

“TITLE IV—21ST CENTURY SCHOOLS

“PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

“SEC. 4001. SHORT TITLE.

“This part may be cited as the ‘Safe and Drug-Free Schools And Communities Act’.

“SEC. 4002. PURPOSE.

“The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

“(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

“(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

“(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.

“SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated—

“(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

“(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

“Subpart 1—State Grants

“SEC. 4111. RESERVATIONS AND ALLOTMENTS.

“(a) RESERVATIONS.—

“(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

“(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary’s determination of their respective needs and to carry out programs described in this subpart;

“(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

“(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

“(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

“(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4122(a);

“(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2),

the Secretary shall, for each fiscal year, allot among the States—

“(A) one-half of the remainder not reserved under sub-section (a) according to the ratio between the school-

aged population of each State and the school-aged population of all the States; and

“(B) one-half of such remainder according to the ratio

between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

“(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

“(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

“(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

“(3) REALLOTMENT.—

“(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

“(4) DEFINITION.—In this section the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4003(1) for the previous fiscal year.

“SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.

“(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—

“(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

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

“(B) how the program or activity meets the principles of effectiveness described in section 4115(a).

“(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

“(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

“(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

“(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review process.

“(5) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

“(A) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

“(B) dissemination of information about drug and violence prevention; and

“(C) development and implementation of community-wide drug and violence prevention planning and organizing.

“(6) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

“(b) IN STATE DISTRIBUTION.—

“(1) IN GENERAL.—A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

“(2) STATE ADMINISTRATION COSTS.—

“(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

“(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—In the case of fiscal year 2002, a State educational agency may, in addition to

amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for

implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

“(c) STATE ACTIVITIES.—

“(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

“(2) ACTIVITIES.—A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

“(A) shall meet the principles of effectiveness described in section 4115(a);

“(B) shall complement and support local uses of funds under section 4115(b);

“(C) shall be in accordance with the purposes of this part; and

“(D) may include, among others activities—

“(i) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

“(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

“(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

“(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

“(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

“(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2),

either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

“(i) truancy rates;

“(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;

“(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and

“(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

“(C) COMPILATION OF STATISTICS.—In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State’s criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

“(D) REPORTING.—The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

“(E) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.

“SEC. 4113. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;

“(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

“(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“(4) describes how the State educational agency will coordinate such agency’s activities under this subpart with the chief executive officer’s drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

“(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

“(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

“(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

“(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

“(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

“(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

“(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

“(C) the prevalence of protective factors, buffers, or assets; and

“(D) other variables in the school and community identified through scientifically based research;

“(10) provides a statement of the State’s performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

“(A) performance indicators for drug and violence prevention programs and activities; and

“(B) levels of performance for each performance indicator;

“(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

“(12) provides an assurance that the State application will be available for public review after submission of the application;

“(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

“(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

“(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

“(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

“(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

“(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and “(19) includes any other information the Secretary may require.

“(b) INTERIM APPLICATION.—

“(1) AUTHORITY.—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the

requirements of this section and contains such information as the Secretary may specify in regulations.

“(2) PURPOSE.—The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State’s application and comprehensive plan otherwise required by this section.

“(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State’s application and comprehensive plan as described in subsection (a).

“(c) APPROVAL PROCESS.—

“(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

“(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

“(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

“(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

“(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

“(i) cite the specific provisions in the application that are not in compliance; and

“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the

Secretary’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in paragraph (1).

“(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.

“(a) IN GENERAL.—

“(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention and education programs and activities as follows:

“(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

“(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

“(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

“(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

“(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

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

“(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

“(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

“(ii) upon a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

“(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency’s application under subsection (d) is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

“(c) DEVELOPMENT.—

“(1) CONSULTATION.—

“(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

“(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency’s activities under this subpart with other related strategies, programs, and activities being conducted in the community.

