

1 **TITLE V—SAFE SCHOOLS FOR**
2 **THE 21ST CENTURY**

3 **SEC. 501. SAFE SCHOOLS.**

4 Title V is amended to read as follows:

5 **“TITLE V—SAFE SCHOOLS FOR**
6 **THE 21ST CENTURY**

7 **“PART A—SUPPORTING DRUG AND VIOLENCE**
8 **PREVENTION AND EDUCATION FOR STU-**
9 **DENTS AND COMMUNITIES**

10 **“SEC. 5001. SHORT TITLE.**

11 “‘This part may be cited as the ‘Safe Schools for the
12 21st Century Act of 2001’.

13 **“SEC. 5002. PURPOSE.**

14 “‘The purpose of this part is to support programs that
15 prevent the use of drugs, prevent violence, provide before
16 and after school activities and supervision for school age
17 youth, involve parents and communities, and are coordi-
18 nated with related Federal, State, and community efforts
19 and resources to foster a learning environment in which
20 students increase their academic achievement, through the
21 provision of Federal assistance to—

22 “(1) States for grants to local educational agen-
23 cies and consortia of such agencies to establish, op-
24 erate, and improve local programs of drug and vio-

1 lence prevention in elementary and secondary
2 schools;

3 “(2) States for grants to local educational agen-
4 cies, in partnership with community-based organiza-
5 tions, religious organizations, and other public enti-
6 ties and private organizations, for before and after
7 school programs for youth; and

8 “(4) public and private nonprofit and for-profit
9 organizations to conduct training, demonstrations,
10 and evaluations.

11 **“SEC. 5003. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated—

13 “(1) \$1,470,000,000 for fiscal year 2002, and
14 such sums as may be necessary for each of the 4
15 succeeding fiscal years, for State grants under sub-
16 part 1; and

17 “(2) \$20,000,000 for fiscal year 2002, and for
18 each of the 4 succeeding fiscal years, for national
19 programs under subpart 2.

20 **“Subpart I—School Safety**

21 **“SEC. 5111. RESERVATIONS AND ALLOTMENTS.**

22 “(a) RESERVATIONS.—From the amount made avail-
23 able under section 5003(1) to carry out this part for each
24 fiscal year, the Secretary—

1 “(1) shall reserve 0.5 percent or \$73,500,000
2 (whichever is greater) of such amount for grants
3 under this subpart to Guam, American Samoa, the
4 United States Virgin Islands, and the Common-
5 wealth of the Northern Mariana Islands, to be allot-
6 ted in accordance with the Secretary’s determination
7 of their respective needs; and

8 “(2) shall reserve 0.5 percent or \$73,500,000
9 (whichever is greater) of such amount for the Sec-
10 retary of the Interior to carry out programs under
11 this part for Indian youth.

12 “(b) STATE ALLOTMENTS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), the Secretary shall, for each fiscal year,
15 allocate among the States—

16 “(A) one-half of the remainder not re-
17 served under subsection (a) according to the
18 ratio between the school-aged population of
19 each State and the school-aged population of all
20 the States; and

21 “(B) one-half of such remainder according
22 to the ratio between the amount each State re-
23 ceived under part A of title I for the preceding
24 year and the sum of such amounts received by
25 all the States.

1 “(2) MINIMUM.—For any fiscal year, no State
2 shall be allotted under this subsection an amount
3 that is less than one-half of 1 percent of the total
4 amount allotted to all the States under this sub-
5 section.

6 “(c) REALLOTMENT OF UNUSED FUNDS.—If any
7 State does not apply for an allotment under this subpart
8 for a fiscal year, the Secretary shall reallocate the amount
9 of the State’s allotment to the remaining States in accord-
10 ance with this section.

11 **“SEC. 5112. WITHIN-STATE DISTRIBUTION.**

12 “(a) GOVERNOR’S ALLOCATION.—

13 “(1) IN GENERAL.—The chief executive officer
14 of a State may reserve not more than 10 percent of
15 the total amount allocated to a State under section
16 5111(b) for each fiscal year for programs and activi-
17 ties in accordance with section 5115.

18 “(2) ADMINISTRATIVE COSTS.—The chief execu-
19 tive officer of a State may use not more than 1
20 percent of the amount described in paragraph (1)
21 for the administrative costs incurred in carrying out
22 the duties of such officer under this section.

23 “(3) GRANT AWARDS.—The chief executive offi-
24 cer of a State shall use the remainder of funds not
25 reserved under paragraph (2) to award competitive

1 grants and contracts to local educational agencies,
2 community-based organizations, religious organiza-
3 tions, and other public entities and private organiza-
4 tions for programs or activities described in section
5 5115. Such officer shall award grants based on—

6 “(A) the quality of the activity or program
7 proposed; and

8 “(B) how closely the program or activity is
9 aligned with the appropriate principles of effec-
10 tiveness described in section 5115(a).

