

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Lumpkins, Sharyn A.: Files
Folder Title: Legislative Review – Drug Abuse
1986 (3)
Box: 3

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

99TH CONGRESS
2D SESSION

H. J. RES. 631

Providing for a White House Conference on Narcotics Abuse and Control.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1986

Mr. RODINO (for himself, Mr. RANGEL, Mr. GUARINI, Mr. HUGHES, and Mr. GILMAN) introduced the following joint resolution; which was referred jointly to the Committees on the Judiciary, Foreign Affairs, and Energy and Commerce

JOINT RESOLUTION

Providing for a White House Conference on Narcotics Abuse
and Control.

Whereas the illicit production and trafficking of narcotics abroad
and the illicit importation of narcotics into the United States
is increasing each year;

Whereas the social and economic cost in the United States of
narcotics abuse, including increased health care costs, lost
productivity, and related crime and violence, is estimated to
be more than \$100 billion annually, and there is a direct
relationship between narcotics abuse and criminal activity
and street violence;

Whereas the National Drug Enforcement Policy Board recently
stated that drug abuse is a major health problem that dam-

- Appearance of solving problem vs. solving problem.
- Easy answers don't work

ages our social institutions and threatens our most valuable human resource—our young people;

Whereas narcotics of all kinds are readily available on the streets of major cities in the United States, it is estimated that there are 500,000 heroin addicts, 4,000,000 regular cocaine users, and 20,000,000 regular marijuana users in the United States, and the amount of cocaine available for export to the United States increased by over 50 percent in 1984 and the number of cocaine-related deaths in the United States in 1984 increased by 77 percent;

*does
not
mention
abuse
stable*

Whereas the President's Commission on Organized Crime, in its final report, stated that narcotics trafficking is the most serious organized crime problem in the world today and is the most widespread and lucrative organized crime activity in the United States, producing revenues exceeding \$110 billion annually, and that insofar as the violence and corruption associated with narcotics trafficking threatens the stability of friendly nations, our own national security is jeopardized;

Whereas President Reagan has repeatedly emphasized the importance of the fight against narcotics abuse and has called narcotics abuse one of the gravest problems facing the nation;

*get to
President
no change*

Whereas the International Narcotics Control Board and the United States State Department have found that the illicit production, trafficking, and abuse of narcotics is international in scope and affects almost every country, and that these activities undermine the economic and social order, spread violence and corruption, and jeopardize the very political stability of some countries;

Whereas the Federal effort in narcotics law enforcement involves 14 different Federal agencies but lacks coordination and has not fully utilized the resources and expertise of State and local law enforcement officials;

✓ Whereas the failure of the Federal Government to stem the flow of narcotics into the United States places overwhelming burdens on Federal, State, and local police, prosecutors, and courts and represents a threat to the national security; and

Whereas, in order to address these narcotics control and abuse issues in a coordinated manner and in a manner that responds to the crisis situation at hand, it is necessary to convene at the highest level of Government a conference: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 This resolution may be cited as the "White House Conference on Narcotics Abuse and Control Resolution of 1986".

6 **SEC. 2. AUTHORIZATION OF CONFERENCE.**

✓ 7 The President shall call a White House Conference on
8 Narcotics Abuse and Control (in this resolution referred to as
9 the "Conference"), in accordance with this resolution, not
10 later than 6 months after the date of the approval of this
11 resolution in order to develop recommendations for further
12 action to control the illicit production, trafficking, and distri-
13 bution of narcotics internationally and in the United States
14 and to prevent and treat narcotics abuse.

?????
What more
Can they
do ???

LECC
NNRIS
NDEPB
OCDETF
SILTF
etc.
etc.
etc.
EPIC

many recommendations
already
had action

1 SEC. 3. PURPOSES OF CONFERENCE.

2 (a) IN GENERAL.—The purposes of the Conference
3 are—

4 (1) to increase public awareness of, and to focus
5 attention on, various aspects of the problems of narcot-
6 ics abuse and control (including issues of enforcement
7 of narcotics laws and of prevention, treatment, and re-
8 habilitation of narcotics abusers);

*but public
awareness
at all-time
high*

9 (2) to pool information and experiences in order
10 vigorously and directly to attack narcotics abuse at all
11 levels, local, State, Federal, and international; and

*other
mechanism?
LECC
etc.*

12 (3) to assist in formulating a national strategy (en-
13 compassing international, Federal, State, and local ac-
14 tivities) to control trafficking in narcotics and to pre-
15 vent and treat narcotics abuse.

