

108TH CONGRESS  
2D SESSION

# H. R. 3720

To authorize the Secretary of Education to make grants to local educational agencies and private schools to establish drug-free school demonstration programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2004

Mr. PETERSON of Pennsylvania (for himself, Mr. OSBORNE, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To authorize the Secretary of Education to make grants to local educational agencies and private schools to establish drug-free school demonstration programs, and for other purposes.

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 “Empowering Parents  
5       and Teachers for a Drug-Free Education Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) Fifty-four percent of high school seniors in  
2           2001 had used an illicit drug in their lifetime.

3           (2) Forty-two percent of 12th graders, 37 per-  
4           cent of 10th graders, and 20 percent of 8th graders  
5           in 2001 had used an illicit drug in the past year.

6           (3) Eighty percent of 12th graders, 70 percent  
7           of 10th graders, and 51 percent of 8th graders in  
8           2001 had used alcohol in their lifetime.

9           (4) Sixty-four percent of 12th graders, 48 per-  
10          cent of 10th graders, and 23 percent of 8th graders  
11          in 2001 had been intoxicated.

12          (5) Use of 3,4-methylenedioxy methamphet-  
13          amine (commonly referred to as “MDMA” or “ec-  
14          stasy”) by 12th graders increased from 6 percent in  
15          1998 to 11.7 percent in 2001.

16          (6) Schoolchildren who use and abuse addictive  
17          illicit drugs or alcohol increase the risk to the health  
18          and safety of all students and impact the learning  
19          environment of the school because—

20                 (A) use of illicit drugs or alcohol can lead  
21                 to serious health effects, the development of  
22                 life-threatening diseases, and even death;

23                 (B) use of illicit drugs like marijuana or  
24                 ecstasy kills brain cells in the learning centers

1 of the brain, directly impacting a student’s abil-  
2 ity to learn in school;

3 (C) chemicals left in the central nervous  
4 system after using marijuana cause the brain to  
5 be irritated and uncontrollable, resulting in dis-  
6 ruptive behavior in the classroom;

7 (D) students who smoke cigarettes or use  
8 other illicit drugs have been shown to have less  
9 desire to learn, resulting in lower grade point  
10 averages when compared to other students; and

11 (E) students who use illicit drugs or alco-  
12 hol have a higher rate of breaking school rules.

13 **SEC. 3. DRUG-FREE SCHOOL DEMONSTRATION PROGRAMS.**

14 (a) DEMONSTRATION PROGRAMS.—Part A of title IV  
15 of the Elementary and Secondary Education Act of 1965  
16 (20 U.S.C. 7101 et seq.; also known as the “Safe and  
17 Drug-Free Schools and Communities Act”) is amended—

18 (1) by redesignating subpart 4 as subpart 5;

19 and

20 (2) by inserting after subpart 3 the following:

1       **“Subpart 4—Drug-Free School Demonstration**  
2                                   **Programs**

3       **“SEC. 4145. DRUG-FREE SCHOOL DEMONSTRATION PRO-**  
4                                   **GRAMS.**

5       “(a) GRANTS.—The Secretary may make grants to  
6 local educational agencies and private schools to establish  
7 drug-free school demonstration programs described in sub-  
8 section (b).

9       “(b) REQUIREMENTS.—A grant may be made under  
10 subsection (a) only if the local educational agency or pri-  
11 vate school involved agrees to use the funds received under  
12 the grant to establish a drug-free school demonstration  
13 program that—

14               “(1) includes, consistent with the fourth amend-  
15 ment to the Constitution of the United States, ran-  
16 dom drug testing of students;

17               “(2) requires that any such testing be con-  
18 ducted using only drug tests approved by the Food  
19 and Drug Administration;

20               “(3) requires that any analysis of such testing  
21 be conducted by a drug-testing laboratory certified  
22 by the Substance Abuse and Mental Health Services  
23 Administration, or approved by the College of Amer-  
24 ican Pathologists, for forensic drug testing;

25               “(4) requires a review of each positive test re-  
26 sult by a medical review officer;

1           “(5) prohibits any disclosure to law enforce-  
2           ment officials of the results of the random drug test-  
3           ing;

4           “(6) requires that drug-testing records be kept  
5           strictly confidential in accordance with subsection  
6           (c);

7           “(7) requires, upon the submission of a report  
8           by a medical review officer under subsection (c)(3)  
9           relating to a preliminary positive test result, the de-  
10          struction of all records relating to the result if the  
11          medical review officer does not confirm the result;

