



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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September 12, 2018

To: District Superintendents
Superintendents of Local Educational Agencies
Public Charter School Building Leaders

From: MaryEllen Elia, Commissioner

Subject: Prohibition Against Using Title IV, Part A Funds for Firearms

Date: September 12, 2018

Following up on the [statement](#) Board of Regents Chancellor Betty A. Rosa and I issued on August 23, 2018, this memo affirms the rights of all students in New York to attend school in a safe and secure environment that is free of weapons. The New York State Education Department (NYSED or “the Department”) **will not** allow local educational agencies (LEAs) to use Title IV, Part A funds – or any other federal or state funds – for the purposes of purchasing, storing, or training school staff in the use of firearms under any circumstances. There is no place in our schools for weapons, no matter the intentions.

States have long held the right to interpret federal “use of funds” rules more restrictively than required under federal law, including limiting the use of funds for activities that may technically be allowable. Even if the United States Department of Education (USDE) creates policy allowing the use of funds for purchasing guns for school staff, NYSED has the authority – and will exercise that authority – to restrict such uses within New York State LEAs.

It is our interpretation that expending education funds to purchase guns for use by teachers and other school staff is inconsistent with the definition of drug and violence prevention programming under the Every Student Succeeds Act (ESSA). Specifically, Section 4102(5)(B) of ESSA defines drug and violence prevention as “with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of

a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.”

In addition, allowing Title IV funds to purchase guns for use by teachers and other school staff does not meet the “reasonable and necessary” requirements for the performance of federal education grants, as outlined in the Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. The purchase of guns is neither reasonable nor necessary for meeting the purpose of the program, which is focused on providing all students with a high-quality education by: increasing the capacity of LEAs, schools, and local communities to provide all students with access to a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students.

The Department is focused on promoting a relationship of trust, cultural responsiveness, and respect between schools and families; ensuring that schools are safe havens for students and their teachers, where they are free to learn and teach, to laugh, and continually grow together. There is nothing more important than the safety and security of our students, and we are committed to continuing to partner with you to advance social emotional learning and well-being to promote positive school climates. We simply cannot afford to use federal education dollars that are intended for teaching and learning to pay for weapons that will compromise our schools and communities.