Amaging

16 (b) SPECIFIC CONSIDERATIONS.—The Conference shall
17 specifically review—

18 (1) the impact of recently enacted laws (including
19 the Comprehensive Crime Control Act of 1984 and the
20 Balanced Budget and Emergency Deficit Reduction
21 Act of 1985) on efforts to control trafficking in narcot-
22 ics and to prevent and treat narcotics abuse,

Federal

??

23 (2) the recommendations of the President's Com-
24 mission on Organized Crime as they relate to narcotics
25 abuse and control, and

Federal

1 (3) the extent to which the sanctions in section
2 481 of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2291) have been, or should be, used in encouraging
4 foreign states to comply with their international re-
5 sponsibilities respecting narcotics control.

Federal

6 **SEC. 4. CONFERENCE REPORT AND FOLLOW-UP ACTIONS.**

7 (a) **FINAL REPORT.**—Not more than 6 months after the
8 date on which the Conference is convened, a final report of
9 the Conference shall be submitted to the President and the
10 Congress. The report shall include the findings and recom-
11 mendations of the Conference as well as proposals for any
12 legislative action necessary to implement the recommenda-
13 tions of the Conference. The final report of the Conference
14 shall be available to the public.

15 (b) **FOLLOW-UP ACTIONS.**—The President shall report
16 to the Congress annually, during the 3-year period following
17 the submission of the final report of the Conference, on the
18 status and implementation of the findings and recommenda-
19 tions of the Conference.

20 **SEC. 5. ORGANIZATION OF CONFERENCE.**

21 (a) **PARTICIPATION OF APPROPRIATE CABINET OFFI-**
22 **CERS AND OTHER OFFICIALS.**—The President shall—

23 (1) ensure the active participation in the Confer-
24 ence of appropriate cabinet officers, and

1 (2) shall provide for the involvement in the Con-
2 ference of—

3 (A) the Governors of States,

4 (B) the mayors of major cities, and

5 (C) individuals distinguished in medicine,
6 law, sociology, education, and law enforcement.

7 (b) ASSISTANCE OF FEDERAL AGENCIES.—All Federal
8 departments, agencies, and instrumentalities shall provide
9 such support and assistance as may be necessary to facilitate
10 the planning and administration of the Conference.

11 (c) NO PAYMENT OF INDIVIDUAL EXPENSES.—Each
12 participant in the Conference shall be responsible for his or
13 her expenses related to attending the Conference and shall
14 not be reimbursed from funds appropriated to carry out this
15 resolution.

16 (d) DETAIL OF STAFF.—Appropriate cabinet officers
17 may detail employees to work on the planning and adminis-
18 tering of the Conference without regard to section 3341(b) of
19 title 5, United States Code.

20 (e) RESTRICTION ON EXPENDITURES AND CONTRACT-
21 ING.—New spending authority or authority to enter contracts
22 as provided in this resolution shall be effective only to such
23 extent and in such amounts as are provided in advance in
24 appropriation Acts.

1 SEC. 6. EFFECTIVE DATE.

2 This resolution shall become effective on October 1,
3 1986.

4 SEC. 7. DEFINITIONS.

5 In this resolution:

6 (1) NARCOTICS.—The term “narcotics” in-
7 cludes—

8 (A) a narcotic drug (as defined in section
9 102(17) of the Controlled Substances Act, 21
10 U.S.C. 802(17)),

11 (B) a drug (as defined in section 1 of Article
12 I of the Single Convention on Narcotics Drugs,
13 signed at New York, New York, on March 30,
14 1961), and

15 (C) a drug or substance listed in a schedule
16 under the Convention on Psychotropic Substances
17 signed at Vienna, Austria, on February 21, 1971.

18 (2) APPROPRIATE CABINET OFFICER.—The term
19 “appropriate cabinet officers” means the Attorney
20 General, the Secretary of State, the Secretary of
21 Health and Human Services, the Secretary of Defense,
22 the Secretary of the Treasury, the Secretary of Trans-
23 portation, the Secretary of Education, and such other
24 cabinet officers as have responsibilities respecting nar-
25 cotics abuse and control (including combating illicit
26 production, trafficking, or distribution of narcotics).

