

112TH CONGRESS
1ST SESSION

S. 919

To authorize grant programs to ensure successful, safe, and healthy students.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2011

Mr. HARKIN (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize grant programs to ensure successful, safe, and healthy students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Successful, Safe, and
5 Healthy Students Act of 2011”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to assist States in devel-
8 oping and implementing comprehensive programs and
9 strategies to foster positive conditions for learning in pub-
10 lic schools, in order to increase academic achievement for

1 all students through the provision of Federal assistance
2 to States for—

3 (1) promotion of student physical health and
4 well-being, nutrition, and fitness;

5 (2) promotion of student mental health and
6 well-being;

7 (3) prevention of violence, harassment (which
8 includes bullying), and substance abuse among stu-
9 dents; and

10 (4) promotion of safe and supportive schools.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) CHILD AND ADOLESCENT PSYCHIATRIST;
14 OTHER QUALIFIED PSYCHOLOGIST; SCHOOL COUN-
15 SELOR; SCHOOL PSYCHOLOGIST; SCHOOL SOCIAL
16 WORKER.—The terms “child and adolescent psychia-
17 trist”, “other qualified psychologist”, “school coun-
18 selor”, “school psychologist”, and “school social
19 worker” shall have the meanings given the terms in
20 section 5421(e) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7245(e)).

22 (2) CONDITIONS FOR LEARNING.—The term
23 “conditions for learning” means conditions that ad-
24 vance student achievement and positive child and
25 youth development by proactively supporting schools

1 (inclusive of in and around the school building, path-
2 ways to and from the school and students' homes,
3 school-sponsored activities, and electronic and social
4 media involving students or school personnel) that—

5 (A) promote physical, mental, and emo-
6 tional health;

7 (B) ensure physical and emotional safety
8 for students and staff;

9 (C) promote social, emotional, and char-
10 acter development; and

11 (D) have the following attributes:

12 (i) Provide opportunities for physical
13 activity, good nutrition, and healthy living.

14 (ii) Are free of harassment (which in-
15 cludes bullying), abuse, dating violence,
16 and all other forms of interpersonal ag-
17 gression or violence.

18 (iii) Prevent use and abuse of drugs
19 (including tobacco, alcohol, illegal drugs,
20 and unauthorized use of pharmaceuticals).

21 (iv) Are free of weapons.

22 (v) Do not condone or tolerate
23 unhealthy or harmful behaviors, including
24 discrimination of any kind.

1 (vi) Help staff and students to model
 2 positive social and emotional skills, includ-
 3 ing tolerance and respect for others.

4 (vii) Promote concern for the well-
 5 being of students, including through the
 6 presence of caring adults.

7 (viii) Employ adults who have—

8 (I) high expectations for student
 9 conduct, character, and academic
 10 achievement; and

11 (II) the capacity to establish sup-
 12 portive relationships with students.

13 (ix) Engage families and community
 14 members in meaningful and sustained
 15 ways to promote positive student academic
 16 achievement, developmental, and social
 17 outcomes.

18 (3) CONDITIONS FOR LEARNING MEASUREMENT
 19 SYSTEM.—

20 (A) IN GENERAL.—The term “conditions
 21 for learning measurement system” means a
 22 State reporting and information system that
 23 measures conditions for learning in the State
 24 and is, to the extent possible, part of the
 25 State’s statewide longitudinal data system and

1 with the State's system for reporting the data
2 required under section 1111 of the Elementary
3 and Secondary Education Act of 1965 (20
4 U.S.C. 6311).

5 (B) DESCRIPTION OF SYSTEM.—Such sys-
6 tem shall—

7 (i) contain, at a minimum, data from
8 valid and reliable surveys of students and
9 staff and the indicators in clause (ii) that
10 allow staff at the State, local educational
11 agencies, and schools to examine and im-
12 prove school-level conditions for learning;

13 (ii) collect school-level data on—

14 (I) physical education indicators;

15 (II) individual student attend-
16 ance and truancy;

17 (III) in-school suspensions, out-
18 of-school suspensions, expulsions, re-
19 ferrals to law enforcement, school-
20 based arrests, and disciplinary trans-
21 fers (including placements in alter-
22 native schools) by student;

23 (IV) the frequency, seriousness,
24 and incidence of violence and drug-re-
25 lated offenses resulting in disciplinary