“(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

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

“(1) an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

“(2) a detailed explanation of the local educational agency’s comprehensive plan for drug and violence prevention, including a description of—

“(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

“(B) the local educational agency’s performance measures for drug and violence prevention programs and activities, that shall consist of—

“(i) performance indicators for drug and violence prevention programs and activities; including—

“(I) specific reductions in the prevalence of identified risk factors; and

“(II) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

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

“(C) how such agency will assess and publicly report progress toward attaining its performance measures;

“(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

“(E) how the services will be targeted to schools and students with the greatest need;

“(3) a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

“(4) an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

“(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

“(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

“(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

“(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

“(B) security procedures at school and while students are on the way to and from school;

“(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

“(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

“(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and

administrators in maintaining a classroom environment that—

“(i) allows a teacher to communicate effectively with all students in the class;

“(ii) allows all students in the class to learn;

“(iii) has consequences that are fair, and developmentally appropriate;

“(iv) considers the student and the circumstances of the situation; and

“(v) is enforced accordingly;

“(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

“(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

“(e) REVIEW OF APPLICATION.—

“(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

“(f) APPROVAL PROCESS.—

“(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

“(2) DISAPPROVAL.—The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice and opportunity for a hearing.

“(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

“(A) give the local educational agency notice and an opportunity for a hearing; and

“(B) notify the local educational agency of the finding of noncompliance, and in such notification, shall—

“(i) cite the specific provisions in the application that are not in compliance; and

“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(4) RESPONSE.—If the local educational agency responds to the State educational agency’s notification described in paragraph

(3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in paragraph (1).

“(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“SEC. 4115. AUTHORIZED ACTIVITIES.

“(a) PRINCIPLES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

“(A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the

drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

“(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

“(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

“(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

“(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

“(2) PERIODIC EVALUATION.—

“(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

“(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

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

“(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

“(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

“(A) foster a safe and drug-free learning environment that supports academic achievement;

“(B) be consistent with the principles of effectiveness described in subsection (a)(1);

“(C) be designed to—

“(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

“(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

“(D) include activities to—

“(i) promote the involvement of parents in the activity or program;

“(ii) promote coordination with community groups and coalitions, and government agencies; and

“(iii) distribute information about the local educational agency’s needs, goals, and programs under this subpart.

“(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

“(A) Age appropriate and developmentally based activities that—

“(i) address the consequences of violence and the illegal use of drugs, as appropriate;

“(ii) promote a sense of individual responsibility;

“(iii) teach students that most people do not illegally use drugs;

“(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;

“(v) teach students about the dangers of emerging drugs;

“(vi) engage students in the learning process; and

“(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

“(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

“(C) Dissemination of drug and violence prevention information to schools and the community.

“(D) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

“(E) Drug and violence prevention activities that may include the following:

“(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

“(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

“(iii) Reporting criminal offenses committed on school property.

“(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

“(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

“(vi) The hiring and mandatory training, based on scientific research, of school security personnel

(including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

“(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

“(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

“(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the State academic achievement standards and to reenter the regular education setting.

“(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

“(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

“(xii) Drug and violence prevention activities designed to reduce truancy.

“(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help

students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

“(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student’s locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

“(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

“(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

“(xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

“(xviii) Establishing and maintaining a school safety hotline.

“(xix) Community service, including community service performed by expelled students, and service-learning projects.

“(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee’s fitness—

“(I) to be responsible for the safety or well-being of children;

“(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

“(III) to otherwise be employed by the local educational agency.

“(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

“(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

“(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

“(c) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of sub-section (b)(2)(E), of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

“(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State’s needs assessment and other scientifically based research information.

“SEC. 4116. REPORTING.

“(a) STATE REPORT.—

“(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation

with the State educational agency, shall submit to the Secretary a report—

“(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

“(B) on the State’s progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

“(C) on the State’s efforts to inform parents of, and include parents in, violence and drug prevention efforts.

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

“(A) in the form specified by the Secretary;

“(B) based on the State’s ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

“(C) made readily available to the public.

