

3677, related to State and local educational agency programs, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7114 of this title.

§ 7114. 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 7112 of this title 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 subchapter I of this chapter 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) of this section 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) of this section. 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 7115(a) of this title.

(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 7115(a) of this title 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 chapter, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 7846 of this title;

(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 7115(a) of this title, 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 7115(a)(3) of this title 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 7115(a) of this title.

(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 notifi-

cation 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.

(Pub. L. 89-10, title IV, §4114, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1742.)

PRIOR PROVISIONS

A prior section 7114, Pub. L. 89-10, title IV, §4114, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3679, related to governor's programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7115. 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 7114(d)(2)(B) of this title.

(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 re-

quest, 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) of this section 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 7114 of this title 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) of this section;

(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) of this section, 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.