

APRIL 2018

# POLICY BRIEF



## Summary

- The school safety crisis—bullying, assault, sexual abuse—affects millions of students each year.
- The federal Every Student Succeeds Act permits students to transfer to another public school, but only if their current school meets a narrow definition of a “persistently dangerous” school.
- Child Safety Accounts would allow parents to immediately move their child to a safe school—private, parochial, or public—as soon as they feel their child’s public school is too dangerous to their physical or emotional health.

## Protecting Students with Child Safety Accounts

By Vicki Alger and Timothy Benson

### Introduction

Half of all violent crimes—including serious offenses such as aggravated assault, sexual assault, and rape—occur in a small proportion of schools nationwide, but these deeply concerning problems represent only a fraction of the United States’ much larger safety crisis, one that affects millions of students each year.

Roughly four out of five public schools report violent criminal incidents, and one out of five report serious violent criminal incidents taking place on school grounds. Verbal bullying and sexual harassment, both from peers and teachers, are prevalent. With the rise of smartphones and social media, the bullying suffered at school can now follow children anywhere, 24 hours per day, seven days a week, 365 days a year. Parents of children with special needs or health problems also have serious concerns about whether their child’s school is equipped to keep them safe.

The federal Every Student Succeeds Act (ESSA) permits students to transfer to another public school under ESSA’s Unsafe School Choice Option provision, but only if their current public school meets the state definition of a “persistently dangerous” school. Because states define unsafe schools narrowly, fewer than 50 public schools out of nearly 100,000 are labeled persistently dangerous each year.

Students should not have to wait years at a time or become victims

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of violent crime before their parents are allowed to transfer them to safer schools. That is why The Heartland Institute is proposing in this paper for states to create a Child Safety Account program, which would allow parents to immediately have their child moved to a safe school—be it private, parochial, or public school—as soon as parents feel the public school their child is currently attending is too dangerous to their child’s physical or emotional health.

This paper has been organized into two parts. Part One outlines the numerous dangers facing children in public schools and discusses how those safety problems hinder children’s ability to learn. Part Two presents The Heartland Institute’s solution to America’s school violence epidemic: Child Safety Accounts—education savings accounts parents can use to pay for tuition, fees, and other education-related expenses at public schools, private schools, and even for homeschooling.

## **Part One: The Dangers Facing Schoolchildren in America**

About 150,000 violent acts are committed in U.S. public schools every year, but a threat of physical violence isn’t the only reason students don’t feel safe while in school. Children routinely face bullying, sexual harassment and misconduct, gang violence, school shootings, and countless other threats government-run

public schools have proven incapable of addressing. Below is an outline of some of the most harmful and pervasive forms of school violence and other dangers facing children, as well the effects those problems are having on students across the nation.

### **A. Bullying**

Until recently, no official definition of “bullying” existed, making it difficult to know how widespread this problem truly is. News media, for example, often use the term *bullying* as a catch-all for any number of aggressive or unwanted behaviors, such as physical fights or online name-calling.<sup>1</sup> Likewise, depending on

which group of students research organizations surveyed and how they defined bullying, estimates have ranged from 13 percent to 75 percent. It wasn’t until 2008 that the federal government formed a multi-agency committee to craft a uni-

form definition of bullying, which the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Education published in 2014. That definition states:

Bullying is any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on the targeted youth including physical, psychological, social, or educational harm.<sup>2</sup>

STUDENTS SHOULD NOT HAVE TO WAIT YEARS AT A TIME OR BECOME VICTIMS OF VIOLENT CRIME BEFORE THEIR PARENTS ARE ALLOWED TO TRANSFER THEM TO SAFER SCHOOLS.

A significant drawback to this definition is it applies only “to bullying that occurs between peers and excludes abuse perpetrated by adults against children or youths.”<sup>3</sup> In other words, statistics about teachers bullying students are not collected.

