Appendix

Sample Program Planning Form

For Comprehensive Planning and Evaluation

Set-Aside Funding – Safe, Drug-Free Schools & Communities

Please use one form for the program you selected for Comprehensive Evaluation
Use the reverse side if needed – page 1 of 2

School Name:_____ **Your Program Number:**_____
Name of the Program:_____
Contact Person for this Program:_____ **Phone:**_____

Title of this Program:

1. **Type of School:** Check Only One
   Public Non Public
2. **Category:** Circle Only One
   U.S. Department of Education List Local Self Developed Program
3. **Primary Type of Program:** Circle Only One
   Drug Education Programming Violence Prevention Education
   Mentoring Family & Community
4. **Primary Grade Level of Students, Teachers or Parents Involved in the Program:**
   Circle Only One
   Elementary, K-5 Junior/Middle, 6-8 Senior, 9-12

Authorized Signature: _____

Please Return Pages 1 & 2 to:

5. **Why do you need this program?** Please Identify reports, surveys, school or community data, literature.

6. **What are your resources for this program?** Please identify the individuals, groups, and financial resources.

7. **What is the long-term impact of this program or the long-term goal of this program?** Identify the specific changes in youth, your school or in your community which will result from this program.

8. **What are the short-term attitude or behavior changes you want to see in the participants in this program?** In other words, what are the specific outcome objectives for this program?

9. **What specific activities are you going to conduct?** Identify the specific steps and activities you will do to implement the trainings, classes, curriculum, or service projects you are planning to conduct.

Sample Program Planning Form

For Comprehensive Planning and Evaluation

Set-Aside Funding – Safe, Drug-Free Schools & Communities

Please use one form for the program you selected for Comprehensive Evaluation
Use the reverse side if needed – page 1 of 2

School Name: _____ **Your Program Number:**_____
Name of the Program:_____

10. Evaluation Method: Select at least one way you will measure the behavior changes resulting from program.

Pre-Test & Post-Test of Participants – use test to measure behavior change.
Observe & Document Behavior Change of Participants –use pre and post measurements or school records.
Case Study of Selected Participants – write a narrative report or make a video of the changes in participants.
Follow-up Survey of Participants – conduct a survey several weeks after the program is completed.
Focus Group Evaluation or Reflection Session – conduct a debriefing session several weeks after initial efforts.
Describe the New Initiatives Started as a Result of the Program – document new projects or services.
Replicate a Researched-Based Program – measure the changes in behavior after the program using program instruments.

11. Describe in detail how you will use the evaluation method you selected? Please be specific.

12. What is the time line for the evaluation?

13. Provide a Summary Description of your Program.

14. Records and Reports – Please maintain the following records or reports for <u>each</u> program:

A. The number of students or adults involved in planning or delivery of the program.
B. The number of students or adults impacted, participating or helped through the program.
C. Records comparing the evaluation plan to the actual results.
D. The results of your evaluation.

15. Provide a Budget for this Program – Expense Categories

A. **Surveys and Data Collection,** Student, Staff or Community	$ _____
B. **Honorariums** for Trainer or Presenters	$ _____
C. **Travel and Lodging** for Trainers or Presenters	$ _____
D. **Workshop Fees** – Registration, Travel, Lodging for students, staff, etc.	$ _____
E. **Materials** – Curriculum, Printing, Postage	$ _____
F. **Food and Beverages**	$ _____
Total Budget for this Program	$ _____

Source Citation: Kent Intermediate School District, Program Planning Form, January 1, 2000.

Prevention Related Web Sites

Address	Site Name or Description
http://www.mdch.state.mi.us/OCDP/safe/index.htm	Michigan's SDFSCA web site, information to support local school coordinator's administering programs with SDFSCA funds.
http://www.pta.org/index.stm	National PTA
http://www.unr.edu/westcapt/	Western Center for the Application for Prevention Technologies (CAPT) provides hands on resources for prevention planning and research based prevention.
http://www.connectforkids.org/index.htm	Encyclopedia of information for adults who want to improve their communities for children; state specific information available.
http://www.acde.org/educate/challenge/default.html	American Council for Drug Education's site to access The Challenge, the SDFSCA on-line bimonthly newsletter.
http://www.drugstrategies.com/	Resources and direction regarding effective methods for addressing drug prevention issues.
http://www.ocfo.ed.gov/grntinfo.edgar.htm	Education Department Grants Administrative Regulations (EDGAR)
http://www.ed.gov/indes.html	U.S. Department of Education
http://www.ncjrs.org/txtfiles/fs9878.txt http://www.ncjrs.org/pdffiles/fs9878.pdf	*A Guide to the Family Educational Rights and Privacy Act.* Two page fact sheet in text of PDF format.

Address	Site Name or Description
http://www.ncjrs.org/txtfiles/163705.txt http://www.ncjrs.org/pdffiles/163705.pdf	*Sharing Information: A Guide to the Family Rights and Privacy Act and Participation in Juvenile Justice Programs.* 53 page document in text of PDF format.
http://www.ncjrs.org/txtfiles/91286.txt http://www.ncjrs.org/pdffiles/91286.pdf	*Information Sharing and the Family Educational Rights and Privacy Act.* Two page fact sheet in text or PDF format.
http://www.state.mi.us/mde/index.htm	Michigan Department of Education
http://monitoringthefuture.org/	National study of the behaviors, attitudes, and values of youth.
http://www.jointogether.org/	National resource for communities regarding substance abuse and gun violence prevention.
http://www.nasadad.org/	National Association of State Alcohol/Drug Abuse Directors (NSADAD), information regarding AOD prevention and treatment, including links to federal prevention sites.
http://www.cdc.gov	Information regarding disease, injury, and disability, including the Youth Risk Behavior Survey (YRBS).
http://www.WeAreMRC.org/	Michigan's statewide prevention resource clearinghouse for prevention materials
http://www.ohsp.state.mi.us/pages/default.htm	Michigan Office of Highway Safety Planning (OHSP), information regarding traffic crash injury and impairment driving prevention.

Address	Site Name or Description
http://www.preventionnetwork.org/	Prevention Network (PN), provides information regarding prevention grant opportunities and other ATOD prevention issues.
http://www.samhsa.org	Substance Abuse and Mental Health Services Administration (SAMHSA).
http://www.samhsa.gov/oas/p0000016.htm	National Household Survey on Drug Abuse publications through SAMHSA.
http://www.health.org	Prevention Online (PREVLINE) comprehensive resource site for federal prevention resources.
http://www.drugfreeamerica.org/newscenter/ pressreleases/pats99page1.html	Partnership for a Drug Free America *Partnership Attitude Tracking Study.*
http://www.health.org/aboutn.htm	National Clearinghouse of Alcohol and Drug Information (NCADI).
http://www.migov.state.mi.us/MichiganGovernor.htm	Michigan State Legislature

Common Prevention Acronyms

AOD	Alcohol and Other Drugs
ATOD	Alcohol, Tobacco, and Other Drugs
BSAS	Bureau of Substance Abuse Services
CA	Coordinating Agency (Regional Substance Abuse CA)
CADCA	Community Anti-Drug Coalitions of America
CAPT	Centers for the Application of Prevention Technologies
CDC	Centers for Disease Control and Prevention
CSAP	Center for Substance Abuse Services
DARE	Drug Abuse Resistance Education
DCH	Department of Community Health
DEA	Drug Enforcement Administration
DOE	Department of Education
ED	Education Department
EDGAR	Education Department Grants Administrative Regulations
ESEA	Elementary and Secondary Education Act
FDA	Food and Drug Administration
FERPA	Family Educational Rights and Privacy Act
FIA	Family Independence Agency
FTE	Full Time Equivalent
GDG	Governor's Discretionary Grant
GREAT	Gang Resistance Education and Training
ISD	Intermediate School District
LEA	Local Educational Agency
MDCH	Michigan Department of Community Health
MDE	Michigan Department of Education
MM	Michigan Model for Comprehensive Health Education
MPCB	Multi-Purpose Collaborative Body

MRC	Michigan Resource Network
NCADI	National Clearinghouse for Alcohol and Drug Information
NIDA	National Institute on Drug Abuse
ODCP	Office of Drug Control Policy
OESE	Office of Elementary and Secondary Education Act
OHSP	Office of Highway Safety Planning
OJJDP	Office of Juvenile Justice and Delinquency Prevention
ONDCP	Office of National Drug Control Policy
PN	Prevention Network
PRIDE	Parent's Resource Institute for Drug Education
PSA	Public Service Announcement or Public School Academy
SADD	Students Against Drunk Driving or Students Against Destructive Decisions
SAMHSA	Substance Abuse and Mental Health Services Administration
SAP	Student Assistance Program
SAPT	Substance Abuse Prevention and Treatment
SDFSCA	Safe and Drug Free Schools and Community Act
SEA	State Educational Agency
USDOE	United States Department of Education
YRBS	Youth Risk Behavior Survey

Safe and Drug-Free Schools and Communities Act

State Grants

Guidance for State and Local Implementation of Programs

DRAFT

Title IV, Part A, Subpart 1
Elementary and Secondary Education Act of 1965
as amended by the
No Child Left Behind Act of 2001
Public Law 107- 110

U.S. Department of Education
Office of Safe and Drug-Free Schools
January 2004

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Safe and Drug-Free Schools and Communities Act

State Grants

Guidance for State and Local Programs

Introduction

On January 8, 2002 President Bush signed into law the No Child Left Behind Act (NCLB) of 2001, Public Law 107-110, which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). The NCLB emphasizes the Administration's "four pillars" for education reform – accountability, use of science-based programs, parental and community involvement, and local decision making – and is designed so that Federal support for elementary and secondary education ensures that every student achieves academic success.