11 “(b) STATE FUNDS.—

12 “(1) IN GENERAL.—An amount equal to the
13 total amount allotted to a State under section
14 5111(b), less the amount reserved under subsection
15 (a) and paragraphs (2) and (3) of this subsection,
16 for each fiscal year shall be made available to the
17 State and its local educational agencies for activities
18 in accordance with section 5115.

19 “(2) STATE ACTIVITIES.—A State may use not
20 more than 4 percent of the amount available under
21 subsection (a) for State activities described in sec-
22 tion 5115(b).

23 “(3) STATE ADMINISTRATION.—A State may
24 use not more than 1 percent of the amount made
25 available under subsection (a) for the administrative

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1 costs of carrying out its responsibilities under this
2 part.

3 “(c) DISTRIBUTION TO LOCAL EDUCATIONAL AGEN-
4 CY.—

5 “(1) IN GENERAL.—

6 (A) DISTRIBUTION.— A State shall dis-
7 tribute not less than 95 percent of the amount
8 made available under subsection (b) for each
9 fiscal year as follows:

10 “(i) 70 percent of such amount to
11 local educational agencies, based on the
12 relative enrollments in public and private
13 nonprofit elementary and secondary
14 schools within the boundaries of such
15 agencies.

16 “(ii) 30 percent of such amount to
17 local educational agencies that the State
18 determines have the greatest need for addi-
19 tional funds to carry out activities under
20 this part.

21 “(B) SPECIAL CONSIDERATION.—In
22 awarding funds under clause (ii) of subpara-
23 graph (A), a State shall give special consider-
24 ation to agencies that pursue a comprehensive
25 approach to drug and violence prevention by

1 providing or incorporating mental health serv-
2 ices in their programs.

3 “(C) PARTNERSHIPS.—In awarding funds
4 under clause (ii) of subparagraph (A) a State
5 shall distribute a portion of such funds to local
6 educational agencies that partner with commu-
7 nity-based organizations, religious organiza-
8 tions, other public entities, or private organiza-
9 tions, or consortia of such organizations, to
10 support before and after school programs and
11 activities.

12 “(D) ADMINISTRATIVE COSTS.—Of the
13 amount received under paragraph (1), a local
14 educational agency may use not more than 1
15 percent for the administrative costs of carrying
16 out its responsibilities under this part.

17 “(E) OBJECTIVE DATA.—In determining
18 which local educational agencies have the great-
19 est need for additional funds, a State shall con-
20 sider objective data such as—

21 “(i) low student performance on State
22 academic assessments;

23 “(ii) high rates of drug use among
24 youth;

1 “(iii) high rates of violence among
2 youth;

3 “(iv) a high need for before and after
4 school activities among youth;

5 “(v) local fiscal capacity to fund drug
6 and violence prevention activities and pro-
7 grams or before and after school activities
8 without Federal assistance; and

9 “(vi) a high degree of geographically
10 rural isolation.

11 “(F) GEOGRAPHIC DIVERSITY.—The dis-
12 tribution of funds shall reflect the geographical
13 diversity of local educational agencies in the
14 State.

15 “(2) RETURN OF FUNDS TO STATE; REALLOCA-
16 TION.—

17 “(A) RETURN.—Except as provided in
18 subparagraph (B), upon the expiration of the 1-
19 year period beginning on the date that a local
20 educational agency receives its allocation—

21 “(i) such agency shall return to the
22 State any funds from such allocation that
23 remain unobligated; and

24 “(ii) the State shall reallocate any
25 such amount to local educational agencies

1 that have submitted plans for using such
2 amount for programs or activities on a
3 timely basis.

4 “(B) CARRYOVER.—In any fiscal year, a
5 local educational agency, may retain for obliga-
6 tion in the succeeding fiscal year—

7 “(i) an amount equal to not more
8 than 25 percent of the allocation it re-
9 ceived under this title for such fiscal year;
10 or

11 “(ii) upon a demonstration of good
12 cause by such agency or consortium and
13 approval by the State, an amount that ex-
14 ceeds 25 percent of such allocation.