1 action in elementary schools and sec-
2 ondary schools in the State; and

3 (V) the incidence and prevalence,
4 age of onset, perception of health risk,
5 and perception of social disapproval of
6 drug use and violence, including har-
7 assment (which includes bullying), by
8 youth and school personnel in schools
9 and communities;

10 (iii) collect and report data, including,
11 at a minimum, the data described in sub-
12 clauses (II), (III), and (V) of clause (ii), in
13 the aggregate and disaggregated by the
14 categories of race, ethnicity, gender, dis-
15 ability status, migrant status, English pro-
16 ficiency, and status as economically dis-
17 advantaged, and cross tabulated across all
18 of such categories by gender and by dis-
19 ability;

20 (iv) protect student privacy, consistent
21 with applicable data privacy laws and regu-
22 lations, including section 444 of the Gen-
23 eral Education Provisions Act (20 U.S.C.
24 1232g, commonly known as the “Family

1 Educational Rights and Privacy Act of
2 1974”); and

3 (v) to the extent possible, utilize a
4 web-based reporting system.

5 (C) COMPILING STATISTICS.—In compiling
6 the statistics required to measure conditions for
7 learning in the State—

8 (i) the offenses described in subpara-
9 graph (B)(ii)(IV) shall be defined pursuant
10 to the State’s criminal code, and aligned to
11 the extent possible, with the Federal Bu-
12 reau of Investigation’s Uniform Crime Re-
13 ports categories, but shall not identify vic-
14 tims of crimes or persons accused of
15 crimes and the collected data shall include
16 incident reports by school officials, anony-
17 mous student surveys, and anonymous
18 teacher surveys;

19 (ii) the performance metrics that are
20 established under section 5(i) shall be col-
21 lected and the performance on such
22 metrics shall be defined and reported uni-
23 formly statewide;

24 (iii) the State shall collect, analyze,
25 and use the data under subparagraph

1 (B)(ii), as required under section 5(g)(5),
2 at least annually, except the indicators
3 under subparagraph (B)(ii)(V) may be col-
4 lected, at a minimum, every 2 years; and

5 (iv) grant recipients and subgrant re-
6 cipients shall use the data for planning
7 and continuous improvement of activities
8 implemented under this Act, and may col-
9 lect data for indicators that are locally de-
10 fined, and that are not reported to the
11 State, to meet local needs (so long as such
12 indicators are aligned with the conditions
13 for learning).

14 (4) DRUG AND VIOLENCE PREVENTION.—The
15 term “drug and violence prevention” means—

16 (A) with respect to drugs, prevention, early
17 intervention, rehabilitation referral, or edu-
18 cation related to the abuse and illegal use of
19 drugs (including tobacco, alcohol, illegal drugs,
20 and unauthorized use of pharmaceuticals) to—

21 (i) raise awareness about the costs
22 and consequences of substance use and
23 abuse;

1 (ii) change attitudes, perceptions, and
2 social norms about the dangers and accept-
3 ability of alcohol, tobacco, and drugs; and

4 (iii) reduce access to and use of alco-
5 hol, tobacco, and drugs; and

6 (B) with respect to violence, the promotion
7 of school safety on school premises, going to
8 and from school, and at school-sponsored activi-
9 ties, through the creation and maintenance of a
10 school environment that—

11 (i) is free of weapons;

12 (ii) fosters individual responsibility
13 and respect for the rights and dignity of
14 others;

15 (iii) employs positive, preventative ap-
16 proaches to school discipline, such as
17 schoolwide positive behavior supports and
18 restorative justice, that improve student
19 engagement while minimizing students' re-
20 moval from instruction and reducing dis-
21 parities among the subgroups of students
22 described in section 1111(b)(2)(C)(v) of
23 the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v));
25 and

- 1 (iv) demonstrates preparedness and
 2 readiness to respond to, and recover from,
 3 incidents of school violence, such that stu-
 4 dents and school personnel are free from—
- 5 (I) violent and disruptive acts;
 - 6 (II) harassment (which includes
 7 bullying);
 - 8 (III) sexual harassment, dating
 9 violence, and abuse; and
 - 10 (IV) victimization associated with
 11 prejudice and intolerance.