Nearly 21 percent of all U.S. students aged 12 to 18 report being bullied at school.<sup>4</sup> While that statistic represents important progress since 2005, when 28 percent of middle school and high school students reported being bullied, it’s little consolation to the estimated 6.1 million students who are being bullied today.<sup>5</sup>

Close to one-third (31 percent) of sixth grade students say they have been bullied, as well as 25 percent of seventh graders. Roughly one-in-five eighth, ninth, and 10th graders also report being bullied, along with 15 percent of high school juniors and seniors. Findings from the CDC indicate the overall high school bullying rate is 20 percent.<sup>6</sup>

Bullying rates also vary by school type and location. Bullying rates at government schools are 31 percent higher than in private schools, 21 percent compared to 16 percent, respectively. Bullying rates are also virtually identical for suburban and urban schools, at around 21 percent each, compared to 18 percent at rural schools.

Most cases of bullying are not one-time events. In fact, bullying is the most commonly reported discipline problem in public schools.

Twelve percent of all public schools report bullying occurs at least once per week, including 22 percent of middle schools, 15 percent of high schools, 8 percent of elementary schools, and 11 percent of combined schools.<sup>7</sup>

More than two-thirds of bullied students (67 percent) report being bullied at least once or twice during the school year. One-third of those students report being bullied much more frequently, including 19 percent who are bullied monthly, 10 percent who are bullied weekly, and 4 percent who are bullied almost daily. Less than half of those students (43 percent) say they reported the incident to an adult at school.<sup>8</sup>

While 95 percent of students who are not bullied report feeling safe at school, just 76 percent of those who have been bullied feel safe.<sup>9</sup> CDC also reports close to 6 percent of high school students miss school at least once every month because they feel unsafe, up from 4 percent in 1993.<sup>10</sup> The overall absentee rate for students who are bullied is almost three times greater, at nearly 16 percent.<sup>11</sup> This means approximately 945,000 of the estimated 6.1 million bullied students likely stayed home from school at least once in the past month because they were too afraid to go to school.

According to the Cyberbullying Research Center, an estimated 4.8 million students skipped school at some point in the past year because they were afraid of bullying at school, and more than 500,000 students stayed home “many times” because of bullying.<sup>12</sup>

BULLYING RATES AT GOVERNMENT SCHOOLS ARE 31 PERCENT HIGHER THAN IN PRIVATE SCHOOLS, 21 PERCENT COMPARED TO 16 PERCENT, RESPECTIVELY.

Depending on the types of bullying students endure, absenteeism rates can be even higher, which is especially concerning since missing school contributes to lower student achievement and puts students at greater risk of dropping out.<sup>13</sup>

Not only can bullying be devastating for victims, it negatively impacts other students who are exposed to it. Fourteen percent of 15-year-olds attended schools that reported student learning was hindered by the intimidation or bullying of other students.<sup>14</sup> Beyond academics, students exposed to bullying have a much greater sense of helplessness and diminished feelings of support from their parents or adults at school than students who do not observe bullying behavior.<sup>15</sup>

## **B. Sexual Harassment, Misconduct, and Abuse**

Stories of teachers engaging in inappropriate relationships with students seem to emerge in the media weekly. Yet there is no recent study that indicates just how pervasive this problem is. The best data available are from a 2004 survey of the existing literature published up to that time, produced by the U.S. Department of Education, which estimated that about 10 percent of students will experience some form of sexual misconduct by a school employee by the time they graduate high school.<sup>16</sup> According to the study, 93 percent of these incidents will take place in a government school, 62 per-

cent of the victims will be high school students, and 56 percent of the victims will be female.

Despite the lack of current literature on the subject, Terry Abbott, a former chief of staff at the Department of Education who now heads up a firm that tracks news stories of sexual

misconduct by teachers, has estimated 15 students on average are “sexually victimized” by teachers across the country each week.<sup>17</sup> Stop Educator Sexual Abuse, Misconduct, and Exploitation—an

advocacy group for sexually exploited school-children—notes there were 361 reported cases of sexual misconduct by a school employee in the United States in 2014.<sup>18</sup>

A 2016 *USA Today Network* investigation found more than 100 examples of teachers who had lost their teaching licenses due to abusive behavior but were still teaching or working with children, including 22 who were employed by government schools.<sup>19</sup> “State education agencies across the country have ignored a federal ban on signing secrecy deals with teachers suspected of abusing minors, a practice informally known as ‘passing the trash,’” the investigation found.<sup>20</sup> “These contracts hide details of sexual behavior and sometimes pay teachers to quit their jobs quietly. The secrecy makes it easier for troubled teachers to find new jobs working with children.”<sup>21</sup>

