Drug-Free Schools

STATE OF MICHIGAN

John Engler, *Governor*

OFFICE OF DRUG CONTROL POLICY

Robert E. Peterson, *Director*

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OPEN LETTER TO SUPERINTENDENTS, SCHOOL BOARDS, AND EDUCATORS

I am writing to clarify the intent of recent changes in the administration of the drug-free school funds and to identify the impact such changes may have on your district.

There has been a lot of concern, media hype, and misinformation regarding these changes and it is my hope that by directly addressing the issues that arouse the most attention and controversy, your particular information needs will be met.

I would be happy to meet personally with you (or with groups) to discuss these matters further. I sincerely look forward to working with you in the years ahead.

Question: What changes have occurred in the administration of the Drug-Free Schools and Communities funds coming to the state of Michigan?

Answer: On November 12, 1991 the State Board of Education voted to have the Office of Drug Control Policy (ODCP) receive, administer, and distribute federal DFSCA funds on behalf of the state educational agency. The agreement signed requires ODCP to abide by all federal and state regulations regarding these funds, establishes a drug education advisory committee, and leaves final approval power for state drug education plans with the State Board of Education (SBE). The change is effective November 24, 1991.

Question: Will the level of funding coming to the local school district be effected by this change? Can ODCP divert any of these funds to its own use?

Answer: The answer to both these questions is "NO." The level of funding coming to your district is determined by formula (per pupil) and federal law. By law, 90% of this DFSCA money **must** flow to the local level. My office cannot and will not alter the formula distribution of funds. The only thing that could alter the level of funding would be federal changes in the amount of funds provided to the state of Michigan. Most likely, the same computers and personnel will distribute funds in the same manner as in the past. ODCP intends to make it clear to every school district community that these funds **belong to the local educational agency** to educate their children about the dangers of drugs.

Question: Will this change effect allocations and plans made for use of the funds this year and have funds been frozen?

Answer: Once again, the answer is "NO." The plans and allocations for this year have already been established and programs should operate on schedule. Districts will continue to be able to amend their plans as they see fit. My office has not ordered any funding freeze, nor does it intend to.

Question: Why did the Governor request the change in fund administration?

Answer: In establishing the Office of Drug Control Policy the Governor consolidated all federal anti-drug efforts into one independent office with one mission - to build a drug-free future for Michigan. By giving one office, directly accountable to the Governor, the responsibility and budgetary authority to develop a coordinated anti-drug strategy, Michigan has taken a national leadership role. Education, prevention, treatment, and law enforcement administrators now work side-by-side and policy can now be set jointly and uniformly - avoiding unnecessary duplication of effort and resolving turf battles directly.

Question: What program and policy changes can be anticipated as a result of this change?

Answer: The major change that will transpire is the formation of a drug education advisory committee, made up of three appointees of the Governor, three State Board members, and myself, as the non-voting chair. This committee will hold hearings to solicit advice and recommendations from educators, students, parents, community drug volunteers and experts, and other interested parties. The committee will identify the best drug prevention and education efforts that Michigan and the nation has to offer our children.

Hard-hitting drug education curricula, student assistance programs, peer leadership teams, youth programs involving drug-free students who role model and teach younger kids, and parent-based parenting programs will all be examined as part of a comprehensive search for effective options for schools to consider. School districts can then measure their current drug response with available options to determine future direction.

Once a diverse array of successful school-based approaches are identified, the committee will recommend a statewide drug education strategy that will maximize informed choice of drug education options at the local level. Federal training on how local districts can put together their own community drug team to set priorities and select programs will be available at no cost from the regional federal office.

Question: Will ODCP promote or discourage any specific programs or approaches?

Answer: ODCP is in complete agreement with the federal guidelines and regulations that the state's role should be threefold: 1. the state should identify and model the best curricula, student assistance, youth, parenting, and supplemental drug education and prevention programs available to local school districts; 2. statewide goals and objectives consistent with Michigan's comprehensive strategy to prevent and reduce substance abuse should be set and communicated - but the local school district should join with the community to make their own determination of the best way to reach those objectives; and, 3. the state should ensure that federal and state laws and regulations are abided by and that earmarked funds reach their intended target.