15 **“SEC. 5113. STATE APPLICATION.**

16 “(a) IN GENERAL.—In order to receive an allotment
17 under section 5111 for any fiscal year, a State shall sub-
18 mit to the Secretary, at such time as the Secretary may
19 require, an application that—

20 “(1) describes the activities to be funded under
21 sections 5112(a)(3) and 5112(b)(2);

22 “(2) describes how activities funded under this
23 part will support State academic achievement goals
24 in accordance with section 1111;

1 “(3) describes how funds under this part will be
2 coordinated with programs under this Act, and other
3 programs, as appropriate, in accordance with the
4 provisions of section 8306;

5 “(4) provides an assurance that the application
6 was developed in consultation and coordination with
7 appropriate State officials and others, including the
8 chief executive officer, the chief State school officer,
9 the head of the State alcohol and drug abuse agency,
10 the heads of the State health and mental health
11 agencies, the head of the State criminal justice plan-
12 ning agency, the head of the State child welfare
13 agency, the head of the State board of education, or
14 their designees, and representatives of parents, stu-
15 dents, and community-based organizations, including
16 religious organizations;

17 “(5) provides an assurance that the State will
18 cooperate with, and assist, the Secretary in con-
19 ducting data collection as required by section 5115;

20 “(6) provides an assurance that the local edu-
21 cational agencies in the State will comply with the
22 provisions of section 8503 pertaining to the partici-
23 pation of private school children and teachers in the
24 programs and activities under this part;

1 “(7) describes the results of the State’s needs
2 assessment for drug and violence prevention pro-
3 grams and before and after school activities, which
4 shall be based on the results of on-going State eval-
5 uation activities;

6 “(8)(A) provides a statement of the State’s per-
7 formance measures for drug and violence prevention
8 that shall be developed in consultation between the
9 State and local officials and that consist of—

10 “(i) performance indicators for drug and
11 violence prevention; and

12 “(ii) levels of performance for each per-
13 formance indicator;

14 “(B) a description of the procedures the State
15 will use for assessing and publicly reporting progress
16 toward meeting those performance measures; and

17 “(C) a plan for monitoring the implementation
18 of, and providing technical assistance regarding, the
19 activities and programs conducted by local edu-
20 cational agencies under this part.

21 “(b) GENERAL APPROVAL.—A State application sub-
22 mitted pursuant to subsection (a) shall be deemed to be
23 approved by the Secretary unless the Secretary makes a
24 written determination, prior to the expiration of the 90-
25 day period beginning on the date that the Secretary re-

1 ceives the application, that the application is in violation
2 of this part.

3 “(c) DISAPPROVAL.—The Secretary shall not finally
4 disapprove a State application, except after giving the
5 State notice and opportunity for a hearing.

6 **“SEC. 5114. LOCAL EDUCATIONAL AGENCY APPLICATION.**

7 “(a) IN GENERAL.—In order to be eligible to receive
8 a distribution under section 5112(c) for any fiscal year,
9 a local educational agency shall submit, at such time as
10 the State requires, an application to the State. Such an
11 application shall be amended, as necessary, to reflect
12 changes in the activities and programs of the local edu-
13 cational agency.

14 “(b) DEVELOPMENT.—

15 “(1) CONSULTATION.—

16 “(A) IN GENERAL.—A local educational
17 agency shall develop its application through
18 timely and meaningful consultation with State
19 and local government representatives and com-
20 munity organizations, including religious orga-
21 nizations, with relevant expertise and interest in
22 drug and violence prevention and before and
23 after school activities, school personnel, stu-
24 dents, and parents.

1 “(B) CONTINUED CONSULTATION.—On an
2 ongoing basis, the local educational agency shall
3 consult with such representatives and organiza-
4 tions in order to seek advice regarding how best
5 to coordinate such agency’s activities under this
6 part with other related strategies, programs,
7 and activities being conducted in the commu-
8 nity.

9 “(2) DESIGN AND DEVELOPMENT.—To ensure
10 timely and meaningful consultation, a local edu-
11 cational agency at the initial stages of design and
12 development of a program or activity shall consult,
13 in accordance with subsection (c), with appropriate
14 entities and persons on issues regarding the design
15 and development of the program or activity, includ-
16 ing efforts to meet the principles of effectiveness de-
17 scribed in section 5115(a).