An earlier look at “passing the trash” by the Government Accountability Office in 2010 found, on average, an abusive teacher will be transferred to three different schools before he

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or she is reported to the police, one-in-three of these teachers will have multiple victims, and 16 percent will have more than five victims.<sup>22</sup>

Another *USA Today Network* investigation in 2016 noted while the National Association of State Directors of Teacher Education and Certification, a nonprofit group, oversees a voluntary clearinghouse for states to submit the names of teachers who have received disciplinary action for abuse, there were still more than 9,000 sanctioned teachers missing from the database, including at least 1,400 teachers who have had their license permanently revoked.<sup>23</sup> Greater than 200 of those teachers had their license revoked due to allegations of sexual or physical abuse.<sup>24</sup>

Although teacher-on-student acts of sexual misconduct claim more headlines due to their shocking nature and breach of trust, student-on-student sexual misconduct is far more common. Some scholars argue four out of five students will experience some form of sexual harassment by the time they graduate high school.<sup>25</sup> A 2017 investigation by the Associated Press (AP) found seven student-on-student assaults occurred for every one teacher-on-student assault from 2011 to 2015. AP found nearly 17,000 cases of student-on-student sexual assault in U.S. elementary and secondary schools during those four years.<sup>26</sup> While these numbers are shocking, they may also be too low, as 18 states do not track student-on-student sexual assaults in elementary and high schools.<sup>27</sup>

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Surveys of students also present a damning picture. Forty-eight percent of the students in grades seven through 12 responding to a 2011 American Association of University Women survey said they had been sexually harassed during the 2010–11 school year.<sup>28</sup> For girls, the harassment rate was 56 percent.<sup>29</sup> Two percent of students said they had been “forced to do something sexual” while at school, 6 percent reported “being physically intimidated in a sexual way,” and 8 percent said they had been “touched in an unwelcome sexual way.”<sup>30</sup>

The numbers for girls alone in these categories were 4 percent, 9 percent, and 13 percent, respectively.<sup>31</sup>

Another study published in 2014 by the University of New Hampshire’s Crimes Against Children Research Center, which looked at surveys of almost 3,400 students between the ages of five and 17, found 3.2 percent of students had been sexually harassed and another 0.4 percent, or one in every 250 students, had been sexually abused at school within the 12-month period prior to being surveyed.<sup>32</sup> Most of these incidents of sexual abuse came at the hands of a peer.<sup>33</sup>

### **C. School Discipline and Arrests, Gang Activity, Suicides, and School Fights**

A series of other serious problems also face millions of children and their parents in schools across the United States.



## School Discipline and Arrests

Government schools reportedly performed nearly 306,000 serious disciplinary actions in the 2015–16 school year.<sup>34</sup> The vast majority of them, 72 percent, were out-of-school suspensions lasting at least five days. Nearly one-fourth of all serious disciplinary actions (24 percent) were transfers to specialized schools. The remaining 4 percent were removals with no services permitted for the remainder of the school year for those students.<sup>35</sup>

The types of serious actions taken by schools vary depending on the incidents. However, across all serious offenses, the percentages and number of schools taking at least one serious disciplinary action have declined since the 2003–04 school year.<sup>36</sup>

Arrests and referrals of students to law enforcement, on the other hand, are rare. Combined, these actions involve less than 1 percent of all K–12 students. Nearly 70,000 public school students nationwide (0.14 percent) were arrested in 2013–14, the most recent data available. Those arrests occurred at 8,000 schools, about 8 percent of all government schools. Schools referred another 223,000 students (0.45 percent) to law enforcement officials.<sup>37</sup>

## Gang Activity

There is *some* good news on the school-violence front: The percentage of schools report-

ing gang activity occurred during the school year was 10 percent in 2015–16, which is lower “than in every prior survey year for which data are available.” By comparison, 19 percent of schools reported gang activity occurred during the school year in 1999–00.<sup>38</sup>

AN ESTIMATED THREE MILLION MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS ATTEND SCHOOLS WHERE GANGS ARE PRESENT.