The Safe and Drug-Free Schools and Communities Act (SDFSCA) (Title IV, Part A of the ESEA) is a critical part of President Bush's national effort to ensure academic success for all students. Effective July 1, 2002, the SDFSCA State Grants (Subpart 1) program authorizes a variety of activities designed to prevent school violence and youth drug use, and to help schools and communities create safe, disciplined, and drug-free environments that support student academic achievement. Some significant changes in the SDFSCA include:

- A requirement that State and local prevention programs and activities meet the Principles of Effectiveness. Under the reauthorized SDFSCA, the Principles of Effectiveness include a requirement that funds be used to support only programs grounded in scientifically based research. In addition, States and local recipients must have meaningful and ongoing consultation with, and input from, parents in the development of applications and administration of programs or activities. In 1998, the Principles of Effectiveness were developed by the U.S. Department of Education to provide a framework for State and Local Grant funds recipients to improve the quality of drug and violence prevention programming implemented with SDFSCA funds.

- A requirement that each State establish a uniform management information and reporting system to support decision-making in each State.

- A requirement that limits the amount of funds for local administrative costs to 2 percent of the amount of SDFSCA formula grant funds that the local educational agency (LEA) receives from the State educational agency (SEA).

- The cap on funds for security-related expenses (see (a) through (e) below) remains at 20 percent; however, an additional 20 percent may be used to hire and train school security personnel (see item (e) below). Funds may be used for the following activities only to the extent that funding for activities is not received from other Federal agencies: (a) acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies; (b) reporting criminal offenses committed on school property; (c) developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans; (d) supporting safe zones of passage activities that ensure that students travel safely to and from school, including bicycle and pedestrian safety programs; (e) hiring and mandatory training of school security personnel who interact with students in support of youth drug and violence prevention activities implemented in schools.

- SEA allocations to LEAs are now based 60 percent on LEA relative shares of ESEA Title I basic and concentration grant funding, and 40 percent on school enrollment. There is no longer a requirement, or the authority, for SEAs to target a portion of their SDFSCA formula grant funding to LEAs based on "greatest need" factors.

- LEAs that receive SDFSCA funds are now required to have a plan for keeping their schools safe and drug-free that includes appropriate and effective discipline policies, security procedures, prevention activities, a student code of conduct, and a crisis management plan for responding to violent or traumatic incidents on school grounds.

Purpose of the SDFSCA

The purpose of the SDFSCA is to support programs that: (1) prevent violence in and around schools; (2) prevent the illegal use of alcohol, tobacco, and drugs; (3) involve parents and communities; and, (4) are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that promotes student academic achievement. Federal assistance is provided to States for:

- Grants to LEAs (and consortia of LEAs) to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

- Grants to, or 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; and

- Development, training, technical assistance, and coordination activities.

Purpose of this Guidance

The SDFSCA State Grants legislation (Title IV, Part A, Subpart 1 of the ESEA), "General Provisions" (located in Title IX of the ESEA), and "flexibility provisions" (located in Title VI of the ESEA) provide the statutory basis for the U. S. Department of Education's (ED) administration of the Safe and Drug-Free Schools and Communities State Grants Program. This guidance highlights some important aspects of these statutory provisions and of the applicable Education Department General Administrative Regulations (EDGAR) that govern the program. It also interprets certain key provisions that may be of use in administering the SDFSCA State Grants Program.

States and local entities may rely on this guidance in administering their SDFSCA State Grants Program. This guidance does not impose any requirements beyond those imposed by the statute and the applicable portions of EDGAR. ED officials, including the Inspector General, will consider State and local recipients that follow approaches contained in this guidance to be in compliance with the applicable Federal statutes and regulations.

Some features to watch for as you use this guidance package include:

- In addition to the provisions in Titles IV, VI, and IX of the ESEA, ED's administration of the SDFSCA's State Grants Program is guided by applicable sections of EDGAR (Parts 76, 77, 79, 80, 81, 82, 85, 97, 98, and 99). An understanding of the applicable provisions in EDGAR is an important component of the administration of the SDFSCA State Grants Program. This guidance does not discuss all EDGAR provisions that apply to the administration of the SDFSCA State Grants Program, but will highlight provisions from EDGAR that are relevant to major sections of the guidance.

- This guidance package was developed after consultation with State and local program officials around the country. In addition to highlighting important provisions and providing interpretations concerning some key provisions, it also contains questions and answers that respond directly to questions raised by State and local officials since the enactment of the reauthorized ESEA. These questions and answers appear at the conclusion of each major section of the guidance.

I. Principles of Effectiveness

The SDFSCA is a central part of the Federal Government's effort to encourage safe and drug-free learning environments that support student academic achievement. Funded programs provide support for school- and community-based programs to help our Nation's communities prevent alcohol and other drug use, as well as youth violence. Along with the inherent flexibility for implementing programs, State and local entities are accountable for achieving measurable results.

Coordination and collaboration are critical themes that are interwoven throughout the SDFSCA; the legislation calls for Governors and SEAs to work with individuals and organizations that represent all facets of our schools and communities to develop and implement plans that will effectively foster a safe learning environment and prevent illegal use of drugs and alcohol,

LEAs must consult, on an ongoing basis, State and local governments, school representatives, parents, teachers, students, community-based organizations and others in the development of applications as well as the design and development of programs and activities implemented under the SDFSCA.

The Principles of Effectiveness provide the framework to assist States and local entities in designing, implementing, and evaluating high-quality programs and achieving measurable results. Programs or activities must:

- be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served. This assessment must include an objective analysis of the current conditions and consequences regarding violence and illegal drug use that is based on ongoing local assessment or evaluation activities. Analysis of the conditions and consequences must include delinquency and serious discipline problems among students who attend such schools (including private school students who participate in the drug and violence prevention program).

- be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served have a safe, orderly, and drug-free learning environment.

- be based on scientifically based research demonstrating that the program to be used will reduce violence and illegal drug use.

- be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors,

buffers, assets; or other variables identified through scientifically based research that occur in schools and communities.

- include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

Questions about the Principles of Effectiveness

Q1. Who must implement the Principles of Effectiveness?

A1. All entities that receive SDFSCA State Grants Program funds, either through grants or contracts, must comply with the Principles of Effectiveness.

Q2. What are the responsibilities of the State and local entities that receive SDFSCA State Grants Program funds in implementing the Principles of Effectiveness?

A2. States and local entities play a significant role in implementing the Principles of Effectiveness. States are responsible for disseminating information and providing technical assistance and guidance to LEAs and other entities receiving SDFS funds. State and local entities will need to examine needs assessment information, review goals and objectives, and determine if the programs proposed meet standards established by the Principles of Effectiveness. These entities may use a variety of processes and procedures to make these determinations, including applications or progress reports.

Q3. We believe that our LEA is experiencing some unique challenges with regard to drug use and violence, and have ideas for new approaches that have not yet been fully tested. May we implement a program that does not meet the standard established for "scientifically based research"?

A3. Consistent with Section 4115(a)(3) of the SDFSCA, LEAs may apply to their SEA for a waiver of the requirement to implement programs that are scientifically based programs. However, LEAs applying for waivers must demonstrate that funded programs or activities are innovative and have a substantial likelihood of success. SEAs must establish a process to consider such requests and must have documented how the requested waiver meets the standard established in the statute.

<u>Needs Assessments</u>

Q4. What is meant by "objective data" in conducting a needs assessment?

A4. "Objective data" generally means information not influenced by emotion, surmise, or personal opinion. This definition is consistent with ED's intent to have recipients use concrete information to assess problems and programs. I It is important for recipients to base decisions about programs, and the allocation of SDFSCA resources, on objective data that can form the basis for achieving consensus on activities and assessing real, measurable progress toward a safe and drug-free learning environment.

Examples of objective data include information from records that detail the number of referrals to law enforcement for bringing a firearm to school, or results from student surveys about the proportion of students engaged in binge drinking. In contrast, subjective data might include information collected in a focus group about teacher perceptions of safety, or student evaluations of a program that assess how much they enjoyed the lessons presented.

Q5. Will a needs assessment that contains only "process" data meet the Principles of Effectiveness requirement?

A5. Because States and local entities are to develop measurable goals and objectives for prevention programs linked to changes in student attitudes and behaviors, needs assessment information that focuses only on process and implementation issues (such as the number of teachers trained or the number of hours of instruction provided) will not provide sufficient support for the goal-setting or evaluation processes embodied in the Principles of Effectiveness.

Q6. How often must data be collected for the needs assessment?

A6. States and local entities must collect data on an ongoing basis, through assessments or evaluation activities. States and local entities are in the best position to identify rapidly changing situations in their communities and to know whether existing data should still be included in a strong needs assessment process.

Q7. Must an LEA needs assessment include both drug use and violence?

A7. All assessment efforts must include data about both problems. The decision to focus programs exclusively on a particular problem area should be based on the results of the needs assessment process, and should not precede collection and analysis of information on the nature and extent of the problem in a particular school or neighborhood. LEAs (or other entities receiving State Grants Program funds) should use the

results of their needs assessment to help them select programs or activities for implementation.

Q8. Do the Protection of Pupil Rights Amendment (PPRA) requirements apply to surveys used to collect information about drug use and violent behavior?

A8. PPRA applies to surveys, analyses, or evaluations that: (1) reveal information in eight different categories – political affiliations or beliefs of the student or their parents; mental or psychological problems of the student or the students family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraise of individuals with whom the respondents have close family relationships; legally recognized privileged relationships such as those of lawyers, physicians and ministers; religious practices, affiliations, or beliefs of the student or student's parents; or income – (2) are not voluntary ("required") by LEAs; and (3) are conducted by an LEA that receives funds under any applicable ED program. ED's Family Policy Compliance Office can provide detailed technical assistance about implementation of the PPRA; contact information for that office is provided in the Appendix D of this guidance.

Q9. Must the data used in the assessment reflect information about drug use and violence problems in schools and neighborhoods, or are State-level or national data sufficient?

A9. To the extent possible, data used in the assessment should be focused on the drug use and violence problems in your school or neighborhood. While State-level or national data, taken from surveys, such as Monitoring the Future or the Youth Risk Behavior Surveillance System (YRBSS), may provide interesting benchmarks for comparison, analyses of existing data at those levels indicate that there are regional and other differences that are likely to affect significantly the development of local needs assessment information, measurable goals and objectives, and program selection decisions.

