

Calendar No. 102117TH CONGRESS
1ST SESSION**S. 111****[Report No. 117-29]**

To establish the Federal Clearinghouse on School Safety Best Practices,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. JOHNSON (for himself, Mr. SCOTT of Florida, and Mr. RUBIO) introduced
the following bill; which was read twice and referred to the Committee
on Homeland Security and Governmental Affairs

JULY 19, 2021

Reported by Mr. PETERS, without amendment

A BILL

To establish the Federal Clearinghouse on School Safety
Best Practices, 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 “Luke and Alex School
5 Safety Act of 2021”.

1 **SEC. 2. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY**
2 **BEST PRACTICES.**

3 (a) IN GENERAL.—Subtitle A of title XXII of the
4 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
5 is amended by inserting after section 2215 the following:

6 **“SEC. 2216. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY**
7 **BEST PRACTICES.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary, in coordina-
10 tion with the Secretary of Education, the Attorney
11 General, and the Secretary of Health and Human
12 Services, shall establish a Federal Clearinghouse on
13 School Safety Best Practices (in this section referred
14 to as the ‘Clearinghouse’) within the Department.

15 “(2) PURPOSE.—The Clearinghouse shall be
16 the primary resource of the Federal Government to
17 identify and publish online through
18 SchoolSafety.gov, or any successor website, the best
19 practices and recommendations for school safety for
20 use by State and local educational agencies, institu-
21 tions of higher education, State and local law en-
22 forcement agencies, health professionals, and the
23 general public.

24 “(3) PERSONNEL.—

25 “(A) ASSIGNMENTS.—The Clearinghouse
26 shall be assigned such personnel and resources

1 as the Secretary considers appropriate to carry
2 out this section.

3 “(B) DETAILEES.—The Secretary of Edu-
4 cation, the Attorney General, and the Secretary
5 of Health and Human Services may detail per-
6 sonnel to the Clearinghouse.

7 “(4) EXEMPTIONS.—

8 “(A) PAPERWORK REDUCTION ACT.—
9 Chapter 35 of title 44, United States Code
10 (commonly known as the ‘Paperwork Reduction
11 Act’) shall not apply to any rulemaking or in-
12 formation collection required under this section.

13 “(B) FEDERAL ADVISORY COMMITTEE
14 ACT.—The Federal Advisory Committee Act (5
15 U.S.C. App.) shall not apply for the purposes of
16 carrying out this section.

17 “(b) CLEARINGHOUSE CONTENTS.—

18 “(1) CONSULTATION.—In identifying the best
19 practices and recommendations for the Clearing-
20 house, the Secretary may consult with appropriate
21 Federal, State, local, Tribal, private sector, and non-
22 governmental organizations.

23 “(2) CRITERIA FOR BEST PRACTICES AND REC-
24 OMMENDATIONS.—The best practices and rec-

1 ommendations of the Clearinghouse shall, at a min-
2 imum—

3 “(A) involve comprehensive school safety
4 measures, including threat prevention, pre-
5 paredness, protection, mitigation, incident re-
6 sponse, and recovery to improve the safety pos-
7 ture of a school upon implementation;

8 “(B) include any evidence or research ra-
9 tionale supporting the determination of the
10 Clearinghouse that the best practice or rec-
11 ommendation under subparagraph (A) has been
12 shown to have a significant effect on improving
13 the health, safety, and welfare of persons in
14 school settings, including—

15 “(i) relevant research that is evidence-
16 based, as defined in section 8101 of the
17 Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 7801), supporting the
19 best practice or recommendation;

20 “(ii) findings and data from previous
21 Federal or State commissions recom-
22 mending improvements to the safety pos-
23 ture of a school; or

24 “(iii) other supportive evidence or
25 findings relied upon by the Clearinghouse

1 in determining best practices and rec-
2 ommendations to improve the safety pos-
3 ture of a school upon implementation; and

4 “(C) include information on Federal grant
5 programs for which implementation of each best
6 practice or recommendation is an eligible use
7 for the program.

8 “(3) PAST COMMISSION RECOMMENDATIONS.—

9 To the greatest extent practicable, the Clearinghouse
10 shall present, as appropriate, Federal, State, local,
11 Tribal, private sector, and nongovernmental organi-
12 zation issued best practices and recommendations
13 and identify any best practice or recommendation of
14 the Clearinghouse that was previously issued by any
15 such organization or commission.

16 “(c) ASSISTANCE AND TRAINING.—The Secretary
17 may produce and publish materials on the Clearinghouse
18 to assist and train educational agencies and law enforce-
19 ment agencies on the implementation of the best practices
20 and recommendations.

21 “(d) CONTINUOUS IMPROVEMENT.—The Secretary
22 shall—

23 “(1) collect for the purpose of continuous im-
24 provement of the Clearinghouse—

25 “(A) Clearinghouse data analytics;

1 “(B) user feedback on the implementation
2 of resources, best practices, and recommenda-
3 tions identified by the Clearinghouse; and

4 “(C) any evaluations conducted on imple-
5 mentation of the best practices and rec-
6 ommendations of the Clearinghouse; and

7 “(2) in coordination with the Secretary of Edu-
8 cation, the Secretary of Health and Human Services,
9 and the Attorney General—

10 “(A) regularly assess and identify Clear-
11 inghouse best practices and recommendations
12 for which there are no resources available
13 through Federal Government programs for im-
14 plementation; and

15 “(B) establish an external advisory board,
16 which shall be comprised of appropriate State,
17 local, Tribal, private sector, and nongovern-
18 mental organizations, including organizations
19 representing parents of elementary and sec-
20 ondary school students, to—

21 “(i) provide feedback on the imple-
22 mentation of best practices and rec-
23 ommendations of the Clearinghouse; and

1 “(ii) propose additional recommenda-
2 tions for best practices for inclusion in the
3 Clearinghouse.

