



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

MEMORANDUM

JUL 26 2000

TO: Michael Cohen
Assistant Secretary
Office of Elementary & Secondary Education

FROM: Lorraine Lewis *Lorraine Lewis*

SUBJECT: FINAL AUDIT REPORT
*Maryland State and Local Education Agencies' Compliance with
the Gun-Free Schools Act of 1994*
Control No. ED-OIG/A03-90023

Attached is our subject report presenting our findings and recommendations resulting from our audit of the Maryland State Department of Education and local education agencies.

In accordance with the Department's Audit Resolution Directive, you have been designated as the action official responsible for the resolution of the findings and recommendations in this report.

If you have any questions, please contact Bernard Tadley, Regional Inspector General for Audit, at (215) 656-6279.

Please refer to the above control number in all correspondence relating to this report.

Attachment

cc: William Modzeleski, Director, Safe and Drug Free Schools Program, OESE
Deborah Rudy, Group Leader, Safe and Drug Free Schools Program, OESE



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

JUL 26 2000

Ms. Nancy S. Grasmick
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Ms. Grasmick:

This **Final Audit Report** (Control Number ED-OIG/A03-90023) presents the results of our audit of Maryland State and Local Education Agencies' Compliance with the Gun Free Schools Act of 1994 (the Act). The objective of our audit was to determine if the Maryland State Department of Education (MSDE) and local education agencies (LEAs) are in compliance with the Act.

AUDIT RESULTS

We concluded that MSDE and the seven LEAs that were included in the audit were generally in compliance with the Act. Specifically, we found:

- Weaknesses in the collection and reporting of data resulted in significant errors in the data reported by MSDE.
- Confusion over what weapons qualify as a firearm resulted in errors in Maryland's count of expulsions under the Act.
- One Baltimore City Public School student who was found to have brought a firearm to school was not handled according to the Act, State law, and school district policy.

MSDE reported sixty-four firearm expulsions in the 1997-98 school year. Based upon the fieldwork we conducted at MSDE and the seven LEAs, we arrived at an adjusted count of thirty-two firearm expulsions.

A draft of this report was provided to MSDE. MSDE concurred with our findings and recommendations and noted that they are implementing actions to address the issues raised in the audit's findings. A copy of MSDE's response to the draft is included as an Attachment to this letter.

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Adjusted Count of Firearm Expulsions	
Expulsions reported by MSDE.....	64
Less: Expulsion reported in Garrett County P.S. that did not involve a firearm.....	(1)
Expulsion reported in Baltimore County P.S. that did not involve a firearm....	(1)
Expulsions reported in Baltimore City P.S. that did not involve a firearm.....	(29)
Expulsion reported in Baltimore City P.S. that could not be verified.....	(1)
Expulsion reported in Baltimore City P.S. that did not result in an actual expulsion.....	(1)
Sub-total.....	31
Add: Expulsion in Baltimore City P.S. that was not reported to MSDE.....	1
Total adjusted expulsions.....	32

Our findings are described below:

Finding No. 1 – Weaknesses in the collection and reporting of data resulted in significant errors in the data reported by MSDE.

Our audit found errors in the collection and reporting of data by MSDE and LEAs for the 1997-1998 school year. Examples of the errors we found include:

- Baltimore City Public Schools accounted for forty of the sixty-four expulsions MSDE reported to the U.S. Department of Education (ED). Of the forty reported expulsions, we found twenty-nine did not involve a firearm, one could not be verified, and one involved a firearm, but due to specific circumstances surrounding the case, did not result in an expulsion, and therefore should not have been reported¹. In addition, we found one expulsion was not reported to MSDE by Baltimore City Public Schools.
- Montgomery County Public Schools incorrectly classified one expulsion of a high school student as the expulsion of a middle school student. In addition, their data indicated no shortened expulsions, no shortened expulsions for a student who is not disabled, and no referrals to an alternative program. We found one shortened expulsion of a student who was not disabled and two expulsions that included referrals to an alternative program.
- Baltimore County Public Schools reported that all expulsions were shortened. We found that none of the expulsions for a firearm were shortened.
- MSDE reported to ED totals that do not equal the sum of the data submitted by all Maryland LEAs for the count of: shortened expulsions, shortened expulsions for students who are not disabled, and referrals to an alternative program.

