

provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 7111(b) of this title 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) of this section.

(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 7111(b) of this title 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 7115(a) of this title;

(B) shall complement and support local uses of funds under section 7115(b) of this title;

(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) of this section, 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 execu-

tive 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.

(Pub. L. 89-10, title IV, §4112, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1736.)

PRIOR PROVISIONS

A prior section 7112, Pub. L. 89-10, title IV, §4112, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3675, related to State applications, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7113 of this title.

§ 7113. State application

(a) In general

In order to receive an allotment under section 7111(b) of this title 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 7115(b) of this title, that comply with the principles of effectiveness under section 7115(a) of this title, 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 7846 of this title;

(5) provides an assurance that funds reserved under section 7112(a) of this title 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 7132 of this title;

(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 7881 of this title 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 stu-

dent 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 7112(a) of this title 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) of this section.

(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.

(Pub. L. 89-10, title IV, § 4113, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1739.)

PRIOR PROVISIONS

A prior section 7113, Pub. L. 89-10, title IV, § 4113, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat.

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