“(b) LOCAL EDUCATIONAL AGENCY REPORT.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

“(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

“(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.

“SEC. 4117. PROGRAMS FOR NATIVE HAWAIIANS.

“(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing

Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

“(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term ‘Native Hawaiian’ means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

“Subpart 2—National Programs

“SEC. 4121. FEDERAL ACTIVITIES.

“(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4003(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

“(1) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities based on State and local needs;

“(2) the development, demonstration, scientifically based evaluation, and dissemination of innovative and high quality drug and violence prevention programs and activities, based on State and local needs, which may include—

“(A) alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions and expulsions, enable students to meet challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

“(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students’ sense of individual responsibility;

“(C) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decision-making; and

“(D) child abuse education and prevention programs for elementary and secondary students;

“(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

“(4) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination;

“(5) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

“(6) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety coordinators, or assistance to support appropriate response efforts to crisis situations;

“(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

“(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

“(9) other activities in accordance with the purpose of this part, based on State and local needs. “(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

“SEC. 4122. IMPACT EVALUATION.

“(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on whether community and local educational agency programs funded under this subpart—

“(1) comply with the principles of effectiveness described in section 4115(a);

“(2) have appreciably reduced the level of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools; and

“(3) have conducted effective parent involvement and training programs.

“(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

“(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection 4116(a).

“SEC. 4123. HATE CRIME PREVENTION.

“(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

“(b) USE OF FUNDS.—

“(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

“(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

“(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

“(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

“(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

“(2) APPLICATION.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

“(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

“(A) a request for funds for the purpose described in this section;

“(B) a description of the schools and communities to be served by the grants; and

“(C) assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds.

“(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

“(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

“(B) a description of the program to be developed or augmented by such Federal and matching funds;

“(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

“(D) procedures for the proper and efficient administration of such program; and

“(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(c) AWARD OF GRANTS.—

“(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

“(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

“(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

“(d) REPORTS.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

“SEC. 4124. SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is hereby established an advisory committee to be known as the ‘Safe and Drug Free Schools and Communities Advisory Committee’ (referred to in this section as the ‘Advisory Committee’) to—

“(A) consult with the Secretary under subsection (b);

“(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

“(C) develop core data sets and evaluation protocols for safe and drug-free school- and community-based programs;

“(D) provide technical assistance and training for safe and drug-free school- and community-based programs;

“(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and

“(F) review other regulations and standards developed under this title.

“(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

“(A) the Department of Education;

“(B) the Centers for Disease Control and Prevention;

“(C) the National Institute on Drug Abuse;

“(D) the National Institute on Alcoholism and Alcohol Abuse;

“(E) the Center for Substance Abuse Prevention;

“(F) the Center for Mental Health Services;

“(G) the Office of Juvenile Justice and Delinquency Prevention;

“(H) the Office of National Drug Control Policy;

“(I) State and local governments, including education agencies; and

“(J) researchers and expert practitioners.

“(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

“(b) PROGRAMS.—

“(1) IN GENERAL.—From amounts made available under section 4003(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, chief executive officer’s, and national programs under this part.

“(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

“(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

“(4) **ACTIVITIES.**—Activities that may be carried out under programs funded under this section may include—

“(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

“(i) provide a thorough assessment of the substance abuse and violence problem;

“(ii) utilize objective data and the knowledge of a wide range of community members;

“(iii) develop measurable goals and objectives; and

“(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

“(B) the provision of technical assistance and training to foster program accountability;

“(C) the diffusion and dissemination of best practices and programs;

“(D) the development of core data sets and evaluation tools;

“(E) program evaluations;

“(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

“(G) other activities that meet unmet needs related to the purpose of this part and that are undertaken in consultation with the Advisory Committee.

“**SEC. 4125. NATIONAL COORDINATOR PROGRAM.**

“(a) **IN GENERAL.**—From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

“(b) **USE OF FUNDS.**—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school

safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.

