

TITLE 20 - EDUCATION

CHAPTER 70 - STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS

SUBCHAPTER IV - 21ST CENTURY SCHOOLS

Part A - Safe and Drug-Free Schools and Communities

subpart 1 - state grants

§ 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 student 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.