¹ In requesting the number of students expelled in each state, the Gun Free Schools Act data collection instrument notes: “Do not include in your response to this question students who have brought a firearm to school but who have not been expelled, whether because of disability, an intervening court order, delays in the process, or any other reason.”

The Act requires SEAs to collect information from LEAs concerning expulsions under the State law, and report such data to ED on an annual basis. In a March 29, 1999 letter to MSDE requesting the State provide a written verification its 1997-98 data was correct, ED notes that it is committed to collecting and reporting the most accurate data. Inaccurate data can result in a misunderstanding of the nature and extent of the problem of students bringing firearms to school on a local, State, and National level. In addition, inaccurate data can result in SEA and LEA officials being unable to properly determine if the Act's provisions are being enforced consistently in their jurisdictions.

Recommendation:

1.1 We recommend that the Assistant Secretary for the Office of Elementary and Secondary Education require MSDE and Baltimore City Public Schools to improve their process of collecting and reporting expulsion data under the Act.

Finding No. 2 – Confusion over what weapons qualify as a firearm resulted in errors in Maryland's count of expulsions under the Act.

We found that of the sixty-four expulsions reported to ED by MSDE, twenty were for pellet or bb guns and seven were for cap or toy guns. Baltimore City Public Schools, Baltimore County Public Schools, and Garrett County Public Schools included pellet, bb, cap, or toy gun expulsions in their firearm expulsion reports to MSDE.

The Act and §7-305(e) of the Maryland Annotated Code, define a weapon as a *firearm* under Title 18 U.S. Code §921. Cap guns, toy guns, bb guns, and pellet guns are not considered a *firearm* under Title 18 U.S. Code §921.

Inaccurate data was reported since MSDE did not provide examples of what weapons are not a *firearm* under Title 18 U.S. Code §921. As we noted in the previous finding, inaccurate data can result in a misunderstanding of the nature and extent of the problem of students bringing firearms to school on a local, State, and National level. In addition, inaccurate data can result in SEA and LEA officials being unable to properly determine if the Act's provisions are being enforced consistently in their jurisdictions.

Recommendation:

2.1 We recommend that the Assistant Secretary for the Office of Elementary and Secondary Education require MSDE to issue guidance to LEAs noting that cap guns, toy guns, bb guns, and pellet guns are not considered a *firearm* under Title 18 U.S. Code §921, and therefore expulsions for such weapons should not be included in the annual Firearms Incident Report.

MSDE's Comments:

MSDE concurred with the audit's findings and recommendations. In regards to Findings Number 1 and 2, MSDE is implementing the following actions:

- MSDE is planning a series of workshops for Fall 2000 to ensure that everyone responsible for collecting and reporting the data understands the definitions and reporting categories.
- MSDE will conduct on-site LEA audits to validate accuracy of the reported data.
- Effective July 1, 2000, MSDE's data collection system was modified to ensure the collection of accurate data.

Finding No. 3 – One Baltimore City Public School student who was found to have brought a firearm to school was not handled according to the Act, State law, and school district policy.

Title 7 §7-305(c)(1) of the Maryland Annotated Code requires principals to notify the superintendent in writing if an expulsion is warranted. It further requires that any student, who has been found to have brought a firearm to school, be expelled for a minimum of one year, §7-305(e)(2). In addition, the Baltimore City Public School Discipline Code states that expulsion is the standard consequence for firearm possession.

In one out of twelve incidents with firearms identified in school records, a Baltimore City Public School student brought a firearm to school, was not expelled, but instead was allowed to withdraw by the school's administration. Baltimore City Public School administration was not informed of the incident. It should be noted that the Baltimore City Public School Police did arrest and charge the student for possession of a handgun.