1 (3) STATE.—The term “State” includes the Dis-
2 trict of Columbia, the Commonwealth of Puerto Rico,
3 the Northern Mariana Islands, the Virgin Islands,
4 Guam, and American Samoa.

○



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

July 18, 1986

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer
Department of Health and Human Services
Department of Justice

SUBJECT: Education draft bill "Drug-Free Schools Act of 1986 (The Zero-Tolerance Act)"

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than NOON, TUESDAY, JULY 22, 1986. (The President is expected to give a speech on this topic next week.)

Questions should be referred to Lisa Berger (395-3923), the legislative analyst in this office.

Naomi R. Sweeney for
Assistant Director for
Legislative Reference

Enclosures

cc: Carlton Turner, OPD
Bayla White
Kathy Burchard
Barry White
Bernie Martin

John Schall
Rich Jacob
Barry Clendenin
Greg Jones
Naomi Sweeney

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for consideration of the Congress is a bill to authorize a program of Federal support for efforts to prevent and eliminate drug abuse in the schools of America. Also enclosed is a section-by-section analysis giving a complete explanation of the provisions of this bill. The purpose of the "Drug-Free Schools Act of 1986 (The Zero-Tolerance Act)" would be to promote excellence in American education by achieving a drug-free environment in our Nation's elementary and secondary schools.

Drug use is one of the most serious problems affecting American education. Recent data indicate that school children are exposed to drugs at earlier and earlier ages, that the use of some particularly dangerous drugs -- such as phencyclidine (PCP), cocaine, and "crack" -- is increasing and that drug and alcohol abuse among children is prevalent in all types of communities and racial, ethnic, and socioeconomic groups. Drug abuse impairs memory, alertness, and achievement, resulting in life-long health consequences for the user and making the process of education vastly more difficult.

While many communities have made efforts to rid the schools of drugs, these efforts have often been hampered by a lack of information on what works in preventing drug use, information on the legal rights and responsibilities of school officials in dealing with this threat, and financial resources for inservice training, improved security measures, and implementation of educational programs. The Drug-Free Schools Act (The Zero-Tolerance Act) would address these problems by providing financial support for local, State, and national efforts fight drug use in our schools.

The Act would authorize \$100 million for fiscal year 1987 and such sums as are necessary for succeeding fiscal years through 1991. Of the amount appropriated, \$20 million would be retained by the Department for national programs and the remaining \$80 million would be allocated to the States on the basis of school-age population. Up to one percent of the amount made available for the States would be set aside for the Outlying Areas. Any State that desires to participate in the program would submit an application, every three years, containing a description of the State's priorities and goals for the use of funds under the Act and procedures that the State will use for selecting projects to be funded. The application would also describe how teachers, administrators, and students at private nonprofit schools would be assured of equitable participation in the programs and benefits of the Act.

The States would have broad flexibility in using resources under the Act to combat drug use in the schools. Up to 20 percent of the money received by a State could be used directly by the State educational agency for inservice training programs on preventing drug use; development and dissemination of educational materials and counseling programs; cooperative activities between schools, parents, and law enforcement officials; research; technical assistance; and for State administration (which could absorb up to 5 percent of the State allotment). The remaining funds received by the State would be awarded competitively to local educational agencies.

Local educational agencies receiving assistance from the States under this program would use the funds to conduct inservice training of teachers and administrators; support increased security measures in the schools; develop and implement educational programs for students; establish programs that involve parents in drug use prevention; and develop cooperative prevention and enforcement programs with law enforcement agencies, drug rehabilitation centers, and community groups. Awards to local educational agencies would be made for a period of three years and would require a one-third match from non-Federal funds at the local level. In applying for funds, a local educational agency would submit to the State a plan describing the extent of the drug problem in the school system and the educational and counseling programs, disciplinary procedures, and inservice training activities that it would implement with the funds. A local educational agency receiving funds would also be required to submit a progress report after the first and second year of the award and, at the end of the third year, a final report describing its accomplishments under the program and their impact on drug use in the school system.

Both State and locally administered projects would be required to serve the drug use prevention needs of private schools in the State or local service area to the extent consistent with the number of students enrolled in private schools in that area.

At the national level, funds would be made available to the Secretary of Education for nationally significant activities designed to help the schools achieve and maintain a drug-free environment. These activities could include development and dissemination of program models and materials; workshops and seminars bringing together educators with officials of law enforcement, judicial, and social service agencies to discuss strategies for preventing drug use; and research on the causes and effects of drug use by school-age children.