12 (5) ELIGIBLE LOCAL APPLICANT.—The term
 13 “eligible local applicant” means a local educational
 14 agency, a consortium of local educational agencies,
 15 or a nonprofit organization that has a track record
 16 of success in implementing the proposed activities
 17 and has signed a memorandum of understanding
 18 with a local educational agency or consortium of
 19 local educational agencies to—

- 20 (A) implement school-based activities; and
- 21 (B) conduct school-level measurement of
 22 conditions for learning that are consistent with
 23 this Act.

24 (6) HARASSMENT.—The term “harassment”
 25 means conduct, including bullying, that is suffi-

1 ciently severe, persistent, or pervasive to limit a stu-
2 dent’s ability to participate in or benefit from a pro-
3 gram or activity of a public school or educational
4 agency, or to create a hostile or abusive educational
5 environment at a program or activity of a public
6 school or educational agency, including acts of
7 verbal, nonverbal, or physical aggression, intimidat-
8 ion, or hostility, if such conduct is based on—

9 (A) a student’s actual or perceived race,
10 color, national origin, sex, disability, sexual ori-
11 entation, gender identity, or religion;

12 (B) the actual or perceived race, color, na-
13 tional origin, sex, disability, sexual orientation,
14 gender identity, or religion of a person with
15 whom a student associates or has associated; or

16 (C) any other distinguishing characteristics
17 that may be defined by a State or local edu-
18 cational agency.

19 (7) LOCAL EDUCATIONAL AGENCY.—The term
20 “local educational agency” has the meaning given
21 the term in section 9101 of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 7801).

23 (8) PHYSICAL EDUCATION INDICATORS.—The
24 term “physical education indicators” means a set of
25 measures for instruction on physical activity, health-

1 related fitness, physical competence, and cognitive
2 understanding about physical activity. Such indica-
3 tors shall be publicly reported annually in the
4 State's conditions for learning measurement system,
5 and shall include—

6 (A) for the State, for each local edu-
7 cational agency in the State, and for each
8 school in the State, the average number of min-
9 utes that all students spend in required physical
10 education, and the average number of minutes
11 that all students engage in moderate to vig-
12 orous physical activity, as measured against es-
13 tablished recommended guidelines of the Cen-
14 ters for Disease Control and Prevention and the
15 Department of Health and Human Services;

16 (B) for the State, the percentage of local
17 educational agencies that have a required, age-
18 appropriate physical education curriculum that
19 adheres to Centers for Disease Control and
20 Prevention guidelines and State standards;

21 (C) for the State, for each local edu-
22 cational agency in the State, and for each
23 school in the State, the percentage of elemen-
24 tary school and secondary school physical edu-

1 cation teachers who are State licensed or cer-
 2 tified to teach physical education;

3 (D) for the State, and for each local edu-
 4 cational agency in the State, the percentage of
 5 schools that have a State certified or licensed
 6 physical education teacher certified in adapted
 7 physical education; and

8 (E) for each school in the State, the num-
 9 ber of indoor square feet and the number of
 10 outdoor square feet used primarily for physical
 11 education.

12 (9) PROGRAMS TO PROMOTE MENTAL
 13 HEALTH.—The term “programs to promote mental
 14 health” means programs that—

15 (A) develop students’ social and emotional
 16 competencies; and

17 (B) link students with local mental health
 18 systems as follows:

19 (i) Enhance, improve, or develop col-
 20 laborative efforts between school-based
 21 service systems and mental health service
 22 systems to provide, enhance, or improve
 23 prevention, diagnosis, and treatment serv-
 24 ices to students, and to improve student
 25 social emotional competencies.

1 (ii) Enhance the availability of crisis
2 intervention services, appropriate referrals
3 for students potentially in need of mental
4 health services, including suicide preven-
5 tion, and ongoing mental health services.

6 (iii) Provide training for the school
7 personnel and mental health professionals
8 who will participate in the program.

9 (iv) Provide technical assistance and
10 consultation to school systems, mental
11 health agencies, and families participating
12 in the program.

