

assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this subchapter.

(Pub. L. 89-10, title III, §3303, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1733; amended Pub. L. 107-279, title IV, §404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986.)

PRIOR PROVISIONS

A prior section 3303 of Pub. L. 89-10 was classified to section 6923 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2002—Par. (1). Pub. L. 107-279 substituted “Institute of Education Sciences” for “Office of Educational Research and Improvement”.

§ 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient children.

(Pub. L. 89-10, title III, §3304, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 3304 of Pub. L. 89-10 was classified to section 6924 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

SUBCHAPTER IV—21ST CENTURY SCHOOLS

CODIFICATION

Title IV of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

§ 7101. Short title

This part may be cited as the “Safe and Drug-Free Schools and Communities Act”.

(Pub. L. 89-10, title IV, §4001, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 7101, Pub. L. 89-10, title IV, §4001, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672, set forth short title of subchapter as the Safe and Drug-Free Schools and Communities Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4001 of Pub. L. 89-10 was classified to section 3041 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

DEVELOPMENT OF MODEL PROGRAM OF STRATEGIES AND TACTICS

Pub. L. 101-647, title XV, §1501, Nov. 29, 1990, 104 Stat. 4836, required the Attorney General to develop a model

program of strategies and tactics for establishing and maintaining drug-free school zones and to submit a report to Congress, at the conclusion of the program, describing the strategies and tactics that were found to be successful in establishing, enforcing, and maintaining drug-free school zones.

§ 7102. Purpose

The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

(3) States for development, training, technical assistance, and coordination activities; and

(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.

(Pub. L. 89-10, title IV, §4002, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 7102, Pub. L. 89-10, title IV, §4002, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4002 of Pub. L. 89-10 was classified to section 3042 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

§ 7103. Authorization of appropriations

There are authorized to be appropriated—

(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1 of this part; and

(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2 of this part.

(Pub. L. 89-10, title IV, §4003, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 7103, Pub. L. 89-10, title IV, §4003, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3673, set forth purpose of former provisions, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7102 of this title.

A prior section 4003 of Pub. L. 89-10 was classified to section 3043 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

A prior section 7104, Pub. L. 89-10, title IV, §4004, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3674, related to funding, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7103 of this title.

A prior section 4004 of Pub. L. 89-10 was classified to section 3044 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

A prior section 7105, Pub. L. 99-570, title IV, §4302, Oct. 27, 1986, 100 Stat. 3207-153, which established National Trust for Drug-Free Youth to encourage private gifts of property to assist the Secretary of Education in carrying out the national programs of drug abuse research, education, and prevention under subtitle B of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-125 (former 20 U.S.C. 4601 et seq.), was omitted from the Code because of the repeal of subtitle B. Section was formerly classified to section 4665, and subsequently section 3225, of this title.

SUBPART 1—STATE GRANTS

§ 7111. Reservations and allotments

(a) Reservations

(1) In general

From the amount made available under section 7103(1) of this title to carry out this subpart for each fiscal year, the Secretary—

(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 7117 of this title to carry out programs described in this subpart.

(2) Other reservations

From the amount made available under section 7103(2) of this title to carry out subpart 2 of this part for each fiscal year, the Secretary—

(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 7132(a) of this title;

(B) notwithstanding section 3 of the No Child Left Behind Act of 2001,¹ shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

(b) State allotments

(1) In general

Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

(A) one-half of the remainder not reserved under subsection (a) of this section according to the ratio between the school-aged

population of each State and the school-aged population of all the States; and

(B) one-half of such remainder according to the ratio between the amount each State received under section 6334 of this title for the preceding year and the sum of such amounts received by all the States.

(2) Minimum

For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding January 8, 2002.¹

(3) Reallotment

(A) Reallotment for failure to apply

If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

(B) Reallotment of unused funds

The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

(4) Definition

In this section the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Limitation

Amounts appropriated under section 7103(2) of this title for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 7103(1) of this title for the fiscal year involved are at least 10 percent greater than² the amounts appropriated under such section 7103(1) of this title for the previous fiscal year.

(Pub. L. 89-10, title IV, §4111, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1735.)

REFERENCES IN TEXT

Section 3 of the No Child Left Behind Act of 2001, referred to in subsec. (a)(2)(B), is section 3 of Pub. L. 107-110, Jan. 8, 2002, 115 Stat. 1426, which is not classified to the Code. The reference probably should be to section 4 of the Act, which is set out as a note under section 6301 of this title, and which contains transition provisions

Section 4111 as such section was in effect the day preceding January 8, 2002, referred to in subsec. (b)(2)(B), probably means section 4011 of Pub. L. 89-10, as added by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3674, which was classified to this section prior to the general amendment of this subchapter by Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.

PRIOR PROVISIONS

A prior section 7111, Pub. L. 89-10, title IV, §4011 [4111], as added Pub. L. 103-382, title I, §101, Oct. 20,

¹ See References in Text note below.

² So in original. Probably should be "than".