

117TH CONGRESS
1ST SESSION

H. R. 5428

To require the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on indicators of school crime and safety that includes data on school shootings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2021

Ms. WASSERMAN SCHULTZ (for herself, Mrs. HAYES, and Mrs. MCBATH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on indicators of school crime and safety that includes data on school shootings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Shooting Safety
5 and Preparedness Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) TITLE 18 DEFINITIONS.—The terms “fire-
2 arm” and “ammunition” have the meanings given
3 such terms in section 921 of title 18, United States
4 Code. The term “large capacity ammunition feeding
5 device” has the meaning given such term in section
6 921 of title 18, United States Code, as in effect on
7 September 1, 2004.

8 (2) MASS SHOOTING.—The term “mass shoot-
9 ing” means a shooting during which three or more
10 individuals, not including the shooter, were injured
11 or killed in one location or in multiple locations in
12 close proximity.

13 (3) SCHOOL.—The term “school” means—

14 (A) an early childhood education program
15 (as defined in section 103 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1003));

17 (B) an elementary school (as defined in
18 section 8101 of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 7801));

20 (C) a secondary school (as defined in sec-
21 tion 8101 of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 7801)); and

23 (D) an institution of higher education (as
24 defined in section 102 of the Higher Education
25 Act of 1965 (20 U.S.C. 1002)).

1 (4) SCHOOL SHOOTING.—The term “school
2 shooting”—

3 (A) means an event or occurrence—

4 (i) during which one or more individ-
5 uals were injured or killed by a firearm;
6 and

7 (ii) that occurred—

8 (I) in, or on the grounds of, a
9 school, even if before or after school
10 hours;

11 (II) while the victim was trav-
12 eling to or from a regular session at
13 school; or

14 (III) while the victim was attend-
15 ing or traveling to or from an official
16 school sponsored event; and

17 (B) does not include an accidental shoot-
18 ing.

19 **SEC. 3. ANNUAL REPORT ON INDICATORS OF SCHOOL**
20 **CRIME AND SAFETY.**

21 (a) IN GENERAL.—The Secretary of Education, in
22 consultation with the Attorney General and the Secretary
23 of Health and Human Services, shall publish not less fre-
24 quently than on an annual basis a report on indicators
25 of school crime and safety. Such report shall be produced

1 by the National Center for Education Statistics of the De-
2 partment of Education in consultation with the Bureau
3 of Justice Statistics of the Department of Justice. Such
4 report shall include, at a minimum, an updated version
5 of the information provided in the National Center for
6 Education Statistics report NCES 2021–092 issued in
7 July 2021, and the data described in subsections (b) and
8 (d).

9 (b) STATISTICS ON SCHOOL SHOOTINGS.—In col-
10 lecting data on school shootings to be compiled in the an-
11 nual report described in subsection (a), the National Cen-
12 ter for Education Statistics shall collect at a minimum the
13 following data annually:

14 (1) The number of school shootings that have
15 taken place nationwide.

16 (2) Of the school shootings described in para-
17 graph (1), the number that were mass shootings.

18 (3) Of the school shootings described in para-
19 graph (1), the number that were suicides.

20 (4) The number of people killed in each school
21 shooting, including—

22 (A) the number of people whose cause of
23 death was attributable to wound by firearm;
24 and

1 (B) the number of people having some
2 other cause of death.

3 (5) The number of people injured in each school
4 shooting, including—

5 (A) the number of people wounded by fire-
6 arm; and

7 (B) the number of people injured in some
8 other manner.

9 (6) The time of the shooting and whether it oc-
10 curred during school hours.

11 (7) The demographics of each school, includ-
12 ing—

13 (A) the locale code of the school, as deter-
14 mined by the Secretary of Education; and

15 (B) student demographic data disaggre-
16 gated by—

17 (i) economically disadvantaged stu-
18 dents as compared to students who are not
19 economically disadvantaged;

20 (ii) each major racial and ethnic
21 group;

22 (iii) children with disabilities as com-
23 pared to children without disabilities; and

24 (iv) English proficiency status.

1 (8) The personal characteristics of each victim
2 in the shooting, including, at a minimum, the vic-
3 tim's—

- 4 (A) age;
- 5 (B) gender;
- 6 (C) race;
- 7 (D) ethnicity; and
- 8 (E) nationality.