The Department of Education recommends prompt and favorable action on this bill. Its enactment would provide educators at the local, State, and national levels with the first major Federal assistance aimed specifically at preventing drug use in the Nation's schools. Because of the toll that use of drugs is taking on America's school children, and on the capability of our educational system to fulfill its mission, I strongly urge the Congress to pass this bill.

Page 3 - Honorable Thomas P. O'Neill, Jr.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accordance with the program of the President.

An identical letter is being sent to the President of the Senate.

Sincerely,

William J. Bennett

JUL 17 1986

DRAFT

A BILL

To promote excellence in American education by achieving and maintaining a drug-free environment in our Nation's elementary and secondary schools, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Schools Without Drugs Act of 1986 (The Zero-Tolerance Act)".

Drug Free

PURPOSE

SEC. 2. The purpose of this Act is to assist State and local educational agencies to establish a drug-free learning environment within elementary and secondary schools and to prevent drug use among students in such schools.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. For the purpose of carrying out this Act there are authorized to be appropriated \$100,000,000 for fiscal year 1987 and *such sums as may be necessary for* each of the four succeeding fiscal years.

RESERVATIONS AND ALLOTMENTS

SEC. 4. (a) From the funds appropriated under section 3 for any fiscal year, the Secretary shall reserve \$20 million for national programs under section 9.

(b)(1) From the remainder of the amount appropriated to carry out this Act for each fiscal year after the application of subsection (a), the Secretary may reserve up to one per centum for projects authorized by this Act in Guam, American Samoa, the

Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) The Secretary shall allot the funds reserved under paragraph (1) among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for assistance under this Act.

(c)(1) From the remainder of the amount appropriated to carry out this Act for each fiscal year after the application of subsections (a) and (b), the Secretary shall allot to each State an amount which bears the same ratio to that remaining amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. The number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to the Secretary.

(2)(A) The Secretary may reallocate all or a portion of a State's allotment for any fiscal year if the State does not submit a State application under section 5, or otherwise indicates to the Secretary that it does not need or cannot use the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallocations.

(B) The Secretary may reallocate funds on a competitive basis to one or more States that demonstrate a current need for additional funds under this Act. Any funds reallocated to another State shall be deemed to be part of its allotment for the fiscal year in which the funds are reallocated.

(d) For the purpose of this section, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

STATE APPLICATIONS

SEC. 5. (a) Any State desiring to receive a grant from funds allotted under section 4 for any fiscal year shall submit to the Secretary a State application which meets the requirements of this section.

(b) Each State application shall--

- (1) cover a period of three fiscal years;
- (2) be submitted at the time and in the manner specified by the Secretary; and
- (3) contain whatever information the Secretary may reasonably require, including--

(A) assurances that--

(i) the State educational agency will be responsible for the administration, including supervision, of all State and local projects supported by the State's grant and shall maintain whatever fiscal control and fund accounting procedures

are necessary to ensure the proper disbursement of, and accounting for, Federal funds paid to the State under this Act;

(ii) the State educational agency will distribute at least 80 per centum of its allotment on a competitive basis to local educational agencies to pay the Federal share of the costs of local projects under section 7; and

(iii) the State educational agency will provide for continuing administrative direction and control by a public agency over funds under this Act used to benefit teachers, school administrators, and students in private nonprofit elementary and secondary schools;

(iv) no more than 5 per centum of the State's allotment will be used for State administration; and

(B) description of--

(i) the priorities and goals the State has selected for the use of funds under this Act during the period of the State application;

(ii) how, in establishing its priorities and goals under the State plan, the State has taken into account the needs of those public and private nonprofit elementary and secondary schools which desire to have their teachers, school administrators, and student^S participate in projects under this Act;
A

(iii) the procedures and criteria the State will use to select local projects to be supported under this Act

from among the applications received;

(iv) how parents, local educational agencies, private nonprofit elementary and secondary schools, law enforcement agencies, the courts, drug and alcohol treatment programs, and other interested community resources have been involved in the development of the State's priorities and goals under the State application;

(v) the projects the State will carry out with the portion of its allotment not distributed to local educational agencies, and

(vi) the procedures the State will adopt to ensure compliance with section 8.

