

(3) Sexual abuse in schools

A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.

(b) Completion date

The studies under subsection (a) of this section shall be completed not later than 18 months after January 8, 2002.

(c) Public dissemination

The Secretary shall make the study conducted under subsection (a)(1) of this section available to the public through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department.

(Pub. L. 89-10, title V, §5414, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1813.)

SUBPART 2—ELEMENTARY AND SECONDARY
SCHOOL COUNSELING PROGRAMS

§ 7245. Elementary and secondary school counseling programs**(a) Grants authorized****(1) In general**

The Secretary is authorized to award grants to local educational agencies to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c)(2) of this section.

(2) Special consideration

In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

(A) demonstrate the greatest need for new or additional counseling services among children in the schools served by the local educational agency, in part by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

(C) show the greatest potential for replication and dissemination.

(3) Equitable distribution

In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among local educational agencies located in urban, rural, and suburban areas.

(4) Duration

A grant under this section shall be awarded for a period not to exceed 3 years.

(5) Maximum grant

A grant awarded under this section shall not exceed \$400,000 for any fiscal year.

(6) Supplement, not supplant

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

(b) Applications**(1) In general**

Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents

Each application for a grant under this section shall—

(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

(D) describe how the local educational agency will involve community groups, social service agencies, and other public and private entities in collaborative efforts to enhance the program and promote school-linked services integration;

(E) document that the local educational agency has the personnel qualified to develop, implement, and administer the program;

(F) describe how diverse cultural populations, if applicable, will be served through the program;

(G) assure that the funds made available under this subpart for any fiscal year will be used to supplement, and not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students; and

(H) assure that the applicant will appoint an advisory board composed of interested parties, including parents, teachers, school administrators, counseling services providers described in subsection (c)(2)(D) of this section, and community leaders, to advise the local educational agency on the design and implementation of the program.

(c) Use of funds**(1) In general**

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school or secondary school counseling programs that comply with the requirements of paragraph (2).

(2) Requirements

Each program funded under this section shall—

(A) be comprehensive in addressing the counseling and educational needs of all students;

(B) use a developmental, preventive approach to counseling;

(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools and secondary schools of the local educational agency;

(D) expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve peer interaction;

(F) provide counseling services in settings that meet the range of student needs;

(G) include in-service training appropriate to the activities funded under this chapter for teachers, instructional staff, and appropriate school personnel, including in-service training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;

(H) involve parents of participating students in the design, implementation, and evaluation of the counseling program;

(I) involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;

(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios recommended by the American School Health Association of one school counselor to 250 students, one school social worker to 800 students, and one school psychologist to 1,000 students; and

(L) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time counseling students or in other activities directly related to the counseling process.

(d) Limitation on administrative costs

Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

(e) Definitions

For the purpose of this section—

(1) the term “child and adolescent psychiatrist” means an individual who—

(A) possesses State medical licensure; and
(B) has completed residency training programs in both general psychiatry and child and adolescent psychiatry;

(2) the term “other qualified psychologist” means an individual who has demonstrated competence in counseling children in a school setting and who—

(A) is licensed in psychology by the State in which the individual works; and
(B) practices in the scope of the individual's education, training, and experience with children in school settings;

(3) the term “school counselor” means an individual who has documented competence in counseling children and adolescents in a school setting and who—

(A) is licensed by the State or certified by an independent professional regulatory authority;

(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

(4) the term “school psychologist” means an individual who—

(A) has completed a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours are in the school setting;

(B) is licensed or certified in school psychology by the State in which the individual works; or

(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board; and

(5) the term “school social worker” means an individual who—

(A) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

(B)(i) is licensed or certified by the State in which services are provided; or

(ii) in the absence of such State licensure or certification, possesses a national credential or certification as a school social work specialist granted by an independent professional organization.

(f) Report

Not later than 2 years after assistance is made available to local educational agencies under subsection (c) of this section, the Secretary shall make publicly available a report—

(1) evaluating the programs assisted pursuant to each grant under this subpart; and

(2) outlining the information from local educational agencies regarding the ratios of students to—

(A) school counselors;
(B) school social workers; and
(C) school psychologists.

(g) Special rule

(1) Amount equals or exceeds \$40,000,000

If the amount of funds made available by the Secretary for this subpart equals or exceeds \$40,000,000, the Secretary shall award not less than \$40,000,000 in grants to local educational agencies to enable the agencies to establish or expand counseling programs in elementary schools.

(2) Amount less than \$40,000,000

If the amount of funds made available by the Secretary for this subpart is less than

\$40,000,000, the Secretary shall award grants to local educational agencies only to establish or expand counseling programs in elementary schools.

(Pub. L. 89-10, title V, §5421, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1814.)

SUBPART 3—PARTNERSHIPS IN CHARACTER
EDUCATION

§ 7247. Partnerships in character education program

(a) Program authorized

(1) In general

The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that—

- (A) are able to be integrated into classroom instruction and to be consistent with State academic content standards; and
- (B) are able to be carried out in conjunction with other educational reform efforts.

(2) Eligible entity

In this section, the term “eligible entity” means—

- (A) a State educational agency in partnership with—
 - (i) one or more local educational agencies; or
 - (ii) one or more—
 - (I) local educational agencies; and
 - (II) nonprofit organizations or entities, including an institution of higher education;
- (B) a local educational agency or consortium of local educational agencies; or
- (C) a local educational agency in partnership with one or more nonprofit organizations or entities, including an institution of higher education.

(3) Duration

Each grant under this section shall be awarded for a period not to exceed 5 years, of which the eligible entity may not use more than 1 year for planning and program design.

(4) Amount of grants for State educational agencies

Subject to the availability of appropriations, the amount of a grant made by the Secretary to a State educational agency under this section shall not be less than \$500,000 if the State educational agency—

- (A) is in a partnership described in paragraph (2)(A); and
- (B) meets such requirements as the Secretary may establish under this section.

(b) Contracts under program

(1) Evaluation

Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for the purposes of—

- (A) evaluating the program for which the assistance is made available;

(B) measuring the integration of such program into the curriculum and teaching methods of schools where the program is carried out; and

(C) measuring the success of such program in fostering the elements of character selected by the recipient under subsection (c) of this section.

(2) Materials and program development

Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in—

- (A) developing secular curricula, materials, teacher training, and other activities related to character education; and
- (B) integrating secular character education into the curricula and teaching methods of schools where the program is carried out.

(c) Elements of character

(1) Selection

(A) In general

Each eligible entity awarded a grant under this section may select the elements of character that will be taught under the program for which the grant was awarded.

(B) Consideration of views

In selecting elements of character under subparagraph (A), the eligible entity shall consider the views of the parents of the students to be taught under the program and the views of the students.

(2) Example elements

Elements of character selected under this subsection may include any of the following:

- (A) Caring.
- (B) Civic virtue and citizenship.
- (C) Justice and fairness.
- (D) Respect.
- (E) Responsibility.
- (F) Trustworthiness.
- (G) Giving.
- (H) Any other elements deemed appropriate by the eligible entity.

(d) Use of funds by State educational agency recipients

Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

- (1) not more than 3 percent of such funds may be used for administrative purposes; and
- (2) the remainder of such funds may be used for—

- (A) collaborative initiatives with and between local educational agencies and schools;
- (B) the preparation or purchase of materials, and teacher training;
- (C) providing assistance to local educational agencies, schools, or institutions of higher education; and
- (D) technical assistance and evaluation.

(e) Application

(1) In general

Each eligible entity desiring a grant under this section shall submit an application to the