13 (v) Provide services that establish or
14 expand school counseling and mental
15 health programs that—

16 (I) are comprehensive in address-
17 ing the counseling, social, emotional,
18 behavioral, mental health, and edu-
19 cational needs of all students;

20 (II) use a developmental, preven-
21 tive approach to counseling and men-
22 tal health services;

23 (III) are linguistically appro-
24 priate and culturally responsive;

1 (IV) increase the range, avail-
2 ability, quantity, and quality of coun-
3 seling and mental health services in
4 the elementary schools and secondary
5 schools of the local educational agen-
6 cy;

7 (V) expand counseling and men-
8 tal health services through school
9 counselors, school social workers,
10 school psychologists, other qualified
11 psychologists, or child and adolescent
12 psychiatrists;

13 (VI) use innovative approaches
14 to—

15 (aa) increase children's un-
16 derstanding of peer and family
17 relationships, work and self, deci-
18 sionmaking, or academic and ca-
19 reer planning; or

20 (bb) improve peer inter-
21 action;

22 (VII) provide counseling and
23 mental health services in settings that
24 meet the range of student needs;

1 (VIII) include professional devel-
2 opment appropriate to the activities
3 covered in this paragraph for teach-
4 ers, school leaders, instructional staff,
5 and appropriate school personnel, in-
6 cluding training in appropriate identi-
7 fication and early intervention tech-
8 niques by school counselors, school so-
9 cial workers, school psychologists,
10 other qualified psychologists, or child
11 and adolescent psychiatrists;

12 (IX) ensure a team approach to
13 school counseling and mental health
14 services in the schools served by the
15 local educational agency;

16 (X) ensure work toward ratios
17 recommended—

18 (aa) by the American School
19 Counselor Association of 1 school
20 counselor to 250 students;

21 (bb) by the School Social
22 Work Association of America of
23 1 school social worker to 400 stu-
24 dents; and

1 (cc) by the National Asso-
2 ciation of School Psychologists of
3 1 school psychologist to 700 stu-
4 dents; and

5 (XI) ensure that school coun-
6 selors, school psychologists, other
7 qualified psychologists, school social
8 workers, or child and adolescent psy-
9 chiatrists paid from funds made avail-
10 able under this program spend a ma-
11 jority of their time counseling or pro-
12 viding mental health services to stu-
13 dents or in other activities directly re-
14 lated to such processes.

15 (10) PROGRAMS TO PROMOTE PHYSICAL ACTIV-
16 ITY, EDUCATION, FITNESS, AND NUTRITION.—The
17 term “programs to promote physical activity, edu-
18 cation, fitness, and nutrition” means programs that
19 increase and enable active student participation in
20 physical well-being activities and provide teacher
21 professional development. Such programs shall be
22 comprehensive in nature, and include opportunities
23 for professional development for teachers of physical
24 education to stay abreast of the latest research,

1 issues, and trends in the field of physical education,
2 and 1 or more of the following activities:

3 (A) Fitness education and assessment to
4 help students understand, improve, or maintain
5 their physical well-being.

6 (B) Instruction in a variety of motor skills
7 and physical activities designed to enhance the
8 physical, mental, social, and emotional develop-
9 ment of every student.

10 (C) Development of, and instruction in,
11 cognitive concepts about motor skill and phys-
12 ical fitness that support a lifelong healthy life-
13 style.

14 (D) Opportunities to develop positive social
15 and cooperative skills through physical activity.

16 (E) Instruction in healthy eating habits
17 and good nutrition.

18 (11) SECRETARY.—The term “Secretary”
19 means the Secretary of Education.

20 (12) STATE.—The term “State” has the mean-
21 ing given the term in section 9101 of the Elemen-
22 tary and Secondary Education Act of 1965 (20
23 U.S.C. 7801).

1 **SEC. 4. RESERVATIONS.**

2 From amounts made available under section 9, the
3 Secretary shall reserve—

4 (1) for the first 3 years for which funding is
5 made available under such section to carry out this
6 Act—

7 (A) not more than 30 percent of such
8 amounts or \$30,000,000, whichever amount is
9 more, for State conditions for learning measure-
10 ment system grants, distributed to every State
11 (by an application process consistent with sec-
12 tion 5(d)(1)) in an amount proportional to each
13 State's share of funding under part A of title
14 I of the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6311 et seq.), to de-
16 velop the State's conditions for learning meas-
17 urement system, and to conduct a needs anal-
18 ysis to meet the requirements of section
19 5(d)(2)(D); and

20 (B) not more than 68 percent of such
21 amounts for Successful, Safe, and Healthy Stu-
22 dents State Grants under section 5;

23 (2) for the fourth year and each subsequent
24 year for which funding is made available under sec-
25 tion 9 to carry out this Act, not less than 98 percent

1 of such amounts for Successful, Safe, and Healthy
 2 Students State Grants under section 5; and

3 (3) in each year for which funding is made
 4 available under section 9 to carry out this Act, not
 5 more than 2 percent of such amounts for technical
 6 assistance and evaluation.