(c) Each State application after the first must contain information on the State and local projects carried out under the preceding State application, including data on the number and characteristics of persons who participated, and an assessment of the degree to which those projects accomplished the goals described in that State application.

STATE PROJECTS

SEC. 6. (a) The State educational agency shall use that portion of its allotment that is not distributed to local educational agencies or used for State administration for State projects under this section.

(b) Funds under this section shall be used to--

(1) provide inservice training for teachers and schools administrators relating to--

(A) the authority of teachers and school administrators to maintain an orderly school environment that is conducive to learning, including their authority to detect and discipline students using drugs and alcohol;

(B) the causes and effects of drug and alcohol use by elementary and secondary school students;

(C) the identification and treatment of such students; and

(D) effective techniques for instructing and counseling such students;

(2) develop, disseminate, and implement curricula, counseling programs, and teaching materials to prevent drug and alcohol use;

(3) support State activities designed to enhance the involvement of parents in preventing drug and alcohol use among students, through such activities as educating parents about the symptoms and effects of drug use;

(4) establish cooperative programs between the schools and law enforcement agencies, the courts, drug and alcohol treatment programs, and other community resources;

(5) conduct research and disseminate information about drug and alcohol use by students;

"(6) provide technical assistance to local educational agencies under this Act; or

"(7) support any other State project, consistent with the purposes of this Act, that the State deems necessary to achieve a drug-free environment in the elementary and secondary schools of that State.

LOCAL PROJECTS

SEC. 7. (a) To apply for an award under this Act, a local educational agency shall submit to the State educational agency a plan which describes how the local educational agency will achieve and maintain drug-free elementary and secondary schools. Each plan must be for a period of three years. In addition, the plan must describe--

(1) the extent and nature of the current drug and alcohol problem in the schools of the local educational agency;

(2) the local educational agency's drug and alcohol policy, including the disciplinary practices and procedures it will employ to eliminate the sale or use of drugs and alcohol on school premises;

(3) the drug and alcohol use prevention curricula, counseling programs, and teaching materials the local educational agency will adopt;

(4) the inservice training the local educational agency will provide for teachers and school administrators;

(5) the extent to which the local educational agency's plan was developed and will be implemented with the involvement of local community resources, including parents, law-enforcement agencies, the courts, and drug and alcohol treatment programs;

(6) how the local educational agency will monitor the effectiveness of its plan; and

(7) how the plan will be continued after Federal assistance under this Act terminates.

(b)(1) In order to apply for funds under this Act for the second and third year of its plan, a local educational agency shall submit to the State educational agency an annual progress report at the end of the first and second years of its plan, as appropriate. Each annual progress report must describe--

(A) the local educational agency's significant accomplishments under the plan during the preceding year;

(B) the extent to which the original objectives of the plan are being achieved; and

(C) any modifications of the plan that are appropriate.

(2) At the end of the third year of its plan, the local educational agency shall submit to the State educational agency a final report which assesses the effectiveness of the three-year plan in meeting its objectives. Each final report must contain information which indicates the extent to which the

plan has succeeded in achieving and maintaining schools that are drug-free.

(c) A local educational agency shall use funds under this section, in accordance with its plan, to--

(1) provide inservice training for teachers and school administrators relating to--

(A) the authority of teachers and school administrators to maintain an orderly school environment that is conducive to learning, including their authority to detect and discipline students using drugs and alcohol;

(B) the causes and effects of drug and alcohol use by elementary and secondary school students;

(C) the identification and treatment of such students; and

(D) effective techniques for instructing and counseling such students;

(2) support increased security measures in schools;

(3) develop and implement curricula, counseling programs, and teaching materials to prevent drug and alcohol use;

(4) involve parents in preventing drug and alcohol use among students, through such activities as educating parents about the symptoms and effects of drug use;

(5) establish cooperative programs between local law-enforcement agencies, the courts, drug and alcohol treatment

programs, and other community resources; and

(6) any other local project consistent with the purposes of this Act, that the local educational agency deems necessary to achieve and maintain a drug-free environment in its elementary and secondary schools.

(d) The Federal share of the cost of a local project under this Act may not exceed 67 per centum.

PARTICIPATION OF PRIVATE SCHOOL TEACHERS, SCHOOL
ADMINISTRATORS, AND STUDENTS

SEC. 8 (a) (1) To the extent consistent with the number of children who are enrolled in participating private nonprofit elementary and secondary schools in the State, the State educational agency shall ensure equitable participation in the purposes and benefits of State projects under section 6 for teachers, school administrators, and students in such schools.