The student was allowed to withdraw from school due to a procedural error on the part of the school's administration. An expulsion would not appear in the student's permanent record, allowing the student to enroll in another school.

Recommendation:

3.1 We recommend that the Assistant Secretary for the Office of Elementary and Secondary Education require MSDE to work with Baltimore City Public Schools to ensure that all students who are found to have brought a firearm to school are handled according to the Act, State law, and school district policy.

MSDE's Comments:

MSDE concurred with the audit's findings and recommendations. In regards to Finding Number 3, MSDE noted that Baltimore City Public Schools will be included in their audit of discipline data to ensure that incidents are properly reported and that students are disciplined in accordance with the Act, State law, and school district policy. In addition, discussions have been held between MSDE and Baltimore City Public Schools to resolve this issue.

BACKGROUND

The Gun Free Schools Act of 1994 (Title 20 U.S. Code §8921, 8922, and 8923) requires States to have in effect a law requiring LEAs to expel from school for a period of not less than one year a student who is determined to have brought a firearm to school, except that such State law shall allow the LEA's chief administering officer to modify such expulsion requirement on a case-by-case basis. The Act also requires SEAs to report annually to ED information on firearm expulsions under the State law. The Act does not require LEAs to expel students for the possession of weapons that are not a firearm, such as pellet guns and bb guns. However, States may choose to take such disciplinary action against students found in possession of these weapons; but the expulsions would not be reported to ED under the Act.

The Act requires LEAs to comply with the State law, provide an assurance of compliance with the State law to the SEA, report annually to the SEA information on expulsions under the State law, and implement a policy requiring referral to a criminal justice or juvenile delinquency system of any student who brings a weapon to school.

The State of Maryland has 24 LEAs. For the 1997-98 school year, 10 LEAs reported a total of 64 expulsions of students who brought firearms to school.

AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

The objective of our audit was to determine if the MSDE and LEAs are in compliance with the Act.

Our audit covered the 1997-1998 school year. Our work in Maryland represented the survey phase of a multi-State audit of SEA and LEA compliance with the Act. We selected seven States as auditees; six of the States, including Maryland, were randomly selected. Within the State of Maryland, we selected seven LEAs for inclusion in the audit, six of which were randomly selected. On the basis of student population, the LEAs within the State were categorized as large, medium, or small. Six LEAs, two from each category, were then randomly selected. The six LEAs randomly selected from large to small were Montgomery County Public Schools, Baltimore County Public Schools, Cecil County Public Schools, Calvert County Public Schools, Caroline County Public Schools, and Dorchester County Public Schools; Baltimore City Public Schools was also included

in the audit because they were the largest urban LEA in the State. We selected four schools within each of the LEAs where we conducted interviews with school administration and faculty.

To accomplish our objective, we reviewed applicable Maryland State laws and LEA policies, the methodology used by MSDE and LEAs to collect and report expulsion data, and selected student disciplinary files. We interviewed MSDE, LEA, and school administrators, teachers, counselors, parent organization representatives, and law enforcement officials.

Summary of Officials Interviewed			
LEA Administrators	43	Parent Representatives	10
School Administrators	56	School Security Staff	6
Teachers	90	Law Enforcement Officials	24
Guidance Counselors	58	Total	287

We performed fieldwork at MSDE and the seven selected LEAs between November 1999 and January 2000. Our audit was performed in accordance with government auditing standards appropriate to the scope of the review described above.

STATEMENT OF MANAGEMENT CONTROLS

As part of our review we assessed the system of management controls, policies, procedures, and practices applicable to MSDE's and the selected LEAs' compliance with the Act. Our assessment was performed to determine the level of control risk for determining the nature, extent, and timing of our substantive tests to accomplish the audit objectives.

For purposes of this report, we assessed and classified the significant controls into the following categories:

- Compliance with the State law expulsion requirement and referral policy.
- Data collection and reporting.