“**SEC. 4126. COMMUNITY SERVICE GRANT PROGRAM.**

“(a) **IN GENERAL.**—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service.

“(b) **ALLOCATION.**—From the amount described in subsection (a), the Secretary shall allocate among the States—

“(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

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

“(d) **REALLOTMENT.**—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under subsection (b).

“(e) **DEFINITION.**—In this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“**SEC. 4127. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.**

“(a) **CENTER.**—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Energy may enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the

‘School Security Technology and Resource Center’ (hereafter in this section ‘the Center’).

“(b) ADMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

“(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

“SEC. 4128. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.

“(a) ESTABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section referred to as the ‘Center’). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

“(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

“(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

“(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

“(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with back-grounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

“(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

“SEC. 4129. GRANTS TO REDUCE ALCOHOL ABUSE.

“(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the activities to be carried out under the grant;

“(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

“(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

“(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and “(5) such other information as the secretary determines appropriate.

“(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

“(d) RESERVATIONS.—

“(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

“(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.

“SEC. 4130. MENTORING PROGRAMS.

“(a) PURPOSE; DEFINITIONS.—

“(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

“(A) to assist such children in receiving support and guidance from a mentor;

“(B) to improve the academic achievement of such children;

“(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

“(D) to reduce the dropout rate of such children; and

“(E) to reduce juvenile delinquency and involvement in gangs by such children.

“(2) DEFINITIONS.—In this part:

“(A) CHILD WITH GREATEST NEED.—The term ‘child with greatest need’ means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

“(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(i) a local educational agency;

“(ii) a nonprofit, community-based organization; or

“(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

“(C) MENTOR.—The term ‘mentor’ means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

“(i) to provide a positive role model for the child;

“(ii) to establish a supportive relationship with the child; and

“(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

“(D) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(b) GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

“(A) are designed to link such children (particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

“(i) have received training and support in mentoring;

“(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

“(iii) are interested in working with children with greatest need; and

“(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

“(i) Provide general guidance.

“(ii) Promote personal and social responsibility.

“(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

“(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

“(v) Encourage participation in community service and community activities.

“(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

“(viii) Discourage involvement in gangs.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

“(i) hiring of mentoring coordinators and support staff;

“(ii) providing for the professional development of mentoring coordinators and support staff;

“(iii) recruitment, screening, and training of mentors;

“(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

“(v) dissemination of outreach materials;

“(vi) evaluation of the mentoring program using scientifically based methods; and

“(vii) such other activities as the Secretary may reasonably prescribe by rule.

“(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

“(i) to directly compensate mentors;

“(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity’s operations;

“(iii) to support litigation of any kind; or

“(iv) for any other purpose reasonably prohibited by the Secretary by rule.

“(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

“(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

“(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

“(B) information on the children expected to be served by the mentoring program for which such grant is sought;

“(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

“(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor’s ability to be an effective mentor or the mentor’s ability to establish a close relationship (a one-to-one relationship, where practicable) with each mentored child;

“(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

“(i) emotional support;

“(ii) academic assistance; and

“(iii) exposure to experiences that the children might not otherwise encounter on their own;

“(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

“(G) information regarding how mentors and children will be recruited to the mentoring program;

“(H) information regarding how prospective mentors will be screened;

“(I) information on the training that will be provided to mentors; and

“(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program’s—

“(i) reference checks;

“(ii) child and domestic abuse record checks;

“(iii) criminal background checks; and

“(iv) procedure for matching children with mentors.

“(5) SELECTION.—

“(A) COMPETITIVE BASIS.—In accordance with this sub-section, the Secretary shall award grants to eligible entities on a competitive basis.

“(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

“(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

“(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

“(iii) proposes a school-based mentoring program.

“(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

“(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a

fair distribution of mentoring programs with respect to urban and rural locations;

“(ii) the quality of the mentoring program proposed by each eligible entity, including—

“(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

“(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

“(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

“(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

“(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

“(iii) the capability of each eligible entity to effectively implement its mentoring program.