ODCP does not have any pet programs or agenda other than a desire to provide diverse comprehensive drug education options that meet federal mandates.

Question: What about the Michigan Model - are there plans to abolish this health program?

Answer: This single issue has caused more confusion than perhaps any other. First, my office has no plans to abolish the Michigan Model nor have I ever criticized the health education component of the Model. I have raised concerns that the level of federal **drug education** funding for the Model be **proportional** to the amount of drug education within the curriculum. By federal law, these funds can only be used for **drug** education and prevention. These concerns are not new and were raised by the former "drug czar," health officials and numerous superintendents and educators I have spoken with.

There is some honest debate regarding the level of federal spending for the non-drug areas of the curriculm and the extent to which the Model is a substance abuse program. My recommendation will be that an outside audit be done to determine precisely what proportion of the program is funded with **drug** education dollars. I also recommend that the state have members of the national commission who wrote the federal drug education curriculum guidelines review the Model and provide guidance as to what percentage of the program should be considered **drug education**. Use of federal **drug** funds in support of the Model would not be barred under my recommendations, but would be limited to the amount of drug education provided as required under federal law.

The federal government accepted on its face an explanation from the state that the Model was 74% substance abuse prevention and only 64% federally funded. The government reserved the right to investigate this matter further and never actually read the curriculum or examined the funding breakdown. The federal government has made it clear that only the drug education portion of the Michigan Model can be paid for with federal drug funds. It is my hope that the outside analysis proposed above will provide a feasible way to resolve this issue.

Question: Is ODCP opposed to comprehensive health education and won't Michigan Model funding be reduced or eliminated by these changes?

ODCP is not opposed to comprehensive health education nor is it attempting to reduce health education funding. As was stated earlier, drug education funds may be utilized to pay for the substance abuse component of a health program. Federal law directs the funds at issue to **drug education** for our schools and limits its use for that purpose. ODCP will aggressively protect drug education funds to see that they reach their intended target as required under the agreement with the State Board and the law.

There are areas of overlap that are appropriate drug fund expenditures, such as portions of AIDS education that deal with IV drug use transmission of the virus and related peer refusal skills. Drug funds may be combined with other sources to provide comprehensive programs.

Schools will be given great latitiude in choosing **anti-drug** programming. However, any drug education curricula, or health education component dealing with the drug issue, will have to compete with other available programs. The ultimate choice will be made at the local level.

Where drug education funds supported general non-drug health programming, this may result in a reduction of funds. Any such reduction would be due to complying with federal regulations, or from local preferences due to a greater awareness of programs to choose from. There is no conscious effort to reduce health education programs and it is hoped that worthwhile programs will be picked up with other funding.