From 2001 to 2015, the percentage of students aged 12–18 reporting gangs are present at their schools decreased by nearly half, from 20 percent to 11 percent.<sup>39</sup> Despite the recent progress, these findings

show an estimated three million middle school and high school students still attend schools where gangs are present.<sup>40</sup>

## Suicide and Unintentional Injuries

Suicide and unintentional injuries together are the second-leading cause of death among people aged 10–24 (17 percent each), behind motor vehicle crashes (23 percent) and ahead of homicide (14 percent).<sup>41</sup> Recent research has found the suicide rate for adolescents aged 13–18 increased nearly 31 percent from 2010 to 2015.<sup>42</sup>

School-associated violent deaths, including suicide, are tragic but rare. They are fatal injuries occurring on campus, as well as traveling to or from school or school-sponsored events.<sup>43</sup> According to CDC, violent deaths at school are more likely to occur at the beginning of the semester, and most happen during transition periods, such as during lunch or immediately before or after school.<sup>44</sup>

The number of students who commit suicide at school varies from year to year, ranging from one to 10, yet have averaged six annually since the 1992–93 school year. There were nine at-school suicides during the 2014–15 school year, representing 0.5 percent of the 1,785 suicides for school-age youth that year. The 2014–15 school year tied the 2006–07 school year for having the second-highest number of at-school suicides. Ten students committed suicide at school during the 2002–03 school year, the highest on record.<sup>45</sup>

As noted previously, being bullied or exposed to bullying can create or worsen depression and anxiety, along with feelings of rejection, isolation, exclusion, and despair. However, the majority of bullied students do not commit suicide, as the U.S. Department of Health and Human Services and CDC caution, and those who do typically have multiple risk factors. Additionally, as the CDC concludes, “Suicide-related behavior is complicated and rarely the result of a single source of trauma or stress.”<sup>46</sup>

Still, “the correlation between public school environments and the deteriorating mental health of children has been intensifying for decades,” noted Stella Morabito. “We ought to consider how these settings serve as incubators for the social alienation that can fuel such horrors.”<sup>47</sup>

## School Fights

Historically, the rate of high school students who report having been in a physical fight not on school property are about two-thirds higher than rates for students who have said they have been in fights at school, and the overall rates of fighting both outside of school and at school have declined by about 50 percent since 1993.

In a 2015 survey, nearly one-in-four students (23 percent) reported being in a physical fight outside of school in the 12-month period prior to being surveyed, compared to 42 percent in 1993. Just under 8 percent of high school students reported being in a physical fight at least once at school during the past year in 2015, down from about 16 percent in 1993. Despite these positive declines, the current rate suggests close to 1.3 million high school students have been in at least one physical fight at school in the past year.<sup>48</sup>

Although slightly less than one-in-10 high school students report having been in at least one physical fight at school during the past year, physical attacks prompt the greatest number of serious disciplinary actions by schools. During the 2015–16 school year, more than one-third of schools (37 percent) reported taking at least one serious disciplinary action, which includes out-of-school suspensions lasting five or more days, removals with no services for the remainder of the school year, and transfers to specialized schools. Among several offenses resulting in serious disciplinary actions, phys-

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ical attacks or fights were the most common, reported by 27 percent of schools that took any serious disciplinary actions, nearly 23,000 schools.<sup>49</sup>

## D. School Shootings

School shootings have once again become the subject of intense national debate in the wake of the February 14, 2018, shooting in Parkland, Florida, where 17 Marjory Stoneman Douglas High School students and staff were murdered by 19-year-old Nikolas Cruz.<sup>50</sup>

On March 24, 2018, student walkouts were held at schools nationwide to protest for stricter limits on legal gun ownership. The walkouts were spearheaded by an organization called March for Our Lives, which stated it was “created by, inspired by and led by students across the country who will no longer risk their lives waiting for someone else to take action to stop the epidemic of mass school shootings that has become all too familiar.”<sup>51</sup>

What is the truth about “mass school shootings” in America? Have they really become an “epidemic” in the same way other forms of school violence have?

Fueling claims that school shootings have grown to massive proportions was a statistic quoted by numerous mainstream media outlets, as well as several elected officials and Hollywood celebrities, alleging 18 school shootings had occurred since the beginning

of 2018. That would average out to about two school shootings per week through February 14. If this claim is true, it would be easy to believe students do indeed “risk their lives” attending school. However, the statistic was quickly debunked, and the statement about students risking their lives attending school no longer appears on the March for Our Lives website.<sup>52</sup>

The prevalence of that claim points to chronic shortcomings with how information about school shootings is collected and reported—including that there is no uniform definition of “school shooting.”