Q10. Must the applicant gather all the data used in the assessment process?

A10. States and local entities are encouraged to identify data collected by other programs or agencies that may be incorporated into their needs assessment process. We strongly encourage collaborative efforts with other agencies that result in multiple uses of data.

Q11. What do recipients do with data after they are collected?

A11. Activities following data collection are the most important part of a needs assessment process. Data collected (or gathered from other sources)

should be made an integral part of the planning process. For example, an analysis of various pieces of data collected might help identify:

- what drugs are used in the area;
- whether drugs are used by many students or if their use is concentrated in a more limited segment of the population;
- whether particular drugs are used more prevalently by some student age groups;
- what other prevention resources are available or activities are being implemented in the school or community

Similar analysis can be conducted of data about violence. The answers to these and similar questions should help States and local entities understand and prioritize their needs, identify a specific problem for attention, develop measurable goals related to that problem, and select effective programs for implementation. For more information on data collection, storage and uses, please refer to the section on the Uniform Management Information and Reporting System later in this guidance.

Performance Measures

Q12. What is a performance measure and how many must a recipient have?

A12. A performance measure is one that permits a quantitative assessment of progress. An example of a performance measure that might be adopted by an LEA is: "To reduce the number of fights between students in the upcoming school year by one-half compared to the previous year." It will be easy to assess progress toward achieving this goal because it includes a quantifiable outcome [provided that baseline (or beginning) data exist and that a process is in place for counting fights during the school year.]

Contrast this with a performance measure on a similar topic that is not as easily measured: "To provide a safe learning environment during the upcoming school year." While the goal is a laudable one, it is difficult to measure success in achieving progress unless quantifiable outcomes are specified and a data collection process is in place.

Local performance measures should be directly related to the results of the local needs assessment, and linked to performance measures established by the State. An analysis of data collected as part of the needs assessment should help focus attention on the most problematic issues and guide the development of performance measures that relate to improvement in those areas.

The number of performance measures should be based on individual needs and reflect adequately the outcomes to be achieved. A few, well-chosen performance measures are probably sufficient for most programs.

Q13. Must performance measures focus on "behavioral" or "attitudinal" program outcomes?

A13. The Principles of Effectiveness require that programs implemented with SDFSCA funds be designed to prevent or reduce violence and illegal drug use. Performance measures, thus, must include goals that relate to reduced violence or drug use. Recipients may also adopt goals related to changing attitudes that are predictors of or precursors to youth drug use or violent behavior or goals related to the quality of program implementation.

Scientifically Based Research

Q14. What is the definition of "scientifically based research"?

A14. Title IX, Part A, Section 9101(37) defines scientifically based research as:

-- research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

-- includes research that –

- employs systematic, empirical methods that draw on observation or experiment;
- involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- relies on measurement or observational method that provide reliable and valid data across evaluators and observers, and across studies by the same or different investigators;
- is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Q15. How can I find scientifically based research programs?

A15. Several of the agencies listed in Appendix D (Resources) in this guidance have identified exemplary prevention programs. Information about identified programs is available on their web sites.

Q16. Has ED published an "official" or exhaustive list of drug and violence prevention programs that can be supported with SDFSCA funds?

A16 No, ED has not issued, nor does it have any plans to issue, such a list. Recipients of SDFSCA funds must use funds to implement programs that meet the Principles of Effectiveness. Programs that meet these standards have demonstrated effectiveness in preventing youth drug use, violence, or disruptive behavior.

Risk Factors

Q17. Programs and activities must be based on data on risk factors, protective factors, buffers and assets. What is meant by those terms?

A17. The terms protective factor, asset, or buffer 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. For example, one protective factor in the community domain is the establishment of community norms that support students who abstain from drug use.

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. An example of a risk factor in the family domain is inconsistent family management and disciplinary practices.

Consultation with Parents

Q18. Do parents have a role to play in implementing programs and activities supported with State Grants Program funds?

A18. The statute requires that parents be consulted in the development of, and have an opportunity to provide input concerning, the application for

program funds and the administration of any program or activity implemented with State Grants Program funds. Although the statute doesn't specify how often consultation must take place, it does prescribe a meaningful and ongoing consultation and input process.

Periodic Evaluation

Q19. The Principles of Effectiveness in Section 4115 requires programs and activities supported with State Grants Program funds to undergo a periodic evaluation. What kinds of evaluation activities are required?

A19. Evaluation is the systematic collection and analysis of data needed to make decisions. Periodically, recipients will need to examine the programs they implement to determine if they meet established performance measures. The nature and extent of such evaluation activities will vary, and evaluation methods should be selected that are appropriate and feasible to measure success of a particular intervention.

Q20. How often should a "periodic evaluation" be conducted?

A20. States and local entities, in the context of any requirement that may be established by the Governor's Office or SEA, must determine how often they need to re-examine their progress toward reducing violence and illegal drug use in schools to be served, based on established performance measures.

Q21. How must the results be used?

A21. Evaluation results must be used to refine, improve, and strengthen the program, and to refine the performance measures. In addition, the results must be made available to the public upon request with public notice that results can be obtained.

Q22. If a review of the effectiveness of an LEA program results in a need to modify its goals and objectives, is it possible to make other changes in materials on file with the SEA or Governor's office?

A22. Consistent with Section 76.770 of EDGAR, the Governor's office or SEA will have procedures for amending applications and will provide guidance to recipients in their State about when modifications may be required and how they should be submitted.

Q23. When must a program that cannot demonstrate reduced drug use or violent behavior be terminated?

A23. Decisions regarding the termination of locally executed programs are made at the State level. In determining the effectiveness of a program, States should consider (in addition to the Principles of Effectiveness and other SDFSCA State Grants Program requirements) the needs of the area, the goals of the program, and the evaluation results. As soon as a program has been determined to be ineffective, funding should not be renewed in future funding cycles.

II. How to Apply for Funds

Single State Applications for Governors and SEAs

Application Options

The State may:

- for fiscal year 2002, submit a single, SDFSCA program-specific interim application, the purpose of which is to provide opportunity for the State to develop and review its application and comprehensive plan. States that elect this option must complete a comprehensive application in order to receive SDFSCA funding in fiscal year 2003 and future years.

- submit a single, SDFSCA program-specific comprehensive application that responds to the application requirements in Section 4113 of the SDFSCA.

- submit a single State application for the Governor and SEA in the form of a consolidated application. In the interest of simplification and enhanced coordination, Section 9302 of the ESEA allows eligible recipients, after consultation with the Governor, to submit a consolidated application. In this option, States are not required to submit separate applications under any of the ESEA programs to which the consolidated State application applies.

Contents of State Applications

If the State elects to submit an SDFSCA program-specific application, the SEA and the Governor's office must jointly submit a single application for the Governor and SEA that addresses the components listed in Section 4113 of the SDFSCA. Successful applications will demonstrate consultation and coordination with the appropriate state officials and others listed in Section 4113(a)(3) and (4) of that section.

Information about the contents of the consolidated application is available from the Safe and Drug-Free Schools and Communities Program (see Appendix D – Resources for information about how to contact the Safe and Drug-Free Schools

and Communities Program. You may also consult www.ed.gov/offices/OESE/SDFS for more information). It is important to note that, if a State chooses to submit a consolidated application, all the requirements listed in Section 4113 of the SDFSCA must be met even though the consolidated application may not ask for submission of that information in writing.

An EDGAR Highlight: Amendments to Applications
(Section 76.140 of EDGAR)

On some regular basis, States must re-examine their plans to ensure the goals and objectives for programs remain appropriate and that significant changes in the plan have been addressed.

Section 76.140 of EDGAR discusses when a State must amend a State plan. It requires that a State amend its State plan whenever there is a significant and relevant change in:

--information or assurances in the plan;
--the administration or operation of the plan; or
--the organization, policies, or operations of the State agency that received the grant, if the change materially affects the information or assurances in the plan.

A State must also amend its plan if the Secretary determines that an amendment is essential. For example, the Secretary might make such a determination in response to a statutory change concerning program administration.

A State must also ensure that procedures for amending applications are implemented at the local level. Section 76.770 of EDGAR discusses State administrative responsibilities to ensure compliance.

Review and Approval Process

The single State application will undergo a review and will be considered approved unless the Secretary makes a written determination, within 120 days of having received the application that the application is not in compliance with the SDFSCA.

If the Secretary disapproves a State plan, the Secretary must notify the State of the specific areas of noncompliance and request additional information needed to bring the State application into compliance. In addition, the SDFSCA gives a State 45 days within which to provide a response to the Secretary for approval. If a State fails to respond within that period, the application will be considered disapproved.

Questions about the State application

Q24. May a State submit an individual application for the SEA and a separate application for the Governor?

A24. No. Section 4113(a)(1) of the SDFSCA requires a State to submit an application that contains a comprehensive plan for the use of funds by the SEA and the Governor. Therefore, a single State application for the receipt of SDFSCA State Grants Program funds is necessary.

Q25. Who must sign the single State application?

A25. The Chief State School Officer (CSSO) and the Governor both must sign the single State application.

Q26. The SEA and the Governor must submit a single application. Does that mean ED will distribute all funds under one grant?

A26. Generally, no. The SEA and the Governor's Program will receive their funding separately. However, if the Governor elects not to reserve any of the funds available, the total amount available to the State would be awarded under a single grant to the SEA.

Q27. The consolidated application does not request all the items listed in Section 4113 of the SDFSCA, as required for a program-specific application. Must a State that chooses to submit a consolidated application comply with all the requirements found in Section 4113 of the SDFSCA?

A27. Yes. Although the consolidated application instructions require that only certain information be submitted to ED, States must comply with all the elements listed in Section 4113 of the SDFSCA. States are encouraged to document compliance for monitoring and audit purposes.

Q28. Section 4113(a)(9) of the SDFSCA requires that a State's application contain the results of a needs assessment that is based on ongoing State evaluation activities. How recent must the data be and what data elements must be included?