“(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

“(6) MODEL SCREENING GUIDELINES.—

“(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

“(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum,

a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

“Subpart 3—Gun Possession

“SEC. 4141. GUN-FREE REQUIREMENTS.

“(a) SHORT TITLE.—This subpart may be cited as the ‘Gun-Free Schools Act’.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by- case basis if such modification is in writing.

“(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

“(3) DEFINITION.—For the purpose of this section, the term ‘firearm’ has the same meaning given such term in section 921(a) of title 18, United States Code.

“(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

“(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

“(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

“(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

“(A) the name of the school concerned;

“(B) the number of students expelled from such school;

and

“(C) the type of firearms concerned.

“(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

“(f) DEFINITION.—For the purpose of subsection (d), the term ‘school’ means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

“(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

“(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

“(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

“(2) DEFINITION.—For the purpose of this subsection, the term ‘school’ has the same meaning given to such term by section 921(a) of title 18, United States Code.

“Subpart 4—General Provisions

“SEC. 4151. DEFINITIONS.

“In this part:

“(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

“(2) DRUG.—The term ‘drug’ includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive,

or addictive use of substances, including inhalants and anabolic steroids.

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

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

“(B) 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.

“(4) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(5) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

“(7) RISK FACTOR.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

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

“(9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘school based mental health services provider’ includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

“(10) SCHOOL PERSONNEL.—The term ‘school personnel’ includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

“(11) SCHOOL RESOURCE OFFICER.—The term ‘school resource officer’ means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

“(A) educate students in crime and illegal drug use prevention and safety;

“(B) develop or expand community justice initiatives for students; and

“(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

“SEC. 4152. MESSAGE AND MATERIALS.

“(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

“(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

“SEC. 4153. PARENTAL CONSENT.

“Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw

such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.

“SEC. 4154. PROHIBITED USES OF FUNDS.

“No funds under this part may be used for—

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

“(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.

“SEC. 4155. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

“(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

“(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

**“PART B—21ST CENTURY COMMUNITY
LEARNING CENTERS**

“SEC. 4201. PURPOSE; DEFINITIONS.

“(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

“(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local

student academic achievement standards in core academic subjects, such as reading and mathematics;

“(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

“(3) offer families of students served by community learning centers opportunities for literacy and related educational development.

“(b) DEFINITIONS.—In this part:

“(1) COMMUNITY LEARNING CENTER.—The term ‘community learning center’ means an entity that—

“(A) assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during non-school hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and

“(B) offers families of students served by such center opportunities for literacy and related educational development.

“(2) COVERED PROGRAM.—The term ‘covered program’ means a program for which—

“(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

“(B) the grant period had not ended on that date of enactment.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

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

“SEC. 4202. ALLOTMENTS TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

“(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

“(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

“(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

“(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

“(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

“(A) the administrative costs of carrying out its responsibilities under this part;

“(B) establishing and implementing a peer review process for grant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

“(3) STATE ACTIVITIES.—A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) for the following activities:

“(A) Monitoring and evaluation of programs and activities assisted under this part.

“(B) Providing capacity building, training, and technical assistance under this part.

“(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

“(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.

“SEC. 4203. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

“(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to serve—

“(A) students who primarily attend—

“(i) schools eligible for schoolwide programs under section 1114; or

“(ii) schools that serve a high percentage of students from low-income families; and

“(B) the families of students described in subparagraph (A);

“(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards;

“(5) describes how the State educational agency will ensure that awards made under this part are—

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 4204(h);

“(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

“(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

“(8) contains an assurance that the State educational agency—

“(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

“(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

“(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other

Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

“(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

“(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations;

“(12) describes the results of the State’s needs and resources assessment for before and after school activities, which shall be based on the results of on-going State evaluation activities;

“(13) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

“(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and

“(B) public dissemination of the evaluations of programs and activities carried out under this part; and

“(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

“(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

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

“(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.