9 (9) The personal characteristics of the shooter,
10 including, at a minimum the shooter's—

- 11 (A) age;
- 12 (B) gender;
- 13 (C) race;
- 14 (D) ethnicity;
- 15 (E) nationality; and
- 16 (F) relationship to the school.

17 (10) The motivation of the shooter, including
18 any real or perceived bias based on race, religion,
19 ethnicity, nationality, or sex (including sexual ori-
20 entation or gender identity).

21 (11) How the shooting was stopped, includ-
22 ing—

- 23 (A) whether the shooter was injured or
- 24 killed, and if so, by whom; and

1 (B) if not, what was the other outcome of
2 the incident (such as escape, arrest, or suicide).

3 (12) The number and type of firearms and am-
4 munition that were used in each shooting, includ-
5 ing—

6 (A) the make and model of the firearm;

7 (B) the manufacturer of the firearm;

8 (C) the make and model of the ammuni-
9 tion;

10 (D) the manufacturer of the ammunition;

11 (E) whether a large capacity ammunition
12 feeding device was present at the scene or used
13 during the shooting; and

14 (F) the number of rounds of ammunition
15 fired by the shooter over the course of the
16 shooting.

17 (13) Where each of the firearms used in each
18 shooting was obtained and how, including—

19 (A) whether the firearm was registered;
20 and

21 (B) whether the firearm was purchased
22 from a licensed gun dealer or an unlicensed
23 sale.

1 (14) If the original purchaser was not the
2 shooter, what was, if any, the original purchaser's
3 relationship to the shooter.

4 (15) If the original purchaser was not the
5 shooter and the firearm was obtained from the
6 shooter's home, the gun storage practices being used
7 in the home, and whether the gun owner was
8 charged with failing to properly secure his or her
9 firearm.

10 (16) Whether the school had one or more teach-
11 ers, as that term is defined in section 8553 of the
12 Elementary and Secondary Education Act of 1965
13 (20 U.S.C. 7943), who were armed, and if so,
14 whether such armed teacher or teachers stopped the
15 incident by shooting the shooter.

16 (17) How long did the shooting last (the ap-
17 proximate elapsed time between the first and last
18 shots fired).

19 (18) What was the response time of law en-
20 forcement.

21 (c) HISTORIC STATISTICS ON SCHOOL SHOOTINGS.—
22 The Secretary of Education shall direct the National Cen-
23 ter for Education Statistics—

24 (1) to collect, to the extent practicable, the data
25 required in subsection (b) for shootings that oc-

1 curred before the date of the enactment of this Act;
2 and

3 (2) to publish such data as revisions to the
4 most applicable annual reports on indicators of
5 school crime and safety issued by the National Cen-
6 ter for Education Statistics before the date of the
7 enactment of this Act.

8 (d) SAFETY AND PREVENTION.—In collecting data
9 on school shootings to be compiled in the annual report
10 described in subsection (a), the National Center for Edu-
11 cation Statistics shall collect, at a minimum, information
12 on the existence or absence of the following measures at
13 the time of the shooting at schools where a school shooting
14 occurred in the previous year:

15 (1) Physical security measures, including—

16 (A) building envelopes and interiors de-
17 signed to protect occupants from human
18 threats; and

19 (B) other physical security measures de-
20 signed to avert and restrict violence.

21 (2) Other types of security measures, including
22 measures designed to preserve open learning envi-
23 ronments that positively influence student behavior.

24 (3) A communication plan with local law en-
25 forcement.

1 (4) A response plan that includes coordination
2 with local agencies (law enforcement, fire depart-
3 ment, hospitals, etc.).

4 (5) An active shooter response plan (including
5 the use of an alert system to notify students, faculty,
6 and parents or guardians).

7 (6) Any other similar type of safety or preven-
8 tion measure in place at the time of the school
9 shooting.

10 (e) RULE OF CONSTRUCTION.—In collecting data on
11 school shootings to be compiled in the annual report de-
12 scribed in subsection (a), any data disaggregation required
13 by subsection (b) shall not be required in the case where
14 such disaggregation would reveal personally identifiable
15 information about any individual.

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