



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

Dr. Carol V. Francois
Associate Commissioner
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701-1494

JUN 20 2000

Dear Dr. Francois:

This **Final Audit Report** (Control Number ED-OIG/A06-A0005) presents the results of our audit of Texas State and Local Education Agencies' Compliance with the Gun-Free Schools Act of 1994 (Act). The objective of our audit was to determine if the Texas Education Agency (State) and local education agencies (districts) were in compliance with the Act for the 1997-98 school year.

AUDIT RESULTS

We concluded that the State and six selected districts were generally in compliance with the Act. We determined that the State should have reported to the U.S. Department of Education (Department) three less expulsions for the 1997-98 school year than were actually reported. One district submitted data to the State concerning two expulsions that should have been reported in different time periods. One of the expulsions should have been reported in 1996-97, and the other one should have been reported in 1998-99. Another district submitted data to the State concerning one expulsion that should not have been reported because the incident involved a gun clip, which is not considered a firearm under the Act. The reporting of the remaining four districts was accurate. The following table summarizes the firearm-related expulsions.

DISTRICT	EXPULSIONS THAT WERE REPORTED	EXPULSIONS THAT SHOULD HAVE BEEN REPORTED	DIFFERENCE
Houston	24	22	2
Fort Worth	3	3	0
United	1	0	1
Plainview	0	0	0
Central	0	0	0
Crawford	0	0	0
TOTAL	28	25	3

Other than the overreporting described, nothing came to our attention during the course of the audit which would lead us to believe that the State and the six districts did not comply with the Act. The results of this audit will be incorporated into another report that will cover our audit work in Texas and six other states.

Background

The Gun-Free Schools Act of 1994 (Title 20 U.S. Code Sections 8921, 8922, and 8923) requires states to have in effect a law requiring districts 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 district's chief administrative officer to modify such expulsion requirement on a case-by-case basis. The Act also requires States to report annually to the Department information on firearm expulsions under the state law. The Act does not require districts to expel students for the possession of weapons that are not defined as firearms (for example, pellet guns and BB guns). States may choose to take such disciplinary action against students found in possession of those weapons. However, those expulsions should not be reported to the Department under the Act.

The Act also requires districts to comply with the state law, provide to the State assurances of compliance with the state law, report annually to the State information on expulsions under the state law, and implement policies requiring referral to criminal justice or juvenile delinquency systems of students who take firearms to school.

The State of Texas has 1,204 school districts. For the 1997-98 school year, 169 districts reported a total of 424 expulsions of students who brought firearms to school.

Objective, Scope, and Methodology

The objective of our audit was to determine if the State and the districts were in compliance with the Act for the 1997-98 school year. Our work in Texas was part of a multi-state audit of state and local compliance with the Act. Seven states were selected as auditees; six of the states, including Texas, were randomly selected. On the basis of student population, the districts within the State were categorized as large, medium, or small. Twelve districts (four from each category) were then randomly selected. From the 12 districts, we judgmentally selected six (two from each category) for audit site visits. The six districts from large to small were Houston, Fort Worth, United, Plainview, Central, and Crawford.

To accomplish our objective, we reviewed the applicable Texas law and school district policies, the methodology used by the State and the districts to collect and report expulsion data, and relevant student disciplinary files. Within each of the six districts, we selected up to four schools for site visits. We interviewed 198 State, district, school, and law enforcement officials.

Summary of Officials Interviewed			
State Administrators	3	Guidance Counselors	35
District Administrators	16	School Security Staff	8
Principals & Assistant Principals	40	Parent-Teacher Representatives	10
Teachers	75	Law Enforcement Officials	11
Subtotals	134		64
Total			198

We performed field work at the State and the six districts during February through April 2000. Our audit was performed in accordance with government auditing standards appropriate to the scope of the review described above.

Statement on Management Controls

As part of our review, we assessed the management control systems of the State and the six selected districts. We gave attention to the policies, procedures, and practices applicable to their 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 objective.


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

- Compliance with the state law expulsion requirement
- Compliance with the state law referral policy
- Collecting and reporting of data

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. We did not consider the overreporting issue described in the *Audit Results* section of this report to be a significant control weakness.

We appreciate the cooperation and assistance extended by your staff during the audit. You are not required to respond to this report. However, if you desire to discuss it, please call me at 202-205-5439 or Lee Greear, Acting Regional Inspector General for Audit, in Dallas, Texas, at 214-880-3031.

Sincerely,

A handwritten signature in black ink that reads "Lorraine Lewis". The signature is written in a cursive, flowing style.

Lorraine Lewis
Inspector General

cc: Michael Cohen, Assistant Secretary for Elementary and Secondary Education
William Modzeleski, Director, Safe and Drug-Free Schools & Communities, OESE