A28. States are encouraged to include in their applications the most recent available data from their ongoing evaluation activities. Although the SDFSCA does not limit the types of information that must be included, data on the following are required:

- 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;
- The prevalence of "risk factors", including high or increasing rates of reported cases of child abuse or domestic violence;
- The prevalence of "protective factors, buffers, or assets"; and
- Other variables in the school and community identified through scientifically based research.

States may also wish to explore the possibility of obtaining relevant data from other State agencies including State agencies that administer alcohol and other drug prevention and rehabilitation programs and State criminal justice agencies.

Q29. Must performance measures address both drug use and violence?

A29. The performance measures must be related to the goals of the program. Unless the grantee has chosen, based on needs assessment information (see Question 7), to focus the program exclusively on either drug use or violence, performance measures should be included that address both areas. Periodic needs assessments of both illegal drug use and violence will help States and localities determine whether programs need to expand or shift their focus.

LEA Application for Funds

Application Options

LEAs have the following application options:

- An LEA receiving funds under more than one covered program may submit a consolidated application to the SEA. The SEA will make those consolidated local plans and applications available to the Governor. In cases where the SEA has an approved consolidated State application under Section 9302 of the ESEA, the SEA may require those LEAs receiving funds from more than one program included in the consolidated State plan to submit a consolidated application for covered programs.

- Except in the situation described above, an LEA may submit an SDFSCA-specific application under Section 4114 of the SDFSCA. Each SEA will determine the period of time covered by LEA applications and will require amendments to an LEA's application to reflect changes in the LEA's SDFSCA program [See Section 4114 of the SDFSCA].

Consultation on Applications

LEAs are no longer required to establish or consult with an existing advisory council. However, in order to receive funds, LEAs must develop their applications through consultation with State and local representatives, school representatives (including private schools), teachers, school staff, parents, students, community-based organizations, and others with expertise in violence- and drug-prevention efforts, such as medical, mental health, and law enforcement professionals. This consultation must be ongoing as LEAs seek advice on how best to coordinate their activities and related strategies. LEAs may elect to employ an advisory council in this role.

LEAs are required to consult with appropriate representatives and organizations at the initial stages of the design and development of programs and activities, including on efforts to meet the Principles of Effectiveness. [See Section 4114(c)(2) of the SDFSCA.]

Contents of LEA Applications

Title IX authorizes the SEA, in collaboration with the State's LEAs, to determine the contents of a consolidated LEA application. The consolidated LEA application developed by the State need not include all of the LEA application requirements contained in the SDFSCA [Section 4114(d)]. However, it is important to remember that even if an LEA is not required by the SEA to supply all information in the application, LEAs must still gather data to meet the requirements listed in Section 4114 (d) of the SDFSCA.

If States do not implement a consolidated LEA application process, LEAs must develop an application that responds to the requirements contained in Section 4114(d) of the SDFSCA.

Review process

SEAs must carry out a peer or other review process to ensure the quality of LEA applications. The SEA must consider the quality of the application and the degree to which the proposed activities meet the Principles of Effectiveness under Section 4115 of the SDFSCA. LEA applications will be considered approved unless the SEA makes a written determination within 120 days of receiving the application that the application is not in compliance with the statute.

An SEA must notify an LEA of the specific areas of noncompliance and request additional information needed to bring the application into compliance. The SEA may not finally disapprove an LEA application until after giving the LEA notice and opportunity for a hearing. The SDFSCA gives an LEA a period of 45 days to provide a response to the SEA for approval. If an LEA fails to respond within that period, the application will be considered approved.

An EDGAR Highlight: Record Keeping
(Section 76.730-731 and Section 80.42 of EDGAR)

Sections 76.730 and 76.731 of EDGAR (Records) provide information about record keeping requirements for States and subgrantees funded under the SDFSCA Subpart 1 program, including what must be included in those records. Section 80.42 of EDGAR establishes a minimum period of time that records must be retained (three years). These two portions of EDGAR provide a framework that will help States establish and maintain the required records appropriately.

Questions about the LEA Application

Q30. Do SEAs have to use a peer review process for LEA applications?

A30. SEAs must use a peer review process or other method of assuring the quality of LEA applications. The review must consider the quality of applications and the extent to which the applications meet the Principles of Effectiveness. [See Section 4114(e) of the SDFSCA.]

Governor's Subgrantee Applications

Eligible Applicants

The Governor may award competitive grants and contracts to LEAs, community-based organizations (including community anti-drug coalitions), other public entities and private organizations, and consortia of these agencies. In making awards, the Governor must give priority to programs and activities that prevent illegal drug use and violence for:

- children and youth who are not normally served by SEAs or LEAs; or
- populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

Additionally, the Governor must give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program. [See Section 4112(a) of the SDFSCA.]

How to Apply

Applicants apply for funds directly to the Governor's office or the designated agency responsible for administering funds under the Governor's program. The procedures for awarding and administering subgrants will be based on the State's own procedures and laws. Similarly, when procuring property and services under the SDFSCA, the Governor must follow the same State policies and procedures used for procurements from non-Federal funds.

An EDGAR Highlight: Procurement and Subgrant Procedures
(Sections 80.36 and 80.37 of EDGAR)

A State is expected to follow the same policies and procedures it has established for procurement from non-Federal funds when awarding subgrants and making procurements with Federal funds. Minimum Federal requirements are established in Section 80.36 and 80.37 of EDGAR for subgrants and contracts.

The Governor is given discretion as to the contents of applications submitted for consideration. However, the Governor must award grants based on the quality of the program or activities proposed and how the program or activity meets the Principles of Effectiveness as described in Section 4115(a) of the SDFSCA.

Applications submitted to the Governor for consideration must undergo a peer review process.

Questions about the Governor's subgrantee application

Q31. The statute requires that Governors give priority to programs and activities that prevent illegal drug use and violence for children who are not normally served by SEAs or LEAs or populations that need special services or additional resources, such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts. Does this mean that Governors must use all their funding for these populations?

A31. No. The statute does not require Governors to use a specific amount of their funding for services to the identified groups. Governors must give precedence to providing services to these groups and make sure that needed services are provided to these populations before competing alternatives are addressed.

Q32. May the Governor choose a population other than those explicitly mentioned in the SDFSCA to receive special services or additional resources as provided in Section 4112(a)(2)(B) of the SDFSCA?

A32. The Governor may choose to provide special services or additional resources to populations other than those mentioned in the SDFSCA;

however, a justification for the selection of a population should be developed and maintained.

Q33. Will ED impose additional requirements concerning the peer review requirement contained in Section 4112(a)(4) of the SDFSCA?

A33. ED will not propose any additional requirements. Governors have the flexibility to develop and implement their own procedures for peer review of grants and contracts awarded under the SDFSCA Governor's Program. Governors may choose to use an existing peer review mechanism, or develop a process that is appropriate for State needs and conditions.

Q34. May faith-based organizations receive funds under the Governors Program?

A34. Yes, as long as educational services or other benefits including materials and equipment provided are secular, neutral, and non-ideological.

III. Distribution of Funds

Allocations from ED to States

ED uses the formula provided in Section 4111 of SDFSCA to determine how funds are distributed to States. The formula is based on a State's relative share of the country's school-aged population, and its share of the Title I concentration grant funds. More specifically, after reservations for the territories, the Bureau of Indian Affairs, and the Native Hawaiians Program, ED distributes the remaining funds:

- one-half according to the ratio between the school-aged population of the State and that of all the States; and

- one-half according to the ratio between the amount each State received under section 1124A of the ESEA for the preceding year and the sum of such amounts received by all States. (Section 1124A of the ESEA governs the distribution of Title I, Concentration Grant allocations.)

The new statute continues the "small-State minimum" (no less than one-half of one percent of the total allocated to all the States) that has been part of the program for many years, and adds a "hold harmless" provision at the Fiscal Year 2001 level. The statute provides for every State to receive at least the greater of these two amounts.

Distribution of Funds to Governors

Under Section 4112(a) of the SDFSCA, the Governor may reserve no more than 20 percent of the total amount allocated to a State for awards to subgrantees. The Governor may not use more than 3 percent of the amount available to the Governor for the administrative costs incurred in carrying out related duties.

Distribution of Funds to SEAs

The SEA will receive at least 80 percent of a State's allotment under the program. An SEA may reserve not more than 5 percent of its total allocation for State-level activities as authorized under Section 4112(c) of the SDFSCA. An SEA may also reserve not more than 3 percent of its total allocation for administrative costs, including the implementation of the Uniform Management Information and Reporting System as provided under Section 4112(b)(2)(A) of the SDFSCA. (However, in fiscal year 2002, the SEA may reserve up to an additional 1 percent of its total allocation for administrative costs, provided that the additional reservation is used to support the Uniform Management Information and Reporting System.)

SEA Distribution of Funds to LEAs

SEAs must distribute at least 93 percent of the funds they receive to LEAs. Of the funds available for distribution to LEAs, SEAs must distribute 60 percent based on the relative amount LEAs received under Part A of Title I for the preceding fiscal year, and 40 percent based on relative enrollments in private and public elementary and secondary schools within the boundaries of the LEAs.

An EDGAR Highlight: Program and Administrative Costs
(Section 80.3 of EDGAR)

Section 80.3 of EDGAR (Uniform Administrative Requirements – Definitions) provides a definition for the term "administrative" and distinguishes administrative costs from "programmatic" costs. Costs associated with the kinds of activities described in this section of EDGAR as administrative can be supported only with funds reserved for administrative costs. Under the definition, administrative costs would be costs expended to meet requirements common to grants in general, such as financial management and retention of records. Programmatic costs are typically those associated with carrying out specific program activities.

Redistribution of Funds to LEAs

If an LEA does not apply to its SEA for funds, or if the SEA disapproves an LEA's application for funds, the SEA must reallocate the LEA's funds to one or more of its other LEAs.