18 “(c) CONTENTS OF APPLICATIONS.—An application
19 submitted by a local educational agency under this section
20 shall contain—

21 “(1) an assurance that the activities or pro-
22 grams to be funded support State academic achieve-
23 ment goals in accordance with section 1111;

24 “(2) in the case of drug and violence prevention
25 activities, a detailed explanation of the local edu-

1 cational agency's comprehensive plan for drug and
2 violence prevention, which shall include a description
3 of—

4 “(A) how the plan will be coordinated with
5 programs under this Act, other Federal, State,
6 and local programs for drug and violence pre-
7 vention, and before and after school activities,
8 as appropriate, in accordance with the provi-
9 sions of section 8306;

10 “(B) the local educational agency's per-
11 formance measures for drug and violence pre-
12 vention, that shall consist of—

13 “(i) performance indicators for drug
14 and violence prevention; and

15 “(ii) levels of performance for each
16 performance indicator;

17 “(C) how such agency will assess and pub-
18 licly report progress toward attaining its per-
19 formance measures;

20 “(D) the drug and violence prevention ac-
21 tivity or program to be funded, including how
22 the activity or program will meet the principles
23 of effectiveness described in section 5115(a),
24 and the means of evaluating such activity or
25 program;

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1 “(3) in the case of before and after school
2 activities—

3 “(A) a description of the activity to be
4 funded;

5 “(B) a description of how the activity is
6 expected to improve student academic perform-
7 ance or contribute to drug and violence preven-
8 tion;

9 “(C) a description of how the activity will
10 meet the principles of effectiveness described in
11 section 5115(a); and

12 “(D) a description of the partnership with
13 a community-based organization, a religious or-
14 ganization, and another public entity or private
15 organization, if appropriate.

16 “(4) a certification that a meaningful assess-
17 ment has been conducted to determine community
18 needs, available resources in the private sector, and
19 capacity in the private sector, the findings of such
20 assessments, and a description of the mechanisms
21 used to provide effective notice to the community of
22 an intention to submit an application under this
23 title;

24 “(5) an assurance that drug prevention pro-
25 grams supported under this part convey a clear and

1 consistent message that the use of drugs is wrong
2 and harmful; and

3 “(6) such other information and assurances as
4 the State may reasonably require.

5 “(d) PEER REVIEW.—

6 “(1) IN GENERAL.—In reviewing local applica-
7 tions under this section, a State shall use a peer re-
8 view process or other methods of assuring the qual-
9 ity of such applications.

10 “(2) CONSIDERATIONS.—

11 (A) IN GENERAL.—In determining whether
12 to approve the application of a local educational
13 agency under this section, a State shall consider
14 the quality of the local educational agency’s
15 comprehensive plan, including the degree to
16 which the principles of effectiveness described
17 in section 5115(a) are met.

18 “(B) GENERAL APPROVAL.—A local edu-
19 cational agency’s application submitted to the
20 State under this subpart shall be deemed to be
21 approved by the State unless the State makes
22 a written determination, prior to the expiration
23 of the 90-day period beginning on the date that
24 the State receives the application, that the ap-
25 plication is in violation of this subpart.

1 “(C) DISAPPROVAL.—The State shall not
2 finally disapprove a local educational agency ap-
3 plication, except after giving such agency notice
4 and an opportunity for a hearing.

5 **“SEC. 5115. AUTHORIZED ACTIVITIES.**

6 “(a) PRINCIPLES OF EFFECTIVENESS.—

7 “(1) IN GENERAL.—For a program or activity
8 developed pursuant to this part to meet the prin-
9 ciples of effectiveness, such program or activity
10 shall—

11 “(A) be based upon an assessment of ob-
12 jective data—

13 “(i) regarding the drug and violence
14 problems in the elementary and secondary
15 schools and communities to be served, in-
16 cluding an objective analysis of the current
17 conditions and consequences regarding
18 drug use and violence, including delin-
19 quency and serious discipline problems,
20 among students who attend such schools
21 (including private school students who par-
22 ticipate in the drug and violence prevention
23 program) that is based on ongoing local
24 assessment or evaluation activities; or

1 “(ii) regarding the need for before
2 and after school programs and activities in
3 such schools and communities;

4 “(B) be based upon an established set of
5 performance measures aimed at ensuring that
6 all elementary and secondary schools and com-
7 munities served by the local educational agency
8 have a drug-free, safe, and orderly learning en-
9 vironment; and

10 “(C) be based upon scientifically based re-
11 search that provides evidence that the program
12 to be used will be effective.

13 “(2) PERIODIC EVALUATION.—The program or
14 activity shall undergo a periodic evaluation to assess
15 its progress toward achieving its goals and objec-
16 tives. The results shall be used to refine, improve,
17 and strengthen the program, and to refine the per-
18 formance measures. The results shall also be made
19 available to the public upon request, with public no-
20 tice of such availability provided.

21 “(3) WAIVER.—A local educational agency may
22 apply to the State for a waiver of the requirement
23 of paragraph (1)(C) to allow innovative activities or
24 programs that demonstrate substantial likelihood of
25 success.