HAVE “MASS SCHOOL SHOOTINGS” REALLY BECOME AN “EPIDEMIC” IN THE SAME WAY OTHER FORMS OF SCHOOL VIOLENCE HAVE?

The “18 school shootings” claim likely originated with a late-afternoon tweet sent just hours after the Parkland shooting by Everytown for Gun Safety, an organization founded by former New York City Mayor Michael Bloomberg to end gun violence.<sup>53</sup> Many of the incidents counted as “school” shootings are debatable, at best. Among those shootings considered a “school shooting” by Everytown for Gun Safety was one in which a man committed suicide in the parking lot of an elementary school that had been closed for months. The organization also counted a shooting death on a university campus, as well as two accidental weapon-firings by licensed officers at schools that did not result in any injuries. In fact, most of the incidents Everytown counted either did not occur during school hours or did not result in physical injury.<sup>54</sup>

Absent a consistent, uniform definition, me-



dia outlets and other organizations define “mass shootings” and “mass killings,” including school shootings, in any number of ways using criteria that have been in flux since the 1980s. Some definitions involve only those cases with three or more fatalities. For others, it’s four. Some reports include victim fatalities only, whereas others also include perpetrators. Some definitions include injuries as well as fatalities when reporting the number of victims. These variations, in addition to more recent changes, make credible historical comparisons of mass shootings and school shootings difficult, if not virtually impossible.<sup>55</sup>

School shooting definitions are also highly susceptible to bias. For instance, many publishers narrow or expand what constitutes a “shooting” or a “school” depending on a single publisher’s opinions about guns and the Second Amendment.<sup>56</sup>

Government agencies aren’t necessarily neutral parties, either. For example, in 1996, Congress prohibited taxpayer funding for CDC research advocating gun control. Prompting the ban were numerous instances spanning more than a decade of CDC-funded research consistently advocating for gun control to improve public health, as well as instances of CDC officials commenting publicly that their goal was to promote antipathy toward gun ownership.<sup>57</sup>

Sensationalized claims of school shooting epidemics do nothing to keep students safe at

school.<sup>58</sup> According to the U.S. Department of Justice, there is no current reporting about whether school shootings have increased, but overall weapons-carrying and weapons-related injuries have decreased since the 1992–93 school year.<sup>59</sup> Moreover, while it is true homicide is the second-most-common cause of death among school-aged children, homicides rarely occur at school,

which includes the campus, school-sponsored events, and traveling to or from school. Since the 1992–93 school year, at-school homicides have remained at less than 3 percent of all homicides of individuals

between ages five to 18. From the 2014–15 school year to March 2018, 20 of the 1,168 homicides of school-aged children occurred at school, 1.3 percent.<sup>60</sup>

While the threat of a child being caught up in any kind of school shooting is infinitesimally small, under the current system, those who survive one still have no other option but to keep attending the school where this unspeakable trauma took place.

When you travel to the National September 11 Memorial and Museum in Lower Manhattan, Pearl Harbor, or to the battlefields of Gettysburg or Antietam, the sense that something momentous and horrifying happened there is pervasive. The air around these places is quite thick with solemnity and emotional weight. Now, imagine having to attend your school day after day and having that pervasive weight surround you as well. Imagine repeatedly having to walk past the spot where a friend or

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classmate was gunned down. If you can, then you can imagine the emotional harm this may cause to some students and why they should have the right to transfer from a school that doesn't contain that scarring emotional baggage.

## E. School Safety for Special-Needs Students

Parents of children with special needs often worry whether the school they send their child to is equipped to handle their child's unique needs. Unfortunately, many times these schools and their staff, including teachers, fail to provide an adequate educational environment.

Abuse of special-needs children by teachers and care workers is a recurring problem. Teachers whose classrooms are made up of more than 20 percent special-needs students report the highest level of frustration with their job and feelings of burnout of all teachers.<sup>61</sup> Frustrated teachers can make poor decisions, and this can lead to abuse.