(2) To the extent consistent with the number of children who are enrolled in participating private nonprofit elementary and secondary schools located in the school district of a local educational agency, that local educational agency shall ensure equitable participation in the purposes and benefits of local projects under section 7 for teachers, school administrators, and students in such schools.

(b) To satisfy the requirements of subsection (a), a State educational agency or a local educational agency shall--

(1) consult with appropriate private nonprofit school representatives during the design and development of the project to determine which schools desire to participate in the project and what the needs of the teachers, school administrators, and students in those participating schools are, and

(2) then provide, as appropriate, benefits authorized by this Act for teachers, school administrators, and students in such schools.

(c) No funds under this Act may be used--

(1) for any religious worship, proselytization, or activity of a school or department of divinity, or

(2) to provide or improve any program of religious instruction.

NATIONAL PROGRAMS

SEC. 9. (a) The Secretary shall use funds reserved under section 4(a) to carry out national programs designed to achieve and maintain a drug-free environment that is conducive to learning in elementary and secondary schools. The Secretary may carry out such programs directly, or through grants, contracts, or cooperative agreements with State or local educational agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies organizations, and institutions.

(b) The Secretary shall use funds under this section to--

(1) collect and disseminate information about drug and alcohol use among students in elementary and secondary schools;

(2) collect and disseminate information on effective curricula, counseling programs, and teaching materials to prevent drug and alcohol use;

(3) conduct research on the causes and effects of drug and alcohol use by elementary and secondary school students, as well as effective school-based techniques for counseling and instructing such students;

(4) conduct workshops and seminars to encourage greater cooperation between schools and the community, including parents, law-enforcement agencies, the courts, and social service agencies; or

(5) carry out any other national level project or activity, consistent with the purposes of this Act, that the Secretary deems necessary to achieve a drug-free environment in elementary and secondary schools.

USE OF FUNDS

SEC. 10. Federal funds made available to a State or local educational agency under this Act shall be used to supplement and, to the extent practicable, increase the amount of non-Federal funds that would, in the absence of such Federal funds,

be made available for the purposes of this Act, and in no case to supplant such non-Federal funds.

CONFORMING AMENDMENTS

SEC. 11. Section 583(b) of Education Consolidation and Improvement Act (20 U.S.C. 3851(b)) is amended by--

- (1) inserting an "and" at the end of paragraph (2);
- (2) striking out paragraph (3); and
- (3) by redesignating paragraph (4) as paragraph (3).

DEFINITIONS

SEC. 12. The definitions of terms used in this Act shall be the same definitions given those terms under section 595 of the Education Consolidation and Improvement Act (20 U.S.C. 3875).

EFFECTIVE DATE

SEC. 13. The provisions of this Act shall take effect July 1, 1987.

* * *

Drug-Free

SCHOOLS ~~WITHOUT DRUGS~~ ACT OF 1986 (THE ZERO-TOLERANCE ACT)

Section-by-Section Analysis

Drug-Free
The bill, the ~~Schools Without Drugs~~ Act of 1986 (The Zero Tolerance Act) ("Act") would authorize a new State-administered grant program to assist State and local educational agencies to establish a drug-free learning environment within elementary and secondary schools and to prevent drug use among students in such schools. The major provisions of the Act are explained in the following section-by-section analysis.

Section 2. Section 2 of the Act would state the purpose of the Act as assisting State and local educational agencies to establish a drug-free learning environment that is conducive to learning within elementary and secondary schools and to prevent the scourge of drug use among students in such schools. To accomplish this purpose the bill would authorize national, State, and local programs.

Section 3. Section 3 of the Act would authorize the appropriation of \$100 million for fiscal year 1987, ~~through 1991~~ to carry out the Act.