7 **SEC. 5. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS**
 8 **STATE GRANTS.**

9 (a) **PURPOSE.**—The purpose of this section is to pro-
 10 vide funding to States to implement comprehensive pro-
 11 grams that address conditions for learning in schools in
 12 the State. Such programs shall be based on—

13 (1) scientifically valid research; and

14 (2) an analysis of need that considers, at a min-
 15 imum, the indicators in the conditions for learning
 16 measurement system.

17 (b) **STATE GRANTS.**—

18 (1) **IN GENERAL.**—From amounts reserved
 19 under section 4 for Successful, Safe, and Healthy
 20 Students State Grants, the Secretary shall award
 21 grants to States to carry out the purpose of this sec-
 22 tion.

23 (2) **AWARDS TO STATES.**—

24 (A) **FORMULA GRANTS.**—If the total
 25 amount reserved under section 4 for Successful,

1 Safe, and Healthy Students State Grants for a
2 fiscal year is \$500,000,000 or more, the Sec-
3 retary shall allot to each State with an ap-
4 proved application an amount that bears the
5 same relationship to such total amount as the
6 amount received under part A of title I of the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6311 et seq.) by such State
9 for such fiscal year bears to the amount re-
10 ceived under such part for such fiscal year by
11 all States.

12 (B) COMPETITIVE GRANTS.—

13 (i) IN GENERAL.—If the total amount
14 reserved under section 4 for Successful,
15 Safe, and Healthy Students State Grants
16 for a fiscal year is less than \$500,000,000,
17 the Secretary shall award grants under
18 this section on a competitive basis.

19 (ii) SUFFICIENT SIZE AND SCOPE.—In
20 awarding grants on a competitive basis
21 pursuant to clause (i), the Secretary shall
22 ensure that grant awards are of sufficient
23 size and scope to carry out required and
24 approved activities under this section.

1 (c) ELIGIBILITY.—To be eligible to receive a grant
2 under this section, a State shall demonstrate that it has—

3 (1) established a statewide physical education
4 requirement that is consistent with widely recognized
5 standards; and

6 (2) required all local educational agencies in the
7 State to—

8 (A) establish policies that prevent and pro-
9 hibit harassment (which includes bullying) in
10 schools; and

11 (B) provide—

12 (i) annual notice to parents and stu-
13 dents describing the full range of prohib-
14 ited conduct contained in such local edu-
15 cational agency’s discipline policies; and

16 (ii) grievance procedures for students
17 or parents to register complaints regarding
18 the prohibited conduct contained in such
19 local educational agency’s discipline poli-
20 cies, including—

21 (I) the name of the local edu-
22 cational agency officials who are des-
23 igned as responsible for receiving
24 such complaints; and

1 (II) timelines that the local edu-
2 cational agency will follow in the reso-
3 lution of such complaints.

4 (d) APPLICATIONS.—

5 (1) IN GENERAL.—A State that desires to re-
6 ceive a grant under this section shall submit an ap-
7 plication at such time, in such manner, and con-
8 taining such information as the Secretary may re-
9 quire.

10 (2) CONTENT OF APPLICATION.—At a min-
11 imum, the application shall include—

12 (A) documentation of the State’s eligibility
13 to receive a grant under this section, as de-
14 scribed in subsection (c);

15 (B) an assurance that the policies used to
16 prohibit harassment (which includes bullying) in
17 schools required under subsection (c)(2)(A) em-
18 phasize alternatives to school suspension that
19 minimize students’ removal from grade-level in-
20 struction, promote mental health, and only
21 allow out-of-school punishments in severe or
22 persistent cases;

23 (C) a plan for improving conditions for
24 learning in schools in the State in a manner
25 consistent with the requirements of the pro-

1 gram that may be a part of a broader statewide
2 child and youth plan, if such a plan exists and
3 is consistent with the requirements of this Act;

4 (D) a needs analysis of the conditions for
5 learning in schools in the State, which—