A large study of public schools in 2011 in the Canadian province of Ontario found 2–11 percent of teachers were observed bullying students in general education classrooms.<sup>62</sup> Similarly, in 2009, the U.S. Government Accountability Office uncovered hundreds of cases of abuse, including deaths, in American schools from restraining and secluding stu-

dents, virtually all of whom had some form of disability.<sup>63</sup> The American Civil Liberties Union reports special-needs students are also disproportionately corporally disciplined compared to their non-special-needs peers in public schools.<sup>64</sup> Some of these children are even hit for exhibiting behaviors directly tied to their disabilities.<sup>65</sup>

Special-needs children also face threats from their peers. Studies have shown children with attention deficit or hyperactivity disorder, epilepsy, hemiplegia, diabetes, on the autism spectrum, or who stutter—just to name some of the myriad categories of special-needs students—are more likely to be bullied than children without these conditions.<sup>66</sup>

## F. Food Allergies and Health-Related Safety Issues

According to the National Center for Health Statistics, an estimated 4 percent of children in the United States have some form of food allergy.<sup>67</sup> During 1997–2007, the number of children with these allergies rose by 18 per-

cent.<sup>68</sup> There is at least one child with a food allergy in 88 percent of U.S. schools, and 16–18 percent of children with food allergies have had a reaction from accidentally ingesting an allergen while at school.<sup>69</sup>

Roughly one-third of children with food allergies report being bullied about their allergy by their peers, with most of these bullying inci-

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dents occurring at their schools.<sup>70</sup> In more than half these incidents, allergic children have been touched by an allergen, had allergens intentionally placed in their food, or had an allergen thrown at them.<sup>71</sup>

A 2017 survey commissioned by the pharmaceutical company Kaléo found 39 percent of parents of children with life-threatening food allergies say school caretakers take part in food allergy bullying.<sup>72</sup>

## Part Two: Child Safety Accounts

There are numerous legitimate reasons parents seeking to protect the safety and health of their children might want to move their kids to a different school. In many of these cases, parents cannot afford to enroll their children in costly private schools; their children are unnecessarily doomed to endure danger on a daily basis.

The Child Safety Account (CSA) is a type of education savings account (ESA) program for parents who feel, for whatever reason, their child's school is unsafe. A CSA would empower parents to transfer their children immediately to the safe schools of their choice within or beyond their resident public school districts—including public district, charter, and virtual schools—as well as private and parochial schools. CSA funds could also be used to pay for homeschooling expenses.

## A. How the CSA Would Work

With an ESA, state education funds allocated for a child are placed in a parent-controlled

savings account. Parents are then able to use a state-provided, restricted-use debit card to access the funds to pay for the resources chosen for their child's unique educational program, such as tuition at a private or parochial school, tutoring, online

classes, transportation, specialized therapies, textbooks, and even college courses for students still in high school. Funds can also be used to cover the fees required to take national standardized achievement tests, such as the SAT or ACT. Unused ESA funds can be rolled over from year to year and saved to pay for future college expenses.

Although similar to school vouchers, ESA programs are more versatile, giving parents increased flexibility in tailoring an education to their child's needs.

Under The Heartland Institute's CSA program, students would be eligible for a CSA account if their parents had a "reasonable apprehension" for their children's safety based on the experiences of their children, including bullying, hazing, or harassment. Parents could also determine their child's school isn't safe after reviewing the incidents-based statistics schools would be required to report. No longer would parents have to wait years until their school meets the Every Student Succeeds Act's too-narrow definition of "persistently danger-

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ous” or, worse, until their child becomes the victim of some form of violent crime.

Basing students’ access to a CSA on a reasonable apprehension standard is justified given the recommendation made by the U.S. Department of Education’s Office of the Inspector General, which stated dangerous schools should be defined according to objective criteria students and parents would use to determine the safety of a school.<sup>73</sup>

CSAs would help children at risk without stigmatizing schools, and only schools that are pervasively unsafe would lose a significant number of students as a result of Heartland’s CSA model. The loss of these students, and the education dollars that go with them, would force these dangerous schools to improve security to keep their existing student body and to attract new students. If dangerous schools cannot manage to institute policies to keep their students safe and a significant number of students leave as a result, those schools will shut down. This stark reality is the best assurance that more children will be kept safe at school.