If an LEA is unable to obligate a portion of its allocation within one year after it has been awarded by the SEA, the funds must be returned to the SEA. (See

"Carryover of Funds by LEA" below for an exception.) In this case, the SEA reallocates the funds to LEAs that have submitted plans for using the funds on a timely basis. [See Section 4114(a)(3) of the SDFSCA]

Carryover of Funds by LEAs

An LEA may keep up to 25 percent of its allocation for the following fiscal year. An LEA may retain an amount greater than 25 percent of its fiscal year allocation for use in the following year if it can demonstrate, to the satisfaction of the SEA, that it has "good cause" for such a carryover. [See Section 4114(a)(3) of the SDFSCA]

Question about the SEA/LEA Program

Q35. May SDFSCA funds be awarded to individual schools rather than LEAs?

A35. No. Section 4112(b)(1) of the SDFSCA explicitly requires the SEA to award funds to its LEAs. Therefore, unless a "school" meets the definition of an LEA and is considered an LEA by the SEA, SDFSCA funds cannot be awarded to an individual school.

Question about the Governor's Program

Q36. Can the Governor choose not to implement programs under the SDFSCA?

A36. Yes. According to Section 4112(a) of the SDFSCA, the Governor has the option of reserving an amount up to 20 percent of the amount awarded to the State to implement drug and violence prevention programs. However, should the Governor choose not to reserve any funds, the total amount available to the State would be awarded to the SEA.

IV. Program Implementation

SEA Programs

The ESEA, as reauthorized by NCLB, encourages greater accountability by emphasizing cross-agency efforts, both in development of applications and in the implementation of programs, including through the Uniform Management Information and Reporting System.

SEAs are authorized to use SDFSCA funds to plan, develop, and implement capacity-building, technical assistance and training, evaluation, program improvement services, and coordination activities for LEAs, community-based organizations and other public and private entities. Funded programs must be consistent with the Principles of Effectiveness, which were expanded to

emphasize the importance of risk factors in analyzing data and parental involvement in the development of applications and the implementation of programs and activities under the SDFSCA. [See Section 4115(a) of the SDFSCA.]

In addition to meeting the Principles of Effectiveness, SEA programs must:

- Complement and support local uses of funds implemented by LEAs under Section 4115(a) of the SDFSCA; and
- Be in accordance with the purposes of the SDFSCA.

Section 4112(c)(2)(D) of the SDFSCA authorizes SEA activities to include, among other activities:

- Identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;
- Training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and
- Financial assistance to enhance drug and violence prevention resources available in areas of the State that serve large numbers of low-income children, are sparsely populated, or have other special needs.

Message and Materials

Drug and violence prevention programs supported under the State Grants Program must convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

LEA Programs

LEAs may carry out a broad range of drug and violence prevention programs with SDFSCA funds. Funded programs and activities must be coordinated with other school and community-based services and programs and must:

- Foster a safe and drug-free learning environment that supports academic achievement;
- Be consistent with the Principles of Effectiveness;
- Be designed to—
    - Prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

- Create a well-disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

- Include activities to—

  - Promote the involvement of parents in the activity or program;

  - Promote coordination with community groups and coalitions, and with government agencies; and

  - Distribute information about the LEA's needs, goals, and programs under the SDFSCA

The list of activities in Section 4115(b)(2) of the SDFSCA that may be implemented by LEAs includes: age-appropriate and developmentally based activities; activities that engage families, community sectors, and a variety of prevention providers in setting clear expectations against violence and illegal drug use; drug and violence prevention activities; and the evaluation of any activities authorized under SDFSCA. A full list of authorized activities can be found in Section 4115(b)(2) of the SDFSCA. LEAs may use no more than 2 percent of their allocation to carry out the administrative responsibilities associated with the implementation of these programs [See Section 4114(a)(2) of the SDFSCA].

An EDGAR Highlight: Necessary and Reasonable Costs
(Section 80.22 of EDGAR and OMB Circular A-87—Cost Principles)

Although Title IV of ESEA authorizes a broad range of activities, these statutory provisions are not the only requirements governing expenditure of funds. SEAs and LEAs must also consider the requirements at Section 80.22 of EDGAR (Allowable Costs), which specify that allowable costs under a grant to a State, local, or Indian tribal government are determined under OMB Circular A-87. This Circular provides general guidelines on allowable costs, as well as specific determinations regarding certain kinds of costs.

Prohibited LEA Activities

Section 4154 of the SDFSCA details the prohibited uses of funds. According to this section, construction (except minor remodeling needed to accomplish SDFSCA purposes) medical services, and drug treatment and rehabilitation are prohibited activities. Pupil services, or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs, are allowed.

Parental Consent

LEAs must make a reasonable effort to inform parents or legal guardians of students of the contents of programs or activities funded under the State Grants Program (except in the case of classroom instruction). LEAs must withdraw a student from any program or activity supported with State Grants Program funds upon written notification from the parents or legal guardians of students.

Supplement, Not Supplant

A State must ensure that SDFSCA funds awarded under State Grants Program are used only to supplement the level of State, local, and other non-Federal funds and not to replace funds that would have been available to conduct activities if SDFSCA funds had not been available. [For more information, see Section 4113(a)(8) of the SDFSCA]

Question about Supplement, Not Supplant

Q37. What restrictions does the supplement, not supplant requirement impose on the use of SDFSCA funds under the State Grants Program?

A37. By enacting the supplement, not supplant provision contained in Section 4113(a)(8) of the SDFSCA, the Congress intended that SDFSCA funds be used only to supplement the level of funds from non-Federal sources that would, in the absence of the SDFSCA funds, be available for the purposes listed in Sections 4112(a), 4112(c) and 4115 of the SDFSCA. To be in compliance with this requirement, therefore, grantees or subgrantees may not divert State and local funds from an activity merely because SDFSCA funds are available. In other words, the use of SDFSCA funds may not result in a decrease in State and local funds for a particular activity, which, in the absence of SDFSCA funds, would have been available to conduct the activity.

Although the application of the supplement, not supplant provision must be analyzed in the context of the facts and circumstances of each particular case, it is possible to give general guidance by way of examples. Two examples of the application of the supplanting prohibition follow:

- Assume that State law requires each LEA to provide at least five hours of classroom instruction each semester on conflict resolution to all ninth grade students. Because each LEA is required to provide the five hours of instruction from its own or the State's resources regardless of the existence of SDFSCA funds, the LEAs may not use SDFSCA funds to comply with the State mandate. SDFSCA funds are intended to supplement State and local expenditures for the purposes of the State Grants Program; they are not intended to replace State or local funds that

would have been spent for the purposes of the State Grants Program in the absence of Federal funds. In this particular case, the Federal funds could be used to supplement the expenditure of State and local funds for instruction on conflict resolution to ninth grade students and to expand programs and services beyond the level that would be provided in the absence of Federal funds. But they could not be used to provide the five basic hours of instruction.

- An LEA, on its own initiative, already provides with its own resources what it regards as an appropriate drug and violence prevention program for its seventh grade students. The program is successful, and the LEA would continue it with its own funds, but intends instead to continue that same seventh grade program with SDFSCA funding and spend its own funds for another activity not authorized by SDFSCA, such as providing drug treatment or rehabilitation services for school dropouts. Shifting the support of the seventh grade program from local funds to SDFSCA in these circumstances would violate the supplement, not supplant provision. By using SDFSCA funds to continue the seventh grade drug and violence prevention program, the LEA is merely replacing local funds that would have been expended anyway – not supplementing or expanding the amount of program activities authorized by the SDFSCA.

Cap on Spending for Some Activities

Section 4115(b)(2)(E) of the SDFSCA imposes limits on funding certain activities with SDFSCA funds. A cap is imposed on the following LEA activities:

(a) acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies
(b) reporting criminal offenses committed on school property
(c) developing and implementing comprehensive school security plans or obtaining technical assistance concerning those plans
(d) supporting safe zones of passage activities, including bicycle and pedestrian safety programs, that ensure that students can travel safely to and from school
(e) hiring and mandatory training of school security personnel who interact with students in support of youth drug and violence prevention activities implemented in schools

An LEA may use up to 40 percent of its allocation to support the activities described in clauses (a) through (e), but not more than half of that amount (or a maximum of 20 percent) may be used to support the activities described in clauses (a) through (d). LEAs may use the entire 40 percent to support the hiring and training activities in clause (e).

Funds may be used for the activities in clauses (a) through (e) only to the extent that an LEA does not receive funding for those activities from other Federal agencies. These activities are also subject to the requirements of the Principles of Effectiveness.

An Example

ABC School District receives a grant of $10,000 under the program. The district can use no more than $4,000 in total for the "capped" activities. Of that $4,000, no more than $2,000 can be used for the activities described in clauses (a) through (d) above.

ABC could use the entire $4,000 for hiring and training school security personnel, or could choose spend $1,000 on safe zones of passage, and $3,000 on hiring and training school security personnel, or could shift its planned spending to include $2,000 for school security plans and $2,000 for school security personnel.

Questions about SEA/LEA Programs

Q38. What kinds of purchases for "school security" are covered?

A38. Section 4115(b)(2)(E)(ii) of the SDFSCA lists the types of security hardware that may be purchased with SDFSCA funds. Funds may be used to buy and install metal detectors, electronic locks, surveillance cameras, and other related equipment and technologies.

Q39. May the whole security cap be used for equipment and technology?

A39. No, only half of the total security cap (i.e., a maximum of 20 percent of an LEA's allocation) may be spent on school security items listed in Section 4115(b)(E)(ii-v) of the SDFSCA. See "Cap on Spending on Some Activities", above.

Q40. May Title IV funds be used for drug testing students and employees? For background checks of employees?

A40. Section 4115(b)(2)(E)(xiv) of the SDFSCA states that authorized LEA activities include testing students for illegal drugs, consistent with the Fourth Amendment to the Constitution. Allowable activities include tests that are at the request, or have the consent, of parents or legal guardians. Inspections of students' lockers for weapons or illegal drugs may also be conducted.

Section 4115(b)(2)(E)(xx) of the SDFSCA authorizes the use of funds to conduct national background checks of LEA employees to determine

whether an employee or prospective employee has been convicted of a crime that bears on the employee's ability to be responsible for the safety of children, serve in the particular capacity for which he or she was hired, or be otherwise employed by the LEA.

