn and thrive.

I. Local Governance for Student Discipline

Part of the mission of educating youngsters is ensuring that learning can happen in optimal learning environments. For this reason, school boards enact and implement written policies that set rigorous standards for student conduct. Through these policies, which are generally found in student handbooks, school districts establish expectations for respectful behavior and set out the practices and procedures for handling violations.

School boards across America are committed to the elimination of violence and disruptive behavior at school, at school-sponsored events, and while traveling to and from school. Such behavior takes many forms -- physical violence, “bullying”, disrespecting fellow students and school personnel, and harassment -- and may vary significantly by community and context. NSBA believes that it is important for school boards to continue to analyze student discipline data so that they can avail themselves of proven intervention and prevention approaches to maximize the opportunities for all students to have a safe and successful in-school experience. To the extent that school safety is not jeopardized, we encourage school leaders to consider out of school disciplinary practices as a last resort to address behavioral issues in schools by using strategies such as restorative practices and positive behavioral intervention systems.

Ultimately, decisions about student discipline are pedagogical, entitling school leaders to deference for their education judgement, which the courts have repeatedly acknowledged. In considering matters of student discipline, particularly as it relates to instances of individual behavior unrelated to instances of mass violence, the federal government should follow suit and equally defer to local education experts. Many schools opt to resolve events like individual altercations, whether by actions or words, at the lowest and most direct level of intervention through internal school district practices and procedures

that address conflict within the educational framework informed by educational expertise, rather than through automatic referral to law enforcement.

II. Information Sharing Best Practices

But, there are instances, such as those involving the potential for mass violence that can require a broader, more comprehensive approach. NSBA believes there is a federal role in providing greater and sustained resources for locally determined programs that are critical to school safety. These include school resource officers, school counseling, emergency preparedness and response training, interagency coordination, and comprehensive resource guides on available federal assistance. Greater and sustained federal resources that expand access to mental health services and support comprehensive “wraparound” services to schools that include a range of community resources to address safety and intervention.

Critical to interagency coordination is the need for school officials to be able to share information with law enforcement agencies and mental health providers that can be used to prevent mass violence like school shootings through referral for services and possible intervention where necessary. When schools are actively engaged in the well-being of their students, and when local experts can exchange information about potential mental health or psycho-social needs as well as rising threats, communities can be better poised to intervene before mass violence happens. That is why NSBA believes that prevention, preparedness, mitigation and emergency response and recovery plans are critical to protecting the safety and health of students. These plans should be developed and maintained in coordination with appropriate local, state, and federal agencies including local public health, police, fire departments, transit authorities, or other agencies and first responders, and should address the gamut of issues related to the potential for instances of mass violence.

Collaboration and communication with local law enforcement agencies is an essential part of these efforts. That is why school boards would benefit from eliminating barriers that hinder the collaboration of agencies providing services to children. Local educators know and care about their students and their school communities. They know the school climate, community concerns, the history of student interactions, and their needs. They are in a unique position to share information when necessary to maintain a safe school environment.

We appreciate the Commission’s attention to these matters of school safety effort and for seeking input from the National School Boards Association and its members in this crucial conversation. We look forward to assisting the Commission in its future work.