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1 “(b) STATE ACTIVITIES.—

2 “(1) IN GENERAL.—A State shall use the funds
3 described in section 5112(b)(1), either directly, or
4 through grants and contracts, to plan, develop, and
5 implement capacity building, technical assistance,
6 accountability, program improvement services, and
7 coordination activities for local educational agencies,
8 community-based organizations, religious organiza-
9 tions, other public entities, and private organizations
10 that are designed to support the implementation of
11 programs and activities under this part.

12 “(2) DATA COLLECTION.—

13 “(A) IN GENERAL.—A State shall use the
14 funds described in section 5112(b)(2), either di-
15 rectly or through grants and contracts, to es-
16 tablish and implement a statewide system of
17 collecting data regarding crimes occurring on
18 school property.

19 “(B) STATISTICS.—Such data collection
20 shall include statistics concerning the occur-
21 rence on school property of the following crimi-
22 nal offenses and prohibited activities as re-
23 ported to school security authorities or local po-
24 lice agencies—

25 “(i) murder;

1 “(ii) sex offenses, forcible or nonfore-
2 ible;
3 “(iii) robbery;
4 “(iv) aggravated assault;
5 “(v) burglary;
6 “(vi) manslaughter;
7 “(vii) arson; and
8 “(viii) arrests or persons referred for
9 school disciplinary action for liquor law
10 violations, drug-related offenses, and weap-
11 ons possessions.

12 “(C) COMPILATION OF STATISTICS.—The
13 statistics shall be compiled in accordance with
14 definitions of such crimes as determined in the
15 State criminal code, but shall not identify vic-
16 tims of crimes or persons accused of crimes.

17 “(D) REPORTING.—Such data and statis-
18 tics shall be reported to the public and shall be
19 reported on a school-by-school basis.

20 “(E) LIMITATION.—Notwithstanding sub-
21 part 3, nothing in this subsection shall be con-
22 strued to authorize the Secretary to require
23 particular policies, procedures, or practices with
24 respect to crimes on school property or school
25 security.

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1 “(3) SAFE SCHOOLS.—The State shall establish
2 and implement a statewide policy requiring that stu-
3 dents attending persistently dangerous public ele-
4 mentary and secondary schools, as determined by
5 the State, or who become a victim of a violent crimi-
6 nal offense, as defined by State law, while in or on
7 the grounds of a public elementary school or sec-
8 ondary school that the student attends, be allowed to
9 attend a safe public school, including a public char-
10 ter school, or a private school if no safe public school
11 or public charter school can accommodate the stu-
12 dent, in the same State as the unsafe public elemen-
13 tary or secondary school, and allowing payment of
14 reasonable transportation costs and tuition costs for
15 such students.

16 “(4) CODE OF CONDUCT—The State shall es-
17 tablish and implement a student code of conduct pol-
18 icy that clearly states responsibilities of students,
19 teachers, and administrators in maintaining a class-
20 room environment that allows a teacher to commu-
21 nicate effectively with all students in the class and
22 that allows all students in the class to learn.

23 “(c) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

24 “(1) PROGRAM REQUIREMENTS.—A local edu-
25 cational agency shall use funds described in section

1 5112(e) to develop, implement, and evaluate com-
2 prehensive programs and activities, which are coordi-
3 nated with other school and community-based serv-
4 ices and programs, that shall—

5 “(A) support State academic achievement
6 goals in accordance with section 1111;

7 “(B) be consistent with the principles of
8 effectiveness described in subsection (a);

9 “(C) be designed to—

10 “(i) prevent or reduce drug use or vio-
11 lence, delinquency, serious discipline prob-
12 lems, and poor academic performance; and

13 “(ii) create a well disciplined environ-
14 ment conducive to learning, which includes
15 consultation between teachers, principals,
16 and other school personnel to identify early
17 warning signs of drug use and violence and
18 to provide behavioral interventions as part
19 of classroom management efforts; and

20 “(D) include activities to promote the in-
21 volvement of parents in the activity or program,
22 to promote coordination with community groups
23 and coalitions, including religious organizations,
24 and government agencies, and to distribute in-

1 formation about the local educational agency's
2 needs, goals, and programs under this part.

