

13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

SUBPART 4—GENERAL PROVISIONS

§ 7161. Definitions

In this part:

(1) Controlled substance

The term “controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in section 812(c) of title 21.

(2) Drug

The term “drug” includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

(3) Drug and violence prevention

The term “drug and violence prevention” means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

(4) Hate crime

The term “hate crime” means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

(5) Nonprofit

The term “nonprofit”, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(6) Protective factor, buffer, or asset

The terms “protective factor”, “buffer”, and “asset” mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

(7) Risk factor

The term “risk factor” means any one of a number of characteristics of the community,

school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

(8) School-aged population

The term “school-aged population” means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

(9) School based mental health services provider

The term “school based mental health services provider” includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

(10) School personnel

The term “school personnel” includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

(11) School resource officer

The term “school resource officer” means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

(A) educate students in crime and illegal drug use prevention and safety;

(B) develop or expand community justice initiatives for students; and

(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

(Pub. L. 89-10, title IV, §4151, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1763.)

REFERENCES IN TEXT

Section 1(b) of the Hate Crime Statistics Act of 1990, referred to in par. (4), is section 1(b) of Pub. L. 101-275, which is set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure.

§ 7162. Message and materials

(a) “Wrong and harmful” message

Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

(b) Curriculum

The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

(Pub. L. 89-10, title IV, §4152, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1764.)

§ 7163. Parental consent

Upon receipt of written notification from the parents or legal guardians of a student, the local

educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.

(Pub. L. 89-10, title IV, §4153, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765.)

§ 7164. Prohibited uses of funds

No funds under this part may be used for—

(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.

(Pub. L. 89-10, title IV, §4154, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765.)

§ 7165. Transfer of school disciplinary records

(a) Nonapplication of provisions

This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) Disciplinary records

In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after January 8, 2002, each State receiving Federal funds under this chapter shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

(Pub. L. 89-10, title IV, §4155, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765.)

REFERENCES IN TEXT

The Family Educational Rights and Privacy Act of 1974, referred to in subsec. (b), is section 513 of Pub. L. 93-380, title V, Aug. 21, 1974, 88 Stat. 571, as amended, which enacted section 1232g of this title and provisions set out as notes under sections 1221 and 1232g of this title. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 1221 of this title and Tables.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

§ 7171. Purpose; definitions

(a) Purpose

The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

(1) provide opportunities for academic enrichment, including providing tutorial serv-

ices to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;

(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

(3) offer families of students served by community learning centers opportunities for literacy and related educational development.

(b) Definitions

In this part:

(1) Community learning center

The term “community learning center” means an entity that—

(A) assists students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that reinforce and complement the regular academic programs of the schools attended by the students served; and

(B) offers families of students served by such center opportunities for literacy and related educational development.

(2) Covered program

The term “covered program” means a program for which—

(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before January 8, 2002); and

(B) the grant period had not ended on January 8, 2002.

(3) Eligible entity

The term “eligible entity” means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.

(4) State

The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89-10, title IV, §4201, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1765.)

REFERENCES IN TEXT

Part I of title X (as such part was in effect on the day before January 8, 2002), referred to in subsec. (b)(2)(A), means part I of title X of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3844, which was classified generally to part I (§8241 et seq.) of subchapter X of this chapter, prior to repeal by Pub. L. 107-110, title X, §1011(5)(A), Jan. 8, 2002, 115 Stat. 1986.