## B. ‘Topping Off’ CSAs

For parents who need additional help that extends beyond what Child Safety Accounts can offer on their own, there are other measures that should be undertaken to help parents move their children into a safe school. These

programs would cover expenses that exceed the funding made available by CSAs. This process is known as “topping off”—allowing parents and others to contribute toward tuition and other expenses that exceed the amount reimbursed by a government program.

One “topping off” method is allowing parents access to income tax credits and/or deductions for education expenses, such as tuition, specialty courses, tutoring, books and supplies, and transportation costs.

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Another way to further help parents move their children out of dangerous schools would be to add a tax-credit scholarship component to the Child Safety Account program. These tax-credit scholarships would allow corporations and individuals to

deduct from their state income taxes either a partial or full amount of their donations made to a state-approved scholarship management organization, which would then grant scholarships to eligible students. This amount is usually capped at some percentage of the business’s tax liability, and the total amount of such donations is often limited by state statute, with some states including an automatic increase if the previous year’s donations exceed 90 percent of the cap. Just like ESAs, these scholarships can be used to pay for myriad educational options, including tuition, educational support services, textbooks and supplies, and summer education programs.

These “topping off” programs would allow

corporations and individuals to help fund education programs more directly and would encourage private donations to help the country's underprivileged students gain access to a high-quality education they otherwise would not be able to afford. These tuition add-ons could also increase the number of schools willing to participate in a CSA program by making sure students have the funds necessary to meet tuition costs, and by requiring that they have skin in the game, they would coax parents into becoming more involved in their children's education.<sup>74</sup>

NO ONE HAS A GREATER VESTED INTEREST IN A CHILD'S SUCCESS THAN THAT CHILD'S PARENTS OR GUARDIANS, WHICH IS WHY PARENTS SHOULD BE THE ONE TO TRIGGER A CSA, NOT SCHOOL BUREAUCRATS.

### C. How CSA Programs Should Be Implemented

Who should have the power to determine whether a student should have access to a CSA and move to another school? While states could create sanctioned boards to handle school safety cases, this would just add another level of bureaucracy that would unnecessarily delay the process in keeping students safe. The school districts themselves could never be an impartial arbiter, as they have an incentive to keep the child in the school in which he or she feels unsafe because of the funding school districts receive for that child. The same is true regarding the individual schools.

While a local school might have a greater understanding of the challenges facing a child in a dangerous environment, no one has a greater vested interest in a child's success than that

child's parents or guardians, which is why parents should be the one to trigger a CSA, not school bureaucrats.

Parents are a child's best advocate, have the greatest understanding of what it takes for their child to feel safe, and they are much more likely to have a child's best interests at heart than a panel of state or district officials, for which, sadly, many children are nothing more than case numbers or a statistic. The final decision should rest with parents alone.

### Conclusion

Students are made to feel unsafe in their school in a variety of ways and for multiple reasons, including physical and emotional bullying, random acts of violence, hazing, sexual harassment and abuse at the hands of peers and teachers, gang activity, harassment over food allergies or other special needs, and unsafe classroom conditions. And the advent of cyberbullying, which is likely to expand in the coming years, has added a new and pernicious twist to school safety.

Parents worry about the safety of their children at school just as much as their children do, if not more so. Unfortunately, as it currently stands, parents don't have many options at their disposal if they believe their child's school is an unsafe place. Unless parents can afford to send their child to a private school or



homeschool them, their child's fate is often at the whim of circumstance and an entrenched bureaucracy.

The U.S. education system's failure to protect children and provide parents with reasonable alternatives is precisely why CSA programs are so desperately needed. As things stand now, the system only effectively allows wealthier families to move their child to a safer school when they feel it is imperative. This privilege should be afforded to all families, as every child deserves to have the resources available to allow them to escape an unsafe school environment.

CSAs would offer parents a near-instantaneous solution to school safety problems by empowering them with the ability to quickly and easily move their child to the school they determine to be the best and safest fit. Further, CSAs would make parents, not some disinterested bureaucrat, the final arbiter of whether a child's school environment is unsafe.

CSA programs would not be a silver-bullet solution to the bullying and violence problems plaguing America's public schools, but they certainly would allow all families, no matter their income level, much greater access to the schools best-suited for their children and their unique safety and educational needs.