Section 4. Section 4 of the Act would prescribe how funds under the Act for each fiscal year would be allotted. First, the Secretary would be authorized to reserve \$20 million for national programs. From the remainder the Secretary would be authorized to reserve up to one percentum for programs under the Act in Guam, American Samoa, the Virgin Islands, the northern Mariana Islands, and the Trust Territory of the Pacific Islands. Finally, the Secretary would be required to allot to each State an amount which bears the same ratio to the remainder of the funds as the number of children aged five to seventeen, inclusive, via State bears to the number of such children in all the States. Under certain circumstances, section four would also authorize the Secretary to make appropriate reallocations of funds among the States.

and such sums as may be necessary for each of the succeeding years -

Section 5. Section 5 of the Act describes the three-year State application a State would be required to submit to the Secretary in order to receive funds under the Act. Among other things, the State would be required to assure the Secretary that the State educational agency will be responsible for the administration of the State's program; that at least 80 percentum of the State's allotment will be distributed to local educational agencies on a competitive basis; and that no more than 5 percentum of the State's allotment will be used for State administration. The State would also be required to include in its State application a description of its priorities and goals for using Funds under the Act; how the State has taken into account the needs of public and private elementary and secondary

schools which desire to participate in the program; the procedures and criteria the State will use to select local projects; how parents, local educational agencies, private nonprofit schools, the law enforcement community, and drug and alcohol treatment programs have been involved in the development of the State's priorities and goals; the projects the State will carry out; and the State's procedures for ensuring equitable participation for teachers, school administrators, and students in private nonprofit schools. Each State application after the first would contain information on the State and local projects carried out under the proceeding application, including data on the number and characteristics of the participants and an assessment of the extent to which those projects accomplished their goals.

Section 6. Section 6 of the Act would authorize State projects, including: inservice training for teachers and school administrators relating to their authority to detect and discipline students using drugs and alcohol, the causes of drug and alcohol use by students, the identification of such students, and how to instruct or counsel them effectively; the development and implementation of curricula and teaching materials to prevent drug and alcohol use; educating parents about the symptoms and effects of drug use; cooperative programs between the schools and law enforcement agencies and drug and alcohol treatment programs; and research about drug and alcohol use by students.

Section 7. Section 7 of the Act would authorize local projects to receive funds under the Act, a local educational agency would be required to submit to the State educational agency a three-year plan for achieving and maintaining drug-free elementary and secondary schools. The plan must describe the extent and nature of the current drug and alcohol problem in the applicant's schools; the applicant's drug and alcohol policy, including the disciplinary practices and procedures it will employ; the curricula and teaching materials it will adopt and the inservice training for teachers and school administrators it will provide; the extent to which the plan was developed and will be implemented with the involvement of local community resources, including parents; and how the plan will be continued after Federal assistance terminates. In addition, a local educational agency must submit to the State educational agency an annual progress report at the end of the first and second years of its report which assesses the effectiveness of the plan in achieving and maintaining schools that are drug-free. With the exception of conducting research, local educational agencies would be authorized to carry out the same activities authorized for State projects, with the addition of increasing security in its schools. Finally, Section 7 would establish the Federal share of the cost of local projects as no more than 67 percentum.

Section 8. Section 8 of the Act would require State and local educational agencies to ensure equitable participation in the purposes and benefits of their respective projects for

teachers, school administrators, and students in participating private nonprofit elementary and secondary schools, consistent with the environment in such schools. State and local educational agencies would be required to consult with appropriate representatives of private nonprofit schools during the design and development of projects under the Act to determine which schools desire to participate and the needs of their teachers, school administrators, and students. Funds under the Act could not be used for religious worship or to provide or improve any program of religious instruction.

Section 9. Section 9 of the Act would authorize the Secretary to carry out national programs directly, or through grants, contracts, or cooperative agreements with State or local educational agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions. The Secretary would be authorized to collect and disseminate information about drug and alcohol use among students, as well as information on effective curricula, counseling programs, and teaching materials; conduct research on drug and alcohol use by students as well as effective school-based techniques for counseling and instructing such students; and conducting workshops and seminars to encourage greater cooperation between schools and the community, including parents, law-enforcement agencies, the courts, and social service agencies.

Section 10. Section 10 of the Act would require that State and local educational agencies use funds under the Act to supplement and, to the extent practicable, increase the amount of non-Federal funds that would, in the absence of Federal funds, be made available for the purposes of the Act, and not to supplant such non-Federal funds.

Section 11. Section 11 of the Act would delete as unnecessary the reference to alcohol and drug abuse education activities among the mandated priorities of the Secretary's Discretionary Program under Chapter 2 of the Education Consolidation and Improvement Act ("ECIA").

Section 12. Section 12 of the Act would incorporate the definitions of pertinent terms under Chapter 2 of the ECIA.

Section 13. Section 13 of the Act would provide for an effective date of July 1, 1987.

t

5