Q41. The statute contains an extensive list of authorized activities for LEAs, but some of those activities might not be supported by a research base that meets the definition of "scientifically based" research. May LEAs implement activities from the "authorized" list that do not meet the requirements of the Principles of Effectiveness?

A41. The SDFSCA requires an LEA to use program funds in a manner consistent with the Principles of Effectiveness. The Principles of Effectiveness require that programs supported with SDFSCA funds be based on scientifically based research that provides evidence that the program will reduce violence and illegal drug use. An LEA may use funds only for authorized activities that meet this standard, unless it receives a waiver from its SEA.

Q42. May an LEA apply for a waiver of the requirement to implement programs that are scientifically based?

A42. Consistent with Section 4115(a)(3) of the SDFSCA, LEAs may apply to their SEA for a waiver of the requirement to implement programs that are scientifically based. However, LEAs applying for waivers must demonstrate that funded programs or activities are innovative and have a substantial likelihood of success.

The Department encourages SEAs, in considering requests for waivers, to apply criteria that will permit the implementation of services and activities highly likely to be successful. For example, SEAs may want to consider to what extent proposed programs address the elements of the definition of scientifically based research.

Q43. May SDFSCA funds be used to support the work of social workers, counselors or mental health professionals?

A43. The SDFSCA authorizes the use of funds for a broad range of drug and violence prevention programs and activities including counseling, mentoring, referral services, and other student assistance practices and programs provided by qualified school-based mental health services providers. LEAs may also use funds for 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.

Q44. Are academic activities (such as a tutoring program) that are unrelated to drug and violence prevention allowable activities under Section 4115(b)(2)(A)(vi), which authorizes the use of funds for activities that "engage students in the learning process"?

A44. While effective drug and violence prevention programs create safe and drug-free learning environments and foster academic achievement, activities funded under SDFSCA must directly support a safe and drug-free learning environment.

Q45. Are costs associated with evaluation of drug and violence prevention programs considered program costs?

A45. Yes, the evaluation of drug and violence prevention programs can be considered a program cost.

Q46. Section 4114(d)(2)(E) of the SDFSCA requires LEAs to describe how they will target schools and students with the greatest need. May LEAs make subgrants to schools with the greatest need?

A46. LEAs must target *services and activities* on high-need schools and students; however, the SDFSCA does not authorize LEAs to subgrant funds. While staff at individual schools may be heavily involved in determining the kinds of activities that will be implemented in their schools, LEAs must maintain administrative control over grant funds.

Q47. May LEAs use State Grants program funds to support programs or activities designed to prevent victimization associated with prejudice and intolerance?

A47. Yes. However, the implementation of any curricula, programs, or activities designed to prevent victimization associated with prejudice and intolerance must include safeguards to prevent harassment directed against any particular religion, religious practice, or religious organization.

Q48. Do the provisions of the Safe and Drug-Free Schools and Communities Act (SDFSCA) (Title IV, Part A of the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act) prohibit the presence of prescription medication (or paraphernalia used to administer such medication) at school?

A48. No, a student's prescription drugs, and related equipment, are not illegal drugs and are not prohibited by the SDFSCA. The SDFSCA defines drug prevention as prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs. Under the SDFSCA, the term "drug" includes controlled substances, the illegal use of alcohol and

tobacco, and the harmful, abusive, or addictive use of substances, including inhalants or anabolic steroids.

Many students suffer from short term or chronic illnesses that require them to take prescription medication and, in some cases, these medications must be taken during the school day. For example, students that have been diagnosed with diabetes may have to receive insulin during the school day, and as a result would need to have both the medication and a syringe for administration of the medication available. The provisions of the SDFSCA do not prohibit these activities.

States or localities may develop policies regarding the custody or control of prescription drugs, the equipment necessary to administer the drugs as prescribed, and the equipment necessary to monitor the illness. We encourage State and local officials to consider the needs of all of their students in developing policies that address this issue.

Governor's Programs

Section 4112(a) of the SDFSCA describes authorized uses of SDFSCA funds allocated to Governors. This section requires Governors to use their funds for competitive grants and contracts to LEAs, community-based organizations, or public entities and private organizations, and consortia thereof. In awarding these funds, the Governor must give priority to children and youth who are not normally served by SEAs or LEAs, or populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts). Additionally, the Governor must give special consideration to grantees that pursue a comprehensive approach that includes incorporation of mental health services related to drug and violence prevention.

Funds under this section must be used to implement drug and violence prevention activities, which must include: activities that complement and support LEA activities; dissemination of information about drug and violence prevention; and development and implementation of community-wide drug and violence prevention planning and organizing.

Message and Materials

Drug and violence prevention programs supported under the State Grants Program must convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

Question on Governor's Programs

Q49. Are Governors limited to implementing only those activities specifically authorized in Section 4112(a)(5) of the SDFSCA?

A49. No. Although the Governors must implement the authorized activities contained in Section 4112(a) of the SDFSCA, other activities may be implemented with Governor's funds if they are consistent with the purposes of the SDFSCA and comply with the Principles of Effectiveness in Section 4115.

V. Technical Assistance and Reporting

Technical Assistance and Monitoring

Each SEA and Governor must provide technical assistance to LEAs, community-based organizations, other public entities and private organizations on their implementation of SDFSCA, and must monitor the activities of these entities. A State's SDFS program-specific plan must include a description of how the SEA and the Governor will carry out these monitoring and technical assistance responsibilities. [See Section 4113(a)(17) and (18) of the SDFSCA]

An EDGAR Highlight: Monitoring
(Section 80.40 of EDGAR)

In accordance with Section 80.40 of EDGAR, a State is responsible for managing the day-to-day operations of grant- and subgrant-supported activities. A State must monitor grant- and subgrant-supported activities to ensure compliance with the SDFSCA.

To assist the SEA and the Governor in carrying out specific duties to monitor and provide technical assistance, Section 4113(a)(17) and (18) of the SDFSCA requires a description of how the SEA and the Governor will monitor the implementation of SDFSCA-supported activities and provide technical assistance to LEAs, community-based organizations, other public entities, and private organizations.

An EDGAR Highlight: Technical Assistance, Evaluation and Procedures to Ensure Compliance
(Section 76.770 of EDGAR)

A State must establish procedures that will allow for the review and approval of applications for subgrants, and amendments to those applications. Section 76.770 of EDGAR further explains that the procedures must include a plan for technical assistance, evaluating projects, and performing other administrative responsibilities the State considers necessary to ensure compliance with the SDFSCA.

State Reports

Section 4116 of the SDFSCA requires that States submit periodic reports to the Secretary of Education. As part of the ESEA consolidated reporting process, the first report is due by December 1, 2003; succeeding reports will be due every two years. The State reports must be a cooperative effort of the Governor and the Chief State School Officer and must include information on the implementation and outcomes of State programs assisted with Governor's program funds as well as SEA and LEA programs. Reports must also include an assessment of the effectiveness of these programs, as well as a report on the State's progress toward achieving its performance measures for drug and violence and the State's efforts to inform and include parents in its drug and violence prevention efforts. The report must be based on ongoing evaluation activities and 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. In addition to being submitted to the Secretary, the report must also be made readily available to the public. [See Section 4116 of the SDFSCA]

Uniform Management Information and Reporting System

The Uniform Management Information and Reporting System is a new requirement under the SDFSCA. The Uniform Management Information and Reporting System will provide the public with data about youth drug use and school violence at the State and local levels. States must provide information on a school-by-school basis on: truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State; the types of curricula, programs, and services provided by the States and local entities with SDFSCA funds; and 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.

Compilation of Statistics

The offenses included in the State's Uniform Management Information and Reporting System data base must be defined according to the State's criminal

code, but must not identify victims of crimes or persons accused of crimes. The collected data must include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

Questions about the Uniform Management Information and Reporting System

Q50. Who is responsible for establishing a State's Uniform Management and Information Reporting System?

A50. The Governor and the SEA are jointly responsible for establishing the Uniform Management and Information System. Note that the SDFSCA does not specify where the State should locate the system. Each State will make its own decisions about where Uniform Management and Information Reporting System will be located.

Q51. When must States establish a Uniform Management Information and Reporting System?

A51. While the statute does not prescribe a deadline for implementation of the Uniform Management and Information Reporting System, the Department will ask States to provide information that is part of Uniform Management Information and Reporting System in the performance reports due on December 1, 2003.

Q52. How is the Uniform Management Information and Reporting System to be funded?

A52. The SEA may use a portion or all of its set-aside for administrative costs to fund Uniform Management Information and Reporting System. In fiscal year 2002, the SEA may reserve an additional 1 percent of its allocation for administrative costs (but not more than a maximum of 4 percent), provided that those additional funds are used to implement the Uniform Management and Information Reporting System. [See Section 4112(b)(2) of the SDFSCA]

Q53. Do both the SEA and the Governor need to report data under the system?

A53. Yes, both the SEA and Governor must report data under the Uniform Management Information and Reporting System. States and local recipients of SDFSCA funds must provide information on the types of curricula, programs, and services provided and 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.

Q54. How often is the Uniform Management Information and Reporting System information required to be collected?

A54. The frequency of reporting to the public data housed in the Uniform Management Information and Reporting System will be determined by the State. The Uniform Management Information and Reporting System will contain data from several different sources, which may collect data at different times and with differing frequencies. In that sense, the Uniform Management Information and Reporting System does not collect the data, but rather houses it to make dissemination to the public easier.

Q55. How are the terms "incidence and prevalence" defined?

A55. Incidence is a rate that measures the frequency with which a health problem, such as a new injury or illness, occurs in a population. In calculating incidence, the numerator is the number of cases occurring in the population during a given period of time, and the denominator is the total population at risk during that same time.

Prevalence is the number or proportion of cases or events or conditions in a given population. In calculating prevalence, the numerator is the number of cases and the denominator is the total population at risk.