3 “(2) AUTHORIZED ACTIVITIES.—Each local
4 educational agency, or consortium of such agencies,
5 that receives a subgrant under section 5112(c) may
6 use such funds to carry out activities, such as—

7 “(A) developmentally appropriate drug and
8 violence prevention programs in both elemen-
9 tary and secondary schools that incorporate a
10 variety of prevention strategies and activities,
11 which may include—

12 “(i) teaching students that most peo-
13 ple do not use drugs;

14 “(ii) teaching students to recognize
15 social and peer pressure to use drugs and
16 the skills for resisting drug use;

17 “(iii) teaching students about the dan-
18 gers of emerging drugs;

19 “(iv) engaging students in the learn-
20 ing process;

21 “(v) incorporating activities in sec-
22 ondary schools that reinforce prevention
23 activities implemented in elementary
24 schools; and

1 “(vi) involving families and commu-
2 nities in setting clear expectations against
3 drug use and enforcing consequences for
4 drug use;

5 “(B) before and after school activities that
6 advance student academic achievement,
7 including—

8 “(i) remedial education activities and
9 academic enrichment learning programs,
10 including providing additional assistance to
11 students in order to allow them to improve
12 their academic achievement;

13 “(ii) drug and violence prevention ac-
14 tivities;

15 “(iii) math and science education ac-
16 tivities;

17 “(iv) arts and music education activi-
18 ties;

19 “(v) entrepreneurial education pro-
20 grams; and

21 “(vi) mentoring programs;

22 “(C) establishing or enhancing programs
23 or initiatives that improve academic achieve-
24 ment;

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1 “(D) training and development of school
2 personnel and parents in youth drug and vio-
3 lence prevention, including training in early
4 identification, intervention, and prevention of
5 threatening behavior;

6 “(E) law enforcement and security activi-
7 ties, including—

8 “(i) acquisition and installation of
9 metal detectors;

10 “(ii) hiring and training of security
11 personnel, that are related to youth drug
12 and violence prevention;

13 “(iii) reporting of criminal offenses on
14 school property;

15 “(iv) development of comprehensive
16 school security assessments;

17 “(F) counseling, mentoring, and referral
18 services, and other student assistance practices
19 and programs, including assistance provided by
20 qualified school based mental health services
21 personnel and the training of teachers by
22 school-based mental health service providers in
23 appropriate identification and intervention tech-
24 niques for disciplining and teaching students at
25 risk of violent behavior;

1 “(G) establishing and implementing a sys-
2 tem for transferring suspension and expulsion
3 records by a local educational agency to any
4 public or private elementary or secondary
5 school;

6 “(H) allowing students attending a persist-
7 ently dangerous public elementary or secondary
8 school, as determined by the State, or who be-
9 come a victim of a violent criminal offense, as
10 defined by State law, while in or on the grounds
11 of a public elementary school or secondary
12 school that the student attends, to attend a safe
13 public school, including a public charter school,
14 or a private school if no safe public school or
15 safe public charter school can accommodate the
16 student, in the same State as the unsafe public
17 elementary and or secondary school, and allow-
18 ing payment of reasonable transportation costs
19 and tuition costs for such students;

20 “(I) the development and implementation
21 of character education and training programs
22 that reflect values, that take into account the
23 views of parents or guardians of the student for
24 whom the program is intended, which may in-
25 clude honesty, citizenship, courage, justice, re-

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1 spect, personal responsibility, and trust-
2 worthiness;

3 “(J) testing students for illegal drug use
4 or conducting student locker searches for illegal
5 drugs or drug paraphernalia;

6 “(K) emergency intervention services fol-
7 lowing traumatic crisis events, such as a shoot-
8 ing, major accident, or a drug-related incident,
9 that has disrupted the learning environment;

10 “(L) establishing and maintaining a school
11 violence hotline;

12 “(M) expanding and improving school-
13 based mental health services, including early
14 identification of drug use and violence, assess-
15 ment, and direct individual or group counseling
16 services provided to students, parents, and
17 school personnel by qualified school based men-
18 tal health services personnel;

19 “(N) alternative education programs or
20 services for students who have been expelled or
21 suspended from the regular educational set-
22 tings, including programs or services to assist
23 students to reenter the regular education set-
24 ting upon return from treatment or alternative
25 education programs; and

1 “(O) the evaluation of any of the activities
2 authorized under this subsection and the collec-
3 tion of any data required by this part.

4 “(d) GOVERNORS’ ACTIVITIES.—A chief executive of-
5 ficer of a State shall use funds made available under sec-
6 tion 5112(a)(3) for competitive grants or contracts with
7 local educational agencies, community-based organiza-
8 tions, religious organizations, and other public entities and
9 private organizations to support drug and violence preven-
10 tion programs and activities and before and after school
11 activities in accordance with the activities described in
12 subsection (c).

13 **“SEC. 5116. EVALUATION AND REPORTING.**

14 “(a) DATA COLLECTION.—

15 “(1) IN GENERAL.—The National Center for
16 Education Statistics shall collect data to determine
17 the frequency, seriousness, and incidence of drug use
18 by youth in schools and communities in the States
19 using, if appropriate, data submitted by the States
20 pursuant to subsection (b).

21 “(2) REPORT.—The Secretary shall submit to
22 the Congress a report on the data collected under
23 this subsection.