6 (i) shall include a description of, and
7 data measuring, the State’s conditions for
8 learning; and

9 (ii) may be a part of a broader state-
10 wide child and youth needs analysis, if
11 such an analysis exists and is consistent
12 with the requirements of this Act;

13 (E) a description of how the activities the
14 State proposes to implement with grant funds
15 are responsive to the results of the needs anal-
16 ysis described in subparagraph (C); and

17 (F) a description of how the State will—

18 (i) develop, adopt, adapt, or imple-
19 ment the State’s conditions for learning
20 measurement system, and how the State
21 will ensure that all local educational agen-
22 cies and schools in the State participate in
23 such system;

24 (ii) ensure the quality of the State’s
25 conditions for learning data collection, in-

1 including the State’s plan for survey admin-
2 istration and for ensuring the reliability
3 and validity of survey instruments;

4 (iii) coordinate the proposed activities
5 with other Federal and State programs, in-
6 cluding programs funded under this Act,
7 which may include programs to expand
8 learning time and for before- and after-
9 school programming in order to provide
10 sufficient time to carry out the activities
11 described in this Act;

12 (iv) assist local educational agencies
13 to align activities with funds the agencies
14 receive under the program with other fund-
15 ing sources in order to support a coherent
16 and non-duplicative program;

17 (v) solicit and approve subgrant appli-
18 cations, including how the State will—

19 (I) allocate funds for statewide
20 activities and subgrants for each year
21 of the grant, consistent with allocation
22 requirements under subsection (h)(2);
23 and

24 (II) consider the results of the
25 analysis described in subparagraph

1 (C) in the State's distribution of sub-
2 grants;

3 (vi) address the needs of diverse geo-
4 graphic areas in the State, including rural
5 and urban communities;

6 (vii) provide assistance to local edu-
7 cational agencies and schools in their ef-
8 forts to prevent and appropriately respond
9 to incidents of harassment (which includes
10 bullying), including building the capacity of
11 such agencies and schools to educate fam-
12 ily and community members regarding the
13 agencies' and schools' respective roles in
14 preventing and responding to such inci-
15 dents; and

16 (viii) provide assistance to local edu-
17 cational agencies and schools in their ef-
18 forts to implement positive, preventative
19 approaches to school discipline, such as
20 schoolwide positive behavior supports and
21 restorative justice, that improve student
22 engagement while minimizing students' re-
23 moval from instruction and reducing sig-
24 nificant school discipline rates and discipli-
25 nary disparities among the subgroups of

1 students described in section
2 1111(b)(2)(C)(v) of the Elementary and
3 Secondary Education Act of 1965 (20
4 U.S.C. 6311(b)(2)(C)(v)).

5 (3) PEER REVIEW.—The Secretary shall estab-
6 lish a peer review process to review applications sub-
7 mitted under this subsection.

8 (e) DURATION.—

9 (1) IN GENERAL.—A State that receives a
10 grant under this section may receive funding for not
11 more than 5 years in accordance with this sub-
12 section.

13 (2) INITIAL PERIOD.—The Secretary shall
14 award grants under this section for an initial period
15 of not more than 3 years.

16 (3) GRANT EXTENSION.—The Secretary may
17 extend a competitive grant awarded to a State under
18 this section for not more than an additional 2 years
19 if the State shows sufficient improvement, as deter-
20 mined by the Secretary, against baseline data for the
21 performance metrics established under subsection
22 (i).

23 (f) RESERVATION AND USE OF FUNDS.—A State
24 that receives a grant under this section shall—

1 (1) reserve not more than 10 percent of the
2 grant funds for administration of the program, tech-
3 nical assistance, and the development, improvement,
4 and implementation of the State's conditions for
5 learning measurement system, as described in para-
6 graphs (1) through (5) of subsection (g); and

7 (2) use the remainder of grant funds after mak-
8 ing the reservation under paragraph (1) to award
9 subgrants, on a competitive basis, to eligible local
10 applicants.