Q56. In collecting data required for the Uniform Management Information and Reporting System, must an SEA or LEA survey all students, or is a sample of students sufficient?

A56. SEAs or LEAs may choose to survey a sample of students when collecting data for the Uniform Management Information and Reporting System.

Q57. Are there other requirements concerning collection and release of data from students about use and prevalence of drugs in schools?

A57. The Protection of Pupil Rights Amendments (PPRA) and the Federal Educational Rights and Privacy Act (FERPA) contain requirements designed to ensure appropriate parental involvement and privacy for surveys and student records, respectively. Detailed information about these provisions can be obtained from ED's Family Policy Compliance Office and additional information about PPRA and FERPA can be found in the Appendix D – Resources of this guidance.

Appendix A.

Flexibility and Accountability Provisions

Title VI of the ESEA contains flexibility and accountability provisions that apply to the implementation of both the Governor's and SEA's program under SDFSCA. . The provisions are described in greater detail on the Department's website at http://www.ed.gov/offices/OESE/esea/index.html.

State-Flex (ESEA Section 6141 through 6144)

An SEA with State-Flex authority may consolidate SDFSCA State Grant funds that are available for State-level activities and State administration with certain other State-level funds, and use those funds for any ESEA purpose in order to make adequate yearly progress and advance the educational priorities of the State and the LEAs with which the State enters into performance agreements.

Similarly, an LEA that enters into a performance agreement with its SEA in a State-Flex State may consolidate its SDFSCA State Grant funds with certain other Federal funds, and use those funds for any ESEA purpose consistent with the SEA's State-Flex plan in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps.

The SEAs, and the LEAs with which the SEA enters into performance agreements, will provide for the equitable participation of students and professional staff in private schools, consistent with Section 9501. Sections 9502, 9503, and 9504 shall apply to all services and assistance provided with funds in the same manner as such sections apply to services and assistance provided in accordance with Section 9501. (See Section 6141(c)(1)(K))

Local Flexibility Demonstration (ESEA Sections 6151 through 6156)

An LEA that enters into a Local-Flex agreement with the Secretary may consolidate its SDFSCA State Grant funds with certain other Federal funds and, consistent with the purposes of the Local-Flex program, use those funds for any ESEA purpose in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps. Participation in this demonstration is competitive and limited. (See Sections 6151 – 6156 of Title VI, Part A, Subpart 3, Chapter B of the ESEA)

The local flexibility demonstration agreement must contain an assurance that the LEA agrees that in consolidating and using funds under the agreement, the LEA will provide for the equitable participation of students and professional staff in private schools consistent with Section 9501. Sections 9502, 9503, and 9504 shall apply to all services and assistance provided with funds in the same

manner as such sections apply to services and assistance provided in accordance with Section 9501. (See Section 6151(c)(8)(A and B))

Transferability (ESEA Sections 6121 through 6123)

Transferability is a new ESEA flexibility authority that allows States and LEAs to transfer a portion of the funds that they receive under certain Federal programs to other programs that most effectively address their unique needs. Both Governor's (with the agreement of the Governor) and SEA SDFS funds may be transferred.

Under this authority, a State may transfer up to 50 percent of the non-administrative funds allotted to it to carry out State-level activities under each of the following provisions to one or more of its allotments under any of the other programs listed below:

- Section 2113(a)(3) (Teacher and Principal Training and Recruitment)
- Section 2412(a)(1) (Enhancing Education Through Technology)
- Section 4112(a)(1) (Safe and Drug-Free Schools and Communities Governor's funds, with the agreement of the Governor)
- Section 4112(c)(1) (Safe and Drug-Free Schools and Communities SEA funds)
- Section 4202(c)(3) (21st Century Community Learning Centers)
- Section 5112(b) (Innovative Programs)

Subject to the 50 percent limitation, a State may also transfer funds allotted to it under the provisions listed above to its allotment under Part A of Title I to carry out State-level activities under Part A of Title I. A State may not transfer funds allocated under Part A of Title I to any other program.

Likewise, an LEA (except an LEA identified for improvement or subject to corrective action under section 1116(c)(9)) may transfer up to 50 percent of the funds allocated to it by formula under certain other programs to its SDFSCA allocation (or to other specified allocations) or to its allocation under Part A of Title I. An LEA may also transfer up to 50 percent of its SDFSCA allocation to certain other programs. An LEA identified for improvement under Title I may transfer not more than 30 percent of the funds allocated to it under the programs listed above to its allocation for school improvement under section 1003 or to any other allocation provided that funds are used only for LEA improvement activities consistent with Section 1116(c). An LEA identified corrective action may not transfer funds under these provisions.

Each SEA or LEA that transfers funds under this section must conduct consultation in accordance with Section 9501, if that action transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools. (See Section 6123(e)(2))

For more information on transferability, please visit the U.S. Department of Education's ESEA website and discussion of flexibility provisions: http://www.ed.gov/offices/OESE/esea/flex_summary.pdf

Rural Education Initiatives

An LEA eligible under the Rural Education Initiative (Title VI, Part B Section 6202) may combine its SDFSCA funds with certain other Federal funds and use its funding to carry out local programs. Accordingly, an LEA may spend all or part of its SDFSCA funds for this purpose.

Similarly, an LEA that receives funds under the Rural and Low-Income School Program may use those funds for activities authorized under the SDFSCA. (See Section 6211 of Title VI, Part B, Subpart 1 of the ESEA)

Appendix B.

General Provisions

Title IX of the ESEA contains definitions and general provisions that apply to the implementation of both the Governor's and SEA's program under the SDFSCA State Grants Program. The following is a brief discussion of those provisions.

Maintenance of Effort

The "maintenance of effort" provisions are designed to ensure continuing financial support from State and local funding for education. An LEA may receive funding under a "covered program" for any fiscal year only if the SEA finds that either the combined fiscal effort per student, or the aggregate expenditures, of the LEA and the State with respect to the provisions of free public education by the LEA was at least 90 percent of the combined fiscal effort or aggregate expenditure for the second preceding year.

If an LEA fails to meet this requirement, its SEA must reduce its allocation of funds from the "covered" programs. This reduction must be made in the exact proportion by which the LEA failed to meet the 90 percent requirement. In making the reduction, SEAs must use the measure (either combined fiscal effort per student or aggregate expenditures) that is most favorable to the LEA. The State may not consider funding provided under the ESEA (other than Title VIII, Impact Aid) in determining an LEA's eligibility for State aid or the amount of State aid for education for children.

The Secretary may waive the maintenance-of-effort requirement if he determines that such a waiver would be equitable because of exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the financial resources of the LEA (See Section 9521 of Title IX, Part E, Subpart 2 of the ESEA.

Private School Participation

States and local recipients of SDFSCA are subject to the requirements in Section 9501 regarding participation of private school children and teachers. These requirements extend to discretionary grant programs authorized under Title IV, Part A and to the Community Service Grant Program (a formula program authorized by Section 4126 of the SDFSCA). Generally, the provisions require that children enrolled in private elementary and secondary schools (and their teachers) must be provided equitable educational services or other benefits, compared to services and benefits received by public school children and teachers.

LEAs must consult with appropriate private school officials during the design, development, and implementation of programs on issues such as how the children's and teachers' needs will be identified; what services will be offered; how, where, and by whom the services will be provided; how the services will be assessed and how the results of the assessment will be used to improve those services; the size and scope of the equitable services; the amount of funds available for those services; how and when the LEA will make decisions about the delivery of services; and a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers. If the needs of private school students and teachers are different from those of public school students and teachers, the LEA, in consultation with private school representatives, is required to develop a separate program. Decisions affecting the opportunities of eligible private school students' and teachers' participation in Title IV, Part A programs are made only after consultation has taken place.

The services must be secular, neutral, and non-ideological, and must be furnished following timely and meaningful consultation with private school officials.

Funds provided for programs and services for private school students and teachers must be equal on a per-pupil basis, taking into account the number and educational needs of the children to be served, to the funds provided for participating public school students and teachers. Hence, on a per-pupil basis, expenditures for public and private school students and teachers must be equal. Costs for administering programs for public and private school students and teachers must come "off the top" of the allocation before determining how much of the allocation should be used for public and private school students and teachers. In addition, funds used to provide services to private school students and their teachers must remain under the control of the LEA or public agency; title to materials, equipment, or property purchased to support services or benefits to private school children must remain with a public agency. (See Section 9501, Title IX, Part E, Subpart 1 of the ESEA).

In order to facilitate consultation between public and private school officials and the effective implementation of programs and services for private school students and teachers, SEAs/LEAs are encouraged to create *Non-Public School Working Groups* made up of representatives from the full spectrum of private schools. Such groups exist in some States and LEAs, meet on a regular basis, and smooth the progress of federal education program implementation for private school students and teachers.

Consolidated Administrative Funds

If an SEA can demonstrate that the majority of its resources are derived from non-Federal sources, it may consolidate funds made available to it for State

administration under the SDFSCA and other ESEA programs, as well as other programs that the Secretary may designate. The consolidated administrative funds may be used to administer the programs included in the consolidation and for administrative activities designed to enhance the effective and coordinated use of funds under those programs.

Similarly, with approval of its SEA, an LEA may consolidate SDFSCA funds available for administration, as well as other local administrative funds, to administer the programs included in the consolidation and for uses, at the district and school levels, designed to enhance the effective and coordinated use of funds under those programs. [See Sections 9201-9203 of Title XI, Part B of the ESEA].

Waivers

The Secretary may waive any of the statutory and regulatory requirements for programs covered under the ESEA, except requirements pertaining to:

- the allocation or distribution of funds to States, LEAs, or other recipients of funds under the ESEA;
- maintenance of effort;
- comparability of services;
- use of Federal funds to supplement, not supplant non-Federal funds;
- equitable participation of private school students and teachers;
- parental participation and involvement;
- applicable civil rights requirements;
- the requirement for a charter school under Subpart 1 of Part B of Title V;
- the prohibitions regarding State aid in Section 9522 of the ESEA and the use of funds for religious worship or instruction in Section 9505 of the ESEA and activities in section 9526 of the ESEA and;
- the selection of a school attendance area or school under subsections (a) and (b) of Section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than the 10 percentage points below the lowest percentage of the local educational agency that meets the requirements in subsections (a) and (b) of Section 1113 of Title I of the ESEA.