“(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.

“(b) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of the before and after school or summer recess activities to be funded, including—

“(i) an assurance that the program will take place in a safe and easily accessible facility;

“(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

“(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

“(B) a description of how the activity is expected to improve student academic achievement;

“(C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

“(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

“(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);

“(F) an assurance that the program will primarily target students who attend schools eligible for schoolwide programs under section 1114 and the families of such students;

“(G) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

“(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate; “(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out in the center will

address those needs (including the needs of working families);

“(J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;

“(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

“(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

“(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and

“(N) such other information and assurances as the State educational agency may reasonably require.

“(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

“(d) PERMISSIVE LOCAL MATCH.—

“(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

“(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

“(A) the relative poverty of the population to be targeted by the eligible entity; and

“(B) the ability of the eligible entity to obtain such matching funds.

“(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

“(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity’s ability to match funds when determining which eligible entities will receive awards under this part.

“(e) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

“(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not less than 3 years and not more than 5 years.

“(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than \$50,000.

“(i) PRIORITY.—

“(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

“(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

“(B) submitted jointly by eligible entities consisting of not less than 1—

“(i) local educational agency receiving funds under part A of title I; and

“(ii) community-based organization or other public or private entity.

“(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

“SEC. 4205. LOCAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of before and after school activities (including during summer recess periods) that advance student academic achievement, including—

“(1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;

“(2) mathematics and science education activities;

“(3) arts and music education activities;

“(4) entrepreneurial education programs;

“(5) tutoring services (including those provided by senior citizen volunteers) and mentoring programs;

“(6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;

“(7) recreational activities;

“(8) telecommunications and technology education programs;

“(9) expanded library service hours;

“(10) programs that promote parental involvement and family literacy;

“(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and

“(12) drug and violence prevention programs, counseling programs, and character education programs.

“(b) PRINCIPLES OF EFFECTIVENESS.—

“(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

“(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

“(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

“(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

“(2) PERIODIC EVALUATION.—

“(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.

“(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

“(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

“(ii) made available to the public upon request, with public notice of such availability provided.

“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated—

“(1) \$1,250,000,000 for fiscal year 2002;

“(2) \$1,500,000,000 for fiscal year 2003;

“(3) \$1,750,000,000 for fiscal year 2004;

“(4) \$2,000,000,000 for fiscal year 2005;

“(5) \$2,250,000,000 for fiscal year 2006; and

“(6) \$2,500,000,000 for fiscal year 2007.

“PART C—ENVIRONMENTAL TOBACCO SMOKE

“SEC. 4301. SHORT TITLE.

“This part may be cited as the ‘Pro-Children Act of 2001’.

“SEC. 4302. DEFINITIONS.

“As used in this part:

“(1) CHILDREN.—The term ‘children’ means individuals who have not attained the age of 18.

“(2) CHILDREN’S SERVICES.—The term ‘children’s services’ means the provision on a routine or regular basis of health, day care, education, or library services—

“(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal

Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

“(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

“(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

“(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part, except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

“(3) INDOOR FACILITY.—The term ‘indoor facility’ means a building that is enclosed.

“(4) PERSON.—The term ‘person’ means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“SEC. 4303. NONSMOKING POLICY FOR CHILDREN’S SERVICES.

“(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

“(b) ADDITIONAL PROHIBITION.—

“(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

“(2) EXCEPTION.—Paragraph (1) shall not apply to—

“(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

“(B) any private residence.

“(c) FEDERAL AGENCIES.—

“(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

“(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

“(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to—

“(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

“(ii) any private residence.

“(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

“(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary

(in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

“(e) CIVIL PENALTIES.—

“(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term ‘person’, as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

“(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may

consult to arrange a suitable date and location where appropriate.

“(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

C) such other matters as justice may require.

“(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

“(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

“(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor

of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

“SEC. 4304. PREEMPTION.

“Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.”