11 (g) REQUIRED STATE ACTIVITIES.—A State that re-
12 ceives a grant under this section shall—

13 (1) not later than 1 year after receipt of the
14 grant, develop, adapt, improve, or adopt and imple-
15 ment a statewide conditions for learning measure-
16 ment system (unless the State can demonstrate, to
17 the satisfaction of the Secretary, that an appropriate
18 system has already been implemented) that annually
19 measures the State's progress in the conditions for
20 learning for every public school in the State;

21 (2) collect information in each year of the grant
22 on the conditions for learning at the school-building
23 level through comprehensive needs assessments of
24 students, school staff, and family perceptions, expe-
25 riences, and behaviors;

1 (3) collect annual incident data at the school-
2 building level that are accurate and complete;

3 (4) publicly report, at the school level and dis-
4 trict level, the data collected in the conditions for
5 learning measurement system each year in a timely
6 and highly accessible manner;

7 (5) use, on a continuous basis, the results of
8 the conditions for learning measurement system to—

9 (A) identify and address conditions for
10 learning statewide;

11 (B) help subgrantees identify and address
12 school and student needs; and

13 (C) provide individualized assistance to the
14 lowest-performing schools (consistent with sec-
15 tion 1116 of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 6316)) and
17 schools with significant conditions for learning
18 weaknesses as identified through the conditions
19 for learning measurement system with imple-
20 mentation of activities under this Act; and

21 (6) award subgrants, consistent with subsection
22 (h), to eligible local applicants.

23 (h) SUBGRANTS.—

24 (1) IN GENERAL.—

1 (A) AWARDING OF SUBGRANTS.—A State
2 that receives a grant under this section shall
3 award subgrants, on a competitive basis, to eli-
4 gible local applicants (which may apply in part-
5 nership with 1 or more community-based orga-
6 nizations)—

7 (i) based on need as identified by data
8 from State and local conditions for learn-
9 ing measurement systems;

10 (ii) that are of sufficient size and
11 scope to enable subgrantees to carry out
12 approved activities; and

13 (iii) to implement programs that—

14 (I) are comprehensive in nature;

15 (II) are based on scientifically
16 valid research;

17 (III) are consistent with achiev-
18 ing the conditions for learning;

19 (IV) are part of a strategy to
20 achieve all the conditions for learning;
21 and

22 (V) address 1 or more of the cat-
23 egories described in paragraph (2)(A).

24 (B) ASSISTANCE.—A State that receives a
25 grant under this section shall provide assistance

1 to subgrant applicants and recipients in the se-
2 lection of scientifically valid programs and
3 interventions.

4 (2) ALLOCATION.—

5 (A) IN GENERAL.—In awarding subgrants
6 under this section, each State shall ensure that,
7 for the aggregate of all subgrants awarded by
8 the State—

9 (i) not less than 20 percent of the
10 subgrant funds are allocated to carry out
11 drug and violence prevention;

12 (ii) not less than 20 percent of the
13 subgrant funds are allocated to carry out
14 programs to promote mental health; and

15 (iii) not less than 20 percent of the
16 subgrant funds are allocated to carry out
17 programs to promote physical activity, edu-
18 cation, fitness, and nutrition.

19 (B) RULE OF CONSTRUCTION.—Nothing in
20 this section shall be construed to require States,
21 in making subgrants to eligible local applicants,
22 to require subgrant recipients to use 20 percent
23 of grant funds for drug and violence prevention,
24 20 percent of grant funds for the promotion of
25 mental health, and 20 percent of grant funds

1 for the promotion of physical activity, edu-
2 cation, fitness, and nutrition.

3 (3) APPLICATIONS.—An eligible local applicant
4 that desires to receive a subgrant under this sub-
5 section shall submit to the State an application at
6 such time, in such manner, and containing such in-
7 formation as the State may require.

8 (4) PRIORITY.—In awarding subgrants under
9 this subsection, a State shall give priority to applica-
10 tions that—

11 (A) demonstrate the greatest need accord-
12 ing to the results of the State's conditions for
13 learning survey; and

14 (B) propose to serve schools with the high-
15 est concentrations of poverty, based on the per-
16 centage of students receiving or are eligible to
17 receive a free or reduced price lunch under the
18 Richard B. Russell National School Lunch Act
19 (42 U.S.C. 1751 et seq.).