Waivers may initially be approved by the Secretary for no longer than 4 years. However, the Secretary may extend the period if the waiver has been effective and has contributed to improving student achievement, or if the extension of the waiver is in the public interest.

Information about these Title IX provisions may be obtained from Safe and Drug-Free Schools Program staff (see Appendix D – Resources).

Appendix C.

Other Provisions

States and local entities that are participating in the SDFSCA State Grants Program should also be familiar with the following other provisions related to the implementation of drug and violence prevention programs.

Unsafe School Choice Option

The Unsafe School Choice Option (USCO) (Section 9532 of Title IX, Part E, Subpart 2 of the ESEA) requires that each State receiving funds under the ESEA establish and implement a statewide policy requiring that students attending a persistently dangerous public school, or students who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school. As a condition of receiving ESEA funds, each State must certify in writing to the Secretary that the State is in compliance with these requirements.

Detailed guidance about these provisions is available from the SDFSP regional program officer or on the Department's web site at http://www.ed.gov/offices/OESE/SDFS/unsafeschoolchoice.doc

Gun-Free Schools Act

The Gun-Free Schools Act (GFSA) was re-enacted as Subpart 3 of Title IV of the ESEA. The GFSA requires that each State receiving Federal funds under ESEA have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student who is determined to have brought a firearm to school or to have possessed a firearm at a school. Each State's law also must allow the chief administering officer of the LEA to modify the expulsion requirement on a case-by-case basis, if that modification is in writing. The GFSA also requires that any LEA receiving funds under the ESEA have 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 that LEA. In general, private schools, including private schools whose students and teachers participate in federal education programs, are not subject to the provisions of the GFSA.

Additional information concerning GFSA provisions is available from the Safe and Drug-Free Schools Program (see Appendix D – Resources)

Pro-Children Act

The Pro-Children Act (PCA) of 2001 was re-enacted as Part C of Title IV of the ESEA. The PCA requires that smoking not be permitted in any indoor facility, or

in some cases a portion of a facility, used routinely or regularly for the provision of certain types of "children's services" to persons under age 18, if the services are funded by specified Federal programs either directly or through State or local governments. Applicable Federal funds for these types of children's services include grants, cooperative agreements, loans, loan guarantees, contracts, and funds for construction, maintenance, and operations awarded by the Departments of Health and Human Services, Education or Agriculture. For Agriculture, the requirements apply only for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)]. In general, private schools, including private schools whose students and teachers participate in federal education programs, are not subject to the provisions of the PCA.

Additional information concerning PCA provisions is available from the Safe and Drug-Free Schools Program (see Appendix D – Resources).

Protection of Pupil Rights Amendment (PPRA)

The NCLB contains a major amendment to the Protection of Pupil Rights Amendment (PPRA) that gives parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. PPRA has been referred to as the "Hatch Amendment" and the "Grassley Amendment". The recent changes to the law may be referred to as the "Tiahrt Amendment." The statute is found in 20 U.S.C. 1232h and the regulations (not yet updated) are found in 34 CFR Part 98. In general, private schools, including private schools whose students and teachers participate in federal education programs, are not subject to the provisions of the PPRA.

Additional information concerning PPRA provisions is available from the Family Policy Compliance Office (see Appendix D – Resources).

Family Educational Rights and Privacy Act (FERPA)

FERPA is a Federal law that applies to educational agencies and institutions that receive Federal funds under any program administered by the Secretary of Education. Generally, FERPA prohibits the funding of an educational agency or institution that has a policy or practice of disclosing a student's "education record" without the consent of the parent or eligible student. The FERPA statute is found in 20 U.S.C. 1232g and the regulations (not yet amended to reflect the most recent legislative changes and Supreme Court decisions) are found in 34 CFR Part 99. In general, private schools, including private schools whose students and teachers participate in federal education programs, are not subject to the provisions of FERPA.

Additional information concerning FERPA provisions is available from the Family Policy Compliance Office (see Appendix D – Resources).

Transfer of School Disciplinary Records

FERPA permits schools to transfer education records on a student who is transferring to another school. See Section 99.31(a)(2) and Section 99.34 of the FERPA regulations. A new provision requires States that receive funds under the ESEA, within two (2) years, to 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."

Additional information concerning these provisions is available from the Family Policy Compliance Office (see Appendix D – Resources).

Appendix D.

Resources

Organizations

Office of Safe and Drug-Free Schools
U.S. Department of Education
400 Maryland Avenue, SW
FB-6
Washington, DC 20202-6123
Telephone: 202-260-3954
Fax: 202-260-7767
Web: www.ed.gov/offices/OESE/SDFS

The Safe and Drug-Free School Program staff provides additional information about the administration of SDFSCA programs, as well as implementation of the Gun-Free Schools Act, the Unsafe School Choice Option, and Pro-Children Act provisions.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605
Web: http://www.ed.gov/offices/OM/fpco/index.html

The Family Policy Compliance Office provides information concerning the Family Education Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). Questions concerning administration of student surveys and confidentiality of education records should be addressed to this office.

Office of Special Education and Rehabilitation Services (OSERS)
Office of Special Education Programs (OSEP)
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202
Telephone: (202) 205-5507
Web: http://www.ed.gov/offices/OSERS/OSEP/index.html

The Special Education Programs staff provide information about requirements governing disciplining of students covered by the Individuals with Disabilities Education Act (IDEA), and how the requirements of the Gun-Free Schools Act can by applied to students covered by IDEA.

Office for Civil Rights

U.S. Department of Education
Customer Service Team
Mary E. Switzer Building
330 C Street, SW
Washington, D.C. 20202

Telephone: 1-800-421-3481
FAX: 202-205-9862

Email: OCR@ed.gov

Web: http://www.ed.gov/offices/OCR/

OCR enforces five Federal statutes that prohibit discrimination in education programs and activities that receive Federal financial assistance. These laws prohibit discrimination on the bases of race, color, and national origin, on the basis of sex, on the basis of disability, and on the basis of age. OCR also has been given responsibility for enforcing Title II of the Americans with Disabilities Act of 1990.

National Resource Center for Safe Schools
101 SW Main, Suite 500, Portland, OR 97204
Telephone: 1-800-268-2275 or (503) 275-0131
Fax: (503) 275-0444
Web: www.safetyzone.org

The National Resource Center for Safe Schools provides training and technical assistance on a variety of issues related to school safety. The Center is supported jointly by the U.S. Department of Justice and the U.S. Department of Education.

National Institute on Alcohol Abuse and Alcoholism (NIAAA)
National Institutes of Health
Department of Health and Human Services
6000 Executive Boulevard - Willco Building
Bethesda, Maryland 20892-7003
Web: http://www.niaaa.nih.gov/

NIAAA is one of 19 institutes that comprise the National Institutes of Health. It supports and conducts research on the causes, consequences, treatment, and prevention of alcoholism and alcohol-related problems.

National Institute on Drug Abuse (NIDA)
National Institutes of Health
Department of Health and Human Services
6001 Executive Boulevard
Bethesda, Maryland 20892-9561

Ph: (301) 443-1124
Web: http://www.nida.nih.gov

Another of the National Institutes of health's 19 institutes, NIDA supports and conducts research across a broad range of disciplines that improve drug abuse and addiction treatment, prevention, and policy.

Office of National Drug Control Policy (ONDCP)
Correspondence can be sent to:
Drug Policy Information Clearinghouse
P.O. Box 6000
Rockville, MD 20849–6000
Ph: 1-800–666–3332
Fax: 301–519–5212
email: ondcp@ncjrs.org
Web: http://www.whitehousedrugpolicy.gov/

ONDCP establishes policies, priorities and objectives for the nation's drug control programs. The Director of ONDCP produces the National Drug Control Strategy, which is designed to help achieve ONDCP's goals of reducing illicit drug use, manufacturing and trafficking, drug-related crime and violence, and drug-related health consequences. The Strategy directs the Nation's anti-drug efforts and establishes a program, a budget, and guidelines for cooperation among Federal, state and local entities.

Division of Adolescent and School Health (DASH)
Centers for Disease Control and Prevention
Department of Health and Human Services
Web: http://www.cdc.gov/nccdphp/dash

DASH seeks to prevent the most serious health risks among children, adolescents, and young adults by identifying and monitoring high risk behaviors; synthesizing and applying research; supporting its constituents in implementing comprehensive adolescent and school health programs; and providing technical assistance to State and local educational agencies evaluate their school health policies, teacher training and curricula.

Center for Substance Abuse Prevention (CSAP)
Substance Abuse and Mental Health Services Administration
Ph: (301) 443-0365
Web: http://www.prevention/samhsa.gov

CSAP is responsible for improving the quality and accessibility of substance abuse prevention services. The Center provides national leadership in programs, policies, and services to prevent the onset of illegal drug use,

underage alcohol and tobacco use, and to reduce the negative consequences of using substances.

Center for Mental Health Services (CMHS)
Substance Abuse and Mental Health Services Administration
Department of Health and Human Services
P.O. Box 42490
Washington, DC 20015
Ph: (800) 789-7647
Web: http://www.mentalhealth.org

CMHS is charged with leading the national system that delivers mental health services. In that role, CMHS leads federal efforts to treat mental illness by promoting mental health and preventing development or worsening of mental illness. CMHS pursues its mission by helping States improve the quality and range of their treatment, rehabilitation, and support services for people with mental illnesses, their families and communities.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Office of Justice Programs
Department of Justice
810 7th Street, NW
Washington, DC 20531
Ph: (202) 307-5911
Web: http://www.ojjdp.ncjrs.org

OJJDP provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports States and local communities in their efforts to develop and implement coordinated prevention and intervention, and to improve the juvenile justice system so that it protects the public safety, holds offenders accountable, and provides treatment and rehabilitative services to juveniles and their families.