

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.

(Pub. L. 89-10, title IV, §4129, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1757.)

§ 7140. 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 experi-

ences 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 7103(2) of this title 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)¹ 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;

¹ So in original. No cl. (vii) has been enacted.

- (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 subsection, 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.

(Pub. L. 89-10, title IV, §4130, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1758.)

PRIOR PROVISIONS

Prior sections 7141 to 7144 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 7141, Pub. L. 89-10, title IV, §4131, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3689, defined terms. See section 7161 of this title.

Section 7142, Pub. L. 89-10, title IV, §4132, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3689, related to materials. See section 7162 of this title.

Section 7143, Pub. L. 89-10, title IV, §4133, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3690, set forth prohibited uses of funds. See section 7164 of this title.

Section 7144, Pub. L. 89-10, title IV, §4134, as added Pub. L. 105-277, div. D, title I, §122, Oct. 21, 1998, 112 Stat. 2681-756, related to quality rating of drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools.

SUBPART 3—GUN POSSESSION

§ 7151. 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 subchapter of this chapter 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.

(c) Special rule

The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(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 subchapter of this chapter 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) of this section; and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b) of this section, 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) of this section to the Secretary on an annual basis.

(f) Definition

For the purpose of subsection (d) of this section, 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 subchapter of this chapter 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.

(Pub. L. 89-10, title IV, §4141, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1762.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c), is title VI of Pub. L. 91-230, Apr.