4 “(e) PARENTAL ASSISTANCE.—The Clearinghouse
5 shall produce materials to assist parents and legal guard-
6 ians of students with identifying relevant Clearinghouse
7 resources related to supporting the implementation of
8 Clearinghouse best practices and recommendations.”.

9 (b) TECHNICAL AMENDMENTS.—The table of con-
10 tents in section 1(b) of the Homeland Security Act of
11 2002 (Public Law 107–296; 116 Stat. 2135) is amended
12 by inserting after the item relating to section 2215 the
13 following:

“Sec. 2216. Federal Clearinghouse on School Safety Best Practices.”.

14 **SEC. 3. NOTIFICATION OF CLEARINGHOUSE.**

15 (a) NOTIFICATION BY THE SECRETARY OF EDU-
16 CATION.—The Secretary of Education shall provide writ-
17 ten notification of the publication of the Federal Clearing-
18 house on School Safety Best Practices (referred to in this
19 section and section 4 as the “Clearinghouse”), as required
20 to be established under section 2216 of the Homeland Se-
21 curity Act of 2002, as added by section 2 of this Act, to—

22 (1) every State and local educational agency;

23 and

24 (2) other Department of Education partners in
25 the implementation of the best practices and rec-

1 ommendations of the Clearinghouse, as determined
2 appropriate by the Secretary of Education.

3 (b) NOTIFICATION BY THE SECRETARY OF HOME-
4 LAND SECURITY.—The Secretary of Homeland Security
5 shall provide written notification of the publication of the
6 Clearinghouse, as required to be established under section
7 2216 of the Homeland Security Act of 2002, as added
8 by section 2 of this Act, to—

- 9 (1) every State homeland security advisor;
10 (2) every State department of homeland secu-
11 rity; and
12 (3) other Department of Homeland Security
13 partners in the implementation of the best practices
14 and recommendations of the Clearinghouse, as deter-
15 mined appropriate by the Secretary of Homeland Se-
16 curity.

17 (c) NOTIFICATION BY THE SECRETARY OF HEALTH
18 AND HUMAN SERVICES.—The Secretary of Health and
19 Human Services shall provide written notification of the
20 publication of the Clearinghouse, as required to be estab-
21 lished under section 2216 of the Homeland Security Act
22 of 2002, as added by section 2 of this Act, to—

- 23 (1) every State department of public health;
24 and

1 (2) other Department of Health and Human
2 Services partners in the implementation of the best
3 practices and recommendations of the Clearing-
4 house, as determined appropriate by the Secretary of
5 Health and Human Services.

6 (d) NOTIFICATION BY THE ATTORNEY GENERAL.—
7 The Attorney General shall provide written notification of
8 the publication of the Clearinghouse, as required to be es-
9 tablished under section 2216 of the Homeland Security
10 Act of 2002, as added by section 2 of this Act, to—

11 (1) every State department of justice; and

12 (2) other Department of Justice partners in the
13 implementation of the best practices and rec-
14 ommendations of the Clearinghouse, as determined
15 appropriate by the Attorney General.

16 **SEC. 4. GRANT PROGRAM REVIEW.**

17 (a) FEDERAL GRANTS AND RESOURCES.—The Sec-
18 retary of Education, the Secretary of Homeland Security,
19 the Secretary of Health and Human Services, and the At-
20 torney General shall each—

21 (1) review grant programs administered by
22 their respective agency and identify any grant pro-
23 gram that may be used to implement best practices
24 and recommendations of the Clearinghouse;

1 (2) identify any best practices and rec-
2 ommendations of the Clearinghouse for which there
3 is not a Federal grant program that may be used for
4 the purposes of implementing the best practice or
5 recommendation as applicable to the agency; and

6 (3) periodically report any findings under para-
7 graph (2) to the appropriate committees of Con-
8 gress.

9 (b) STATE GRANTS AND RESOURCES.—The Clearing-
10 house shall, to the extent practicable, identify, for each
11 State—

12 (1) each agency responsible for school safety in
13 the State, or any State that does not have such an
14 agency designated;

15 (2) any grant program that may be used for the
16 purposes of implementing best practices and rec-
17 ommendations of the Clearinghouse; and

18 (3) any resources other than grant programs
19 that may be used to assist in implementation of best
20 practices and recommendations of the Clearing-
21 house.

22 **SEC. 5. RULES OF CONSTRUCTION.**

23 (a) WAIVER OF REQUIREMENTS.—Nothing in this
24 Act or the amendments made by this Act shall be con-

1 strued to create, satisfy, or waive any requirement
2 under—

3 (1) title II of the Americans With Disabilities
4 Act of 1990 (42 U.S.C. 12131 et seq.);

5 (2) the Rehabilitation Act of 1973 (29 U.S.C.
6 701 et seq.);

7 (3) title VI of the Civil Rights Act of 1964 (42
8 U.S.C. 2000d et seq.);

9 (4) title IX of the Education Amendments of
10 1972 (20 U.S.C. 1681 et seq.); or

11 (5) the Age Discrimination Act of 1975 (42
12 U.S.C. 6101 et seq.).

13 (b) PROHIBITION ON FEDERALLY DEVELOPED, MAN-
14 DATED, OR ENDORSED CURRICULUM.—Nothing in this
15 Act or the amendments made by this Act shall be con-
16 strued to authorize any officer or employee of the Federal
17 Government to engage in an activity otherwise prohibited
18 under section 103(b) of the Department of Education Or-
19 ganization Act (20 U.S.C. 3403(b)).

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