Right now, thousands of students across the United States are frustrated and hurting. They dread waking up in the morning and having to spend a day in a place where they are poorly treated and possibly even physically harmed. Their parents are hurting for them, worried about what the news from school is going to be each day, feeling exasperated and helpless because they think there is nothing they can do to help their child.

It's time to put an end to this unnecessary, cruel status quo by enacting Child Safety Accounts in every state across the country. There is no time to act like the present. America's kids are counting on us.

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Alger's research also inspired the introduction of the most school choice bills in California history—five in all—and her research was used as part of the successful legal defense by the Institute for Justice of the country's first tax-credit scholarship program in the U.S. Supreme Court (*Arizona Christian School Tuition Organization v. Winn*). Her research and commentary on education policy have been widely published and cited in leading public-policy outlets, such as Harvard University's Program on Education Policy and Governance, *Education Week*, and the *Chronicle of Higher Education*, in addition to national news media outlets, including *The Wall Street Journal*, *USA Today*, *Investor's Business Daily*, *Forbes*, *Fortune*, and the *Los Angeles Times*.

Alger has appeared on the Fox News Channel, Global News, local ABC, CBS, NBC, and PBS affiliates, as well as news radio programs across the country.

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## End Notes

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<sup>69</sup> Terence P. O'Toole, Susan Anderson, Clare Miller, and Joanne Guthrie, "Nutrition Services and Foods and Beverages Available at School: Results From the School Health Policies and Programs Study 2006," *Journal of School Health*, Volume 77, Issue 8, October 2007, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1746-1561.2007.00232.x>; Scott H. Sicherer *et al.*, "The US Peanut and Tree Nut Allergy Registry: Characteristics of reactions in schools and day care," *The Journal of Pediatrics*, Volume 138, Issue 4, April 2001, [http://www.jpeds.com/article/S0022-3476\(01\)34540-7/fulltext](http://www.jpeds.com/article/S0022-3476(01)34540-7/fulltext); Anna Nowak-Wegrzyn, Mary Kay Conover-Walker, and Robert A. Wood, "Food-Allergic Reactions in Schools and Preschools," *Archives of Pediatrics & Adolescent Medicine*, Volume 155, Issue 7, July 2001, <https://jamanetwork.com/journals/jamapediatrics/fullarticle/190822>; Also note one-quarter of the severe reactions, known as anaphylaxis, reported at schools occur to children with no known food allergies.

<sup>70</sup> Eyal Shemesh *et al.*, "Child and Parental Reports of Bullying in a Consecutive Sample of Children With Food Allergy," *Pediatrics*, Volume 131, Issue 1, December 2012, <http://pediatrics.aappublications.org/content/early/2012/12/19/peds.2012-1180>.

<sup>71</sup> *Ibid.*

<sup>72</sup> David Bloom, "'No Appetite for Bullying' Food Allergy Anti-Bullying Campaign Launches," SnackSafely.com, October 24, 2017, <https://snacksafely.com/2017/10/no-appetite-for-bullying-food-allergy-anti-bullying-campaign-launches/>.

<sup>73</sup> "California Department of Education's Compliance with the Unsafe School Choice Option," U.S. Department of Education, Office of the Inspector General, March 24, 2005, <http://www.ed.gov/about/offices/list/oig/auditreports/a09e0025.pdf>.

<sup>74</sup> John D. Merrifield and David Salisbury, "The Competitive Education Industry Concept and Why It Deserves More Scrutiny," *Cato Journal*, Vol. 25, No. 2, Spring/Summer 2005, <https://object.cato.org/sites/cato.org/files/serials/files/cato-journal/2005/5/cj25n2-2.pdf>.

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The mission of The Heartland Institute is to discover, develop, and promote free-market solutions to social and economic problems. Three things make Heartland unique among free-market think tanks:

- We communicate with more national and state elected officials, more often, than any other think tank in the U.S. In 2017, we recorded nearly a million contacts with elected officials.
- We produce four monthly public policy newspapers – *Budget & Tax News*, *Environment & Climate News*, *Health Care News*, and *School Reform News* – which present free-market ideas as news rather than research or opinion.
- We promote the work of other free-market think tanks on our websites, in our newspapers, at our events, and through our extensive government relations and media relations efforts. No-body else does more to promote the work of other think tanks than we do.

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