24 “(b) STATE REPORT.—

1 “(1) IN GENERAL.—Not later than October 1,
2 2004, and every third year thereafter, the chief execu-
3 tive officer of a State, in consultation with the
4 State educational agency, shall submit to the Sec-
5 retary a report on the implementation and effective-
6 ness of State and local programs under section
7 5115.

8 “(2) SPECIAL RULE.—The report required by
9 this subsection shall be—

10 “(A) based on the State’s ongoing evalua-
11 tion activities, and shall include data on the
12 prevalence of drug use and violence by youth in
13 schools and communities; and

14 “(B) made available to the public upon re-
15 quest, with public notice of such availability
16 provided.

17 “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each
18 local educational agency receiving funds under this part
19 shall submit to the State such information, and at such
20 intervals as the State reasonably requires to complete the
21 State report required by subsection (b), information on the
22 prevalence of drug use and violence by youth in the schools
23 and the community and the progress of the local edu-
24 cational agency toward meeting its performance measures.

1 The report shall be made available to the public upon re-
2 quest, with public notice of such availability provided.

3 **“Subpart 2—National Programs**

4 **“SEC. 5121. FEDERAL ACTIVITIES.**

5 “(a) PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—From funds made available
7 to carry out this part under section 5003(2), the
8 Secretary, in consultation with the Secretary of
9 Health and Human Services, the Director of the Of-
10 fice of National Drug Control Policy, the Chair of
11 the Ounce of Prevention Council, and the Attorney
12 General, shall evaluate the effectiveness of programs
13 and activities that prevent the illegal use of drugs
14 and violence by youth, that promote safety and dis-
15 cipline for students in elementary and secondary
16 schools, and that provide before and after school su-
17 pervision and enrichment, based on the needs re-
18 ported by States and local educational agencies.

19 “(2) COORDINATION.—The Secretary shall
20 carry out activities described in paragraph (1) di-
21 rectly, or through grants, contracts, or cooperative
22 agreements with public and private nonprofit and
23 for-profit organizations, including religious organiza-
24 tions, and individuals, or through agreements with

1 other Federal agencies, and shall coordinate such ac-
2 tivities with other appropriate Federal activities.

3 “(3) PROGRAMS.—Activities described in para-
4 graph (1) may include—

5 “(A) demonstrations and rigorous scientif-
6 ically based evaluations of innovative ap-
7 proaches to drug and violence prevention and
8 before and after school activities based on needs
9 reported by State and local educational agen-
10 cies;

11 “(B) the provision of information on drug
12 abuse education and prevention to the Secretary
13 of Health and Human Services for dissemina-
14 tion by the clearinghouse for alcohol and drug
15 abuse information established under section
16 501(d)(16) of the Public Health Service Act;
17 and

18 “(C) continuing technical assistance to
19 chief executive officers, State agencies, and
20 local educational agencies to build capacity to
21 develop and implement high-quality, effective
22 programs consistent with the principles of effec-
23 tiveness.

1 “(b) PEER REVIEW.—The Secretary shall use a peer
2 review process in reviewing applications for funds under
3 this section.

4 **“Subpart 3—Gun Possession**

5 **“SEC. 5125. GUN-FREE SCHOOL REQUIREMENTS.**

6 “(a) REQUIREMENTS.—

7 “(1) STATE LAW.—Each State receiving funds
8 under this Act shall have in effect a State law re-
9 quiring each local educational agency—

10 “(A) to expel from school for a period of
11 not less than one year a student who is deter-
12 mined to have brought a firearm to a school
13 under the jurisdiction of a local educational
14 agency in that State, except that such State law
15 shall allow the chief administering officer of
16 such local educational agency to modify such
17 expulsion requirement for a student on a case-
18 by-case basis; and

19 “(B) to have a policy requiring each ele-
20 mentary and secondary school to refer to the
21 criminal justice or juvenile delinquency system
22 any student who brings a firearm to school.

23 “(2) CONSTRUCTION.—Nothing in this part
24 shall be construed to prevent a State from allowing
25 a local educational agency that has expelled a stu-

1 dent from such student's regular school setting from
2 providing educational services to such student in an
3 alternative setting.

4 “(b) SPECIAL RULE.—The provisions of this section
5 shall be construed in a manner consistent with the Individ-
6 uals with Disabilities Education Act.

7 “(c) DEFINITIONS.—For the purpose of this part—

8 “(1) the term ‘firearm’ has the same meaning
9 given to such term under section 921(a)(3) of title
10 18, United States Code; and

11 “(2) the term ‘school’ does not include a home
12 school, regardless of whether a home school is treat-
13 ed as a private school under State law.