20 (5) ACTIVITIES OF SUBGRANT RECIPIENTS.—
21 Each recipient of a subgrant under this subsection
22 shall, for the duration of the subgrant—

23 (A) carry out activities—

1 (i) the need for which has been identi-
2 fied, at a minimum, through the conditions
3 for learning measurement system; and

4 (ii) that are part of a comprehensive
5 strategy or framework to address such
6 need, in 1 or more of the 3 categories iden-
7 tified in paragraph (2)(A);

8 (B) ensure that each framework, interven-
9 tion, or program selected be based on scientif-
10 ically valid research and be used for the pur-
11 pose for which such framework, intervention, or
12 program was found to be effective;

13 (C) use school-level data from the state-
14 wide conditions for learning measurement sys-
15 tem to inform the implementation and contin-
16 uous improvement of activities carried out
17 under this Act;

18 (D) use data from the statewide conditions
19 for learning measurement system to identify
20 challenges outside of school or off school
21 grounds, (including the need for safe passages
22 for students to and from school), and collabo-
23 rate with 1 or more community-based organiza-
24 tion to address such challenges;

1 (E) collect and report to the State edu-
 2 cational agency, data for schools served by the
 3 subgrant recipient, in a manner consistent with
 4 the State's conditions for learning measurement
 5 system;

6 (F) establish policies to expand access to
 7 quality physical activity opportunities, (includ-
 8 ing school wellness policies) and establish active
 9 school wellness councils, consistent with the re-
 10 quirements of the Child Nutrition Act of 1966
 11 (42 U.S.C. 1771 et seq.), which may be part of
 12 existing school councils, if such councils exist
 13 and have the capacity and willingness to ad-
 14 dress school wellness;

15 (G) engage family members and commu-
 16 nity-based organizations in the development of
 17 conditions for learning surveys, and in the plan-
 18 ning, implementation, and review of the
 19 subgrant recipient's efforts under this Act; and

20 (H) consider and accommodate the unique
 21 needs of students with disabilities and English
 22 language learners in implementing activities.

23 (i) ACCOUNTABILITY.—

24 (1) ESTABLISHMENT OF PERFORMANCE
 25 METRICS.—The Secretary, acting through the Direc-

1 tor of the Institute of Education Sciences, shall es-
2 tablish program performance metrics to measure the
3 effectiveness of the activities carried out under this
4 Act.

5 (2) ANNUAL REPORT.—Each State that re-
6 ceives a grant under this Act shall prepare and sub-
7 mit an annual report to the Secretary, which shall
8 include information relevant to the conditions for
9 learning, including on progress towards meeting out-
10 comes for the metrics established under paragraph
11 (1).

12 **SEC. 6. FUNDS RESERVED FOR SECRETARY.**

13 From the amount reserved under section 4(3), the
14 Secretary shall—

15 (1) direct the Institute of Education Sciences to
16 conduct an evaluation of the impact of the practices
17 funded or disseminated by the Successful, Safe, and
18 Healthy Students State Grants program; and

19 (2) provide technical assistance to applicants,
20 recipients, and subgrant recipients of the programs
21 funded under this Act.

22 **SEC. 7. PROHIBITED USES OF FUNDS.**

23 No funds appropriated under this Act may be used
24 to pay for—

1 (1) school resource officer or other security per-
2 sonnel salaries, metal detectors, security cameras, or
3 other security-related salaries, equipment, or ex-
4 penses;

5 (2) drug testing programs; or

6 (3) the development, establishment, implemen-
7 tation, or enforcement of zero-tolerance discipline
8 policies, other than those expressly required under
9 the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

10 **SEC. 8. FEDERAL AND STATE NONDISCRIMINATION LAWS.**

11 Nothing in this Act shall be construed to invalidate
12 or limit nondiscrimination principles or rights, remedies,
13 procedures, or legal standards available to victims of dis-
14 crimination under any other Federal law or law of a State
15 or political subdivision of a State, including title VI of the
16 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
17 IX of the Education Amendments of 1972 (20 U.S.C.
18 1681 et seq.), section 504 or 505 of the Rehabilitation
19 Act of 1973 (29 U.S.C. 794 and 794a), or the Americans
20 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
21 The obligations imposed by this Act are in addition to
22 those imposed by title VI of the Civil Rights Act of 1964
23 (42 U.S.C. 2000d et seq.), title IX of the Education
24 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
25 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

1 and the Americans with Disabilities Act of 1990 (42
2 U.S.C. 12101 et seq.).

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this Act \$1,000,000,000 for fiscal year 2012 and such
6 sums as may be necessary for each of the 5 succeeding
7 fiscal years.

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