

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 1232g of this title, 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 subchapter V of this chapter.

(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 subsection (b)(2)(E) of this section, of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (i) through (v) of such subsection.

(2) Exception

A local educational agency may use funds under this subpart for activities described in clauses (i) through (v) of subsection (b)(2)(E) of this section 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.

(Pub. L. 89-10, title IV, §4115, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1745.)

PRIOR PROVISIONS

A prior section 7115, Pub. L. 89-10, title IV, §4115, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3681, related to local applications, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7116. 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 7112(a)(1) of

this title and section 7112(c) of this title and local educational agency programs under section 7115(b) of this title, 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 7113(a)(10) of this title; 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) of this section, 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) of this section, the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.

(Pub. L. 89-10, title IV, §4116, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1750.)

PRIOR PROVISIONS

A prior section 7116, Pub. L. 89-10, title IV, §4116, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3682; amended Pub. L. 106-554, §1(a)(1) [title III, §314], Dec. 21, 2000, 114 Stat. 2763, 2763A-47, related to local drug and violence prevention programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7117. Programs for Native Hawaiians

(a) General authority

From the funds made available pursuant to section 7111(a)(1)(C) of this title 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.

(Pub. L. 89-10, title IV, §4117, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1750.)

PRIOR PROVISIONS

A prior section 7117, Pub. L. 89-10, title IV, §4117, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3685, related to evaluation and reporting, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7116 of this title.

A prior section 7118, Pub. L. 89-10, title IV, §4118, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3685, related to programs for Native Hawaiians, and was omitted in the general amendment of this subchapter by Pub. L. 107-110. See section 7117 of this title.

SUBPART 2—NATIONAL PROGRAMS

§ 7131. Federal activities

(a) Program authorized

From funds made available to carry out this subpart under section 7103(2) of this title, 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 non-commercial 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 Sec-