12          “(8) requires the destruction of all records re-  
13          lating to drug or alcohol testing of a student when  
14          the student graduates or otherwise leaves the local  
15          educational agency or private school involved;

16          “(9) ensures that the parents of the students to  
17          be tested are informed in detail about the random  
18          drug-testing program;

19          “(10) provides parents the right to withdraw  
20          their child from participation in the random drug-  
21          testing program, and ensures that parents receive  
22          notification of such right at the beginning of every  
23          school year;

24          “(11) includes a clear, written policy on school  
25          behavior that—

1           “(A) prohibits students from attending  
2           school or school activities under the influence of  
3           illegal drugs or alcohol;

4           “(B) prohibits the use or possession of ille-  
5           gal drugs in school; and

6           “(C) sets forth the consequences of vio-  
7           lating the prohibitions described in subpara-  
8           graphs (A) and (B);

9           “(12) provides drug and alcohol abuse preven-  
10          tion training for a total of not less than 2 hours for  
11          each student and staff member of the local edu-  
12          cational agency or private school involved;

13          “(13) provides student access to a student as-  
14          sistance program, including confidential assessment,  
15          referral, and short-term problem resolution; and

16          “(14) provides continuing alcohol, tobacco, and  
17          drug abuse prevention education.

18          “(c) PRIVACY PROTECTION.—Each drug-free school  
19          demonstration program established with assistance made  
20          available under this section shall—

21               “(1) include, as reasonably necessary and ap-  
22               propriate, practices and procedures to ensure the  
23               confidentiality of student drug test results and of  
24               any participation by a student in a treatment or re-  
25               habilitation program;

1           “(2) prohibit the mandatory disclosure of med-  
2           ical information by a student unless the student  
3           tests positive for drugs; and

4           “(3) require a medical review officer reviewing  
5           student drug test results to report the final results  
6           of such tests in writing and in a manner designed  
7           to ensure the confidentiality of the results.

8           “(d) TECHNICAL ASSISTANCE.—To the extent or in  
9           the amounts provided in advance in appropriations Acts,  
10          the Secretary may enter into contracts with public and  
11          private entities to provide assistance related to carrying  
12          out the drug-free school demonstration programs estab-  
13          lished pursuant to this section.

14          “(e) APPLICATIONS.—To seek a grant under this sec-  
15          tion, a local educational agency or private school shall sub-  
16          mit an application to the Secretary at such time, in such  
17          manner, and containing such information as the Secretary  
18          may require.

19          “(f) DEFINITIONS.—For purposes of this section:

20                 “(1) The term ‘medical review officer’—

21                         “(A) means a licensed physician with  
22                         knowledge of substance abuse disorders; and

23                         “(B) does not include any—

24                                 “(i) employee of the school involved;

25                                 or

1                   “(ii) employee or agent of, or any per-  
2                   son having a financial interest in, the lab-  
3                   oratory for which the drug test results are  
4                   being reviewed.

5                   “(2) The term ‘student’ means any individual  
6                   enrolled on school records as eligible to attend, or  
7                   actually attending, school for educational purposes  
8                   in any of grades 8 through 12.”.

9                   (b) REPORT.—Not later than 18 months after the  
10                  date of the enactment of this Act, the Secretary of Edu-  
11                  cation shall submit to the Congress a report on the results  
12                  of the drug-free school demonstration programs estab-  
13                  lished with assistance under this section.

14                  (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
15                  4003 of the Elementary and Secondary Education Act of  
16                  1965 (20 U.S.C. 7103) is amended—

17                   (1) in paragraph (1), by striking “and” at the  
18                   end;

19                   (2) in paragraph (2), by striking the period at  
20                   the end and inserting “; and”; and

21                   (3) by adding at the end the following:

22                   “(3) \$25,000,000 for fiscal year 2005, and for  
23                   each of fiscal years 2006 and 2007, for drug-free  
24                   school demonstration programs under subpart 4.”.



1       (d) CONFORMING AMENDMENT.—The table of con-  
2 tents at section 2 of the Elementary and Secondary Edu-  
3 cation Act of 1965 is amended—

4           (1) by redesignating the item relating to sub-  
5 part 4 of part A of title IV as the item relating to  
6 subpart 5 of part A of title IV; and

7           (2) by inserting after the item relating to sec-  
8 tion 4141 the following:

“SUBPART 4—DRUG-FREE SCHOOL DEMONSTRATION PROGRAMS

“4145. Drug-free school demonstration programs.”.