Because of inherent limitations, a study and evaluation made for the limited purpose described above would not necessarily disclose all material weaknesses in the management controls. However, our assessment disclosed significant management control weaknesses which adversely affected MSDE's and the selected LEAs' ability to comply with the Act. These weaknesses included inadequate procedures for collecting and reporting data and inadequate guidance. These weaknesses and their effects are discussed in the Audit Results section of this report.

If you have any additional comments or information that you believe may have a bearing on the resolution of this audit, you should send them directly to the following Department of Education official, who will consider them before taking final Department action on the audit:

Michael Cohen
Assistant Secretary for Elementary
and Secondary Education
400 Maryland Avenue
Room 3W315
Washington, DC 20202

Office of Management and Budget Circular A-50 directs Federal agencies to expedite the resolution of audits by initiating timely action on the findings and recommendations contained therein. Therefore, receipt of your comments within 30 days would be greatly appreciated.

In accordance with the Freedom of Information Act (Public Law 90-23), reports issued to the Department's grantees and contractors are made available, if requested, to members of the press and general public to the extent information contained therein is not subject to exemption in the Act.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Lewis".

Lorraine Lewis

Attachment



July 3, 2000

RECEIVED JUL 11 2000
Exh. 1

Mr. Bernard Tadley
Regional Inspector General for Audit
United States Department of Education
Office of the Inspector General
100 Penn Square East, Suite 502
The Wanamaker Building
Philadelphia, Pennsylvania 19107

Dear Mr. Tadley:

Thank you for the opportunity to review and comment on the findings and recommendations of the Draft Audit Report (Control Number ED-IOG/A03-90023) of the audit of the Maryland State and Local Education Agencies' Compliance with the Gun-Free Schools Act of 1994 (the Act). We concur with the findings and recommendations and provide the following comments on corrective actions taken/contemplated:

- **Finding No. 1** – Weaknesses in the collection and reporting of data resulted in significant errors in the data reported by MSDE and **Finding No. 2** – Confusion over what weapons qualify as a firearm resulted in errors in Maryland's count of expulsions under the Act.

Comment: The Maryland State Department of Education (MSDE) attempted to verify the accuracy of the data with local education agencies (LEAs) several times prior to submitting the report to the United States Department of Education. Upon initial investigation, it appears that the errors in reporting the data were made at the school level. Incidents were reported as involving firearms that actually involved weapons other than firearms. It also appears that the information reported by schools was not verified at the LEA level. MSDE's verification attempt therefore resulted in capturing and reporting incorrect information.

MSDE is planning a series of workshops for Fall 2000 to ensure that the definitions and reporting categories are understood by everyone responsible for collecting and reporting the data. MSDE staff will also conduct on-site LEA audits to validate accuracy of the reported data. The audit process is currently being developed. The data collection system has been modified to ensure the collection of accurate data. These modifications became effective on July 1, 2000.

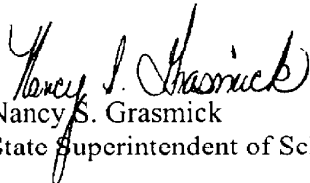
Mr. Bernard E. Tadley
July 3, 2000
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- **Finding No. 3** – Not all Baltimore City Public School students who were found to have brought a firearm to school were handled according to the Act, State law, and school district policy.

Comment: Baltimore City Public Schools will be included in MSDE's audit of discipline data to ensure that incidents are properly reported and that students are disciplined in accordance with the Act, State law, and school district policy. Several discussions have already been held between MSDE and Baltimore City Public Schools staff to resolve this issue.

Again, thank you for the opportunity to comment on the findings and recommendations of the audit. We also welcome any additional information you may have about successful practices identified in other states. If you have any questions or need additional information, please contact me at (410) 767-0462 or Dr. Lynn Linde, Chief, Student Services and Alternative Programs Branch, at (410) 767-0311 or E-mail llinde@msde.state.md.us.

Sincerely,


Nancy S. Grasmick
State Superintendent of Schools

NSG:LEL:kw

c: Dr. Lynn Linde

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