14 **“Subpart 4—General Provisions**

15 **“SEC. 5131. DEFINITIONS.**

16 “For the purposes of this part, the following terms
17 have the following meanings:

18 “(1) BEFORE AND AFTER SCHOOL ACTIVI-
19 TIES.—The term ‘before and after school activities’
20 means academic, recreational, and enrichment activi-
21 ties for school-age youth outside of the regular
22 school hours or school year.

23 “(2) CONTROLLED SUBSTANCE.—The term
24 ‘controlled substance’ means a drug or other sub-
25 stance identified under Schedule I, II, III, IV, or V

1 in section 202(c) of the Controlled Substances Act
2 (21 U.S.C. 812(c)).

3 “(3) DRUG.—The term ‘drug’ includes con-
4 trolled substances; the illegal use of alcohol and to-
5 bacco; and the harmful, abusive, or addictive use of
6 substances, including inhalants and anabolic
7 steroids.

8 “(4) DRUG AND VIOLENCE PREVENTION.—The
9 term ‘drug and violence prevention’ means—

10 “(A) with respect to drugs, prevention,
11 early intervention, rehabilitation referral, or
12 education related to the illegal use of drugs;
13 and

14 “(B) with respect to violence, the pro-
15 motion of school safety, such that students and
16 school personnel are free from violent and dis-
17 ruptive acts, on school premises, going to and
18 from school, and at school-sponsored activities,
19 through the creation and maintenance of a
20 school environment that is free of weapons and
21 fosters individual responsibility and respect for
22 the rights of others.

23 “(5) NONPROFIT.—The term ‘nonprofit,’ as ap-
24 plied to a school, agency, organization, or institution
25 means a school, agency, organization, or institution

1 owned and operated by one or more nonprofit cor-
2 porations or associations, no part of the net earnings
3 of which inures, or may lawfully inure, to the benefit
4 of any private shareholder or individual.

5 “(6) SCHOOL-AGED POPULATION.—The term
6 ‘school-aged population’ means the population aged
7 5 through 17, as determined by the Secretary on the
8 basis of the most recent satisfactory data available
9 from the Department of Commerce.

10 “(7) SCHOOL BASED MENTAL HEALTH SERV-
11 ICES PROVIDER.—The term ‘school based mental
12 health services provider’ includes a State licensed or
13 State certified school counselor, school psychologist,
14 school social worker, or other State licensed or cer-
15 tified mental health professional qualified under
16 State law to provide such services to children and
17 adolescents.

18 “(8) SCHOOL PERSONNEL.—The term ‘school
19 personnel’ includes teachers, principals, administra-
20 tors, guidance counselors, social workers, psycholo-
21 gists, nurses, librarians, and other support staff who
22 are employed by a school or who perform services for
23 the school on a contractual basis.

1 “(9) STATE.—The term ‘State’ means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 **“SEC. 5132. MESSAGE AND MATERIALS.**

5 “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-
6 vention programs supported under this title shall convey
7 a clear and consistent message that the use of drugs is
8 wrong and harmful.

9 “(b) CURRICULUM.—The Secretary shall not pre-
10 scribe the use of specific curricula for programs supported
11 under this part.

12 **“SEC. 5133. PARENTAL CONSENT.**

13 “Upon receipt of written notification from the par-
14 ents or legal guardians of a student, the local educational
15 agency shall withdraw such student from any program or
16 activity funded under this title. The local educational
17 agency shall make reasonable efforts to inform parents or
18 legal guardians of the content of such programs or activi-
19 ties funded under this title, other than classroom instruc-
20 tion.

21 **“SEC. 5134. PROHIBITED USES OF FUNDS.**

22 “No funds under this part may be used for—

23 “(1) construction (except for minor remodeling
24 needed to accomplish the purposes of this part); and

1 “(2) medical services, drug treatment or reha-
2 bilitation, except for pupil services or referral to
3 treatment for students who are victims of, or wit-
4 nesses to, use of drugs or crime.

5 **“SEC. 5135. CONTINUATION AWARDS.**

6 “From funds made available under section 5003(2),
7 the Secretary is authorized to continue funding multi-year
8 grants awarded prior to fiscal year 2001 under part I of
9 title X, as such part was in effect on the day preceding
10 the date of the enactment of the No Child Left Behind
11 Act of 2001, or the Middle School Coordinator Initiative
12 (as described in title III of the Department of Education
13 Act, 2000, (as enacted into law by section 1004(a)(4) of
14 Public Law 106-113) and prior appropriations Acts, prior
15 to the date of the enactment of the No Child Left Behind
16 Act for the duration of the original grant period.