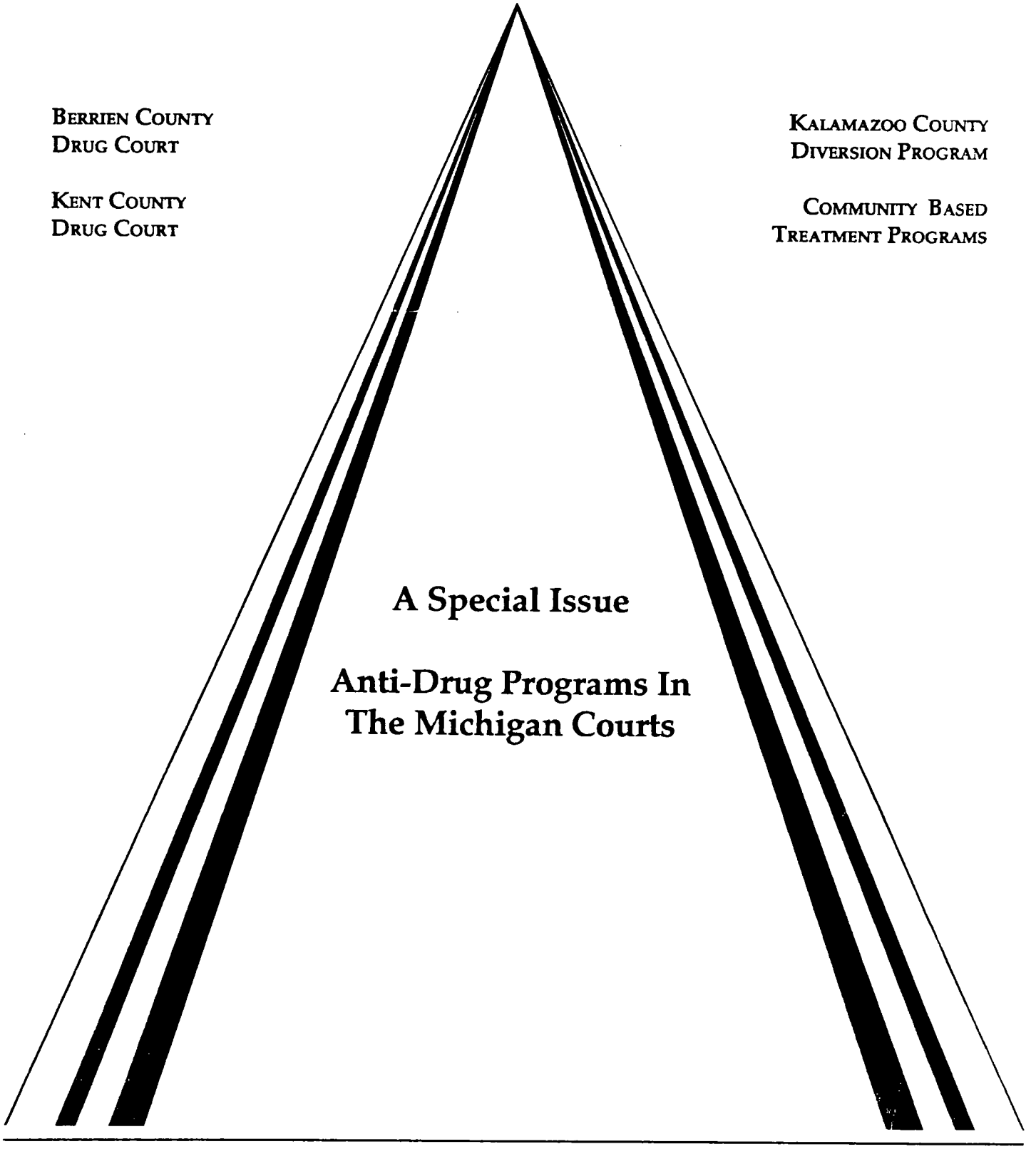
COLLEAGUE

BERRIEN COUNTY
DRUG COURT

KENT COUNTY
DRUG COURT

KALAMAZOO COUNTY
DIVERSION PROGRAM

COMMUNITY BASED
TREATMENT PROGRAMS



A Special Issue

Anti-Drug Programs In The Michigan Courts

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ROBERT E. PETERSON, Director

COMMUNITY RECLAMATION FROM DRUGS

A State's Recommendation for a New National Initiative

Introduction

As Director of the Office of Drug Control Policy in the State of Michigan, I have had the opportunity to work on solutions to the drug issue from the national, state, and local levels. I have been involved in this issue all of my professional, and much of my personal life.

If we learn from our past, build on successes, and implement change where needed, a great opportunity lies ahead for America and the new administration. Drugs are not a partisan issue - they are an equal opportunity destroyer.

The perspective I have gained through addressing this issue at all levels of government is being offered to provide assistance and advice that will hopefully be of use as national drug plans are being drawn up.

A United Purpose

The "drug war" metaphor is getting old, but those who attack it generally seek retreat to the 1970's, not advancement to the year 2000.

In Michigan, we have a blueprint for change with the basic premise that we must go from a body count war to a community reclamation initiative.

Like it or not, in many neighborhoods it is a war out there. But merely counting the number of people who go through treatment, or kids who receive drug education, or arrest statistics will not solve the problem or necessarily take back one's home or street.

It has become clear that a comprehensive coordinated approach means more than doing treatment, education and enforcement without stepping on each other's toes. It is not in the merging of programs, but in the unity of goals and objectives that these tangled threads become a tapestry of improved community

life.

As we are trying to do in Michigan, **the federal government should keep a single focus on all drug initiatives by continually asking - is what we are doing actually reclaiming home, streets, and communities from drugs?** And treatment, education/prevention and law enforcement should be assessed and measured by their progress in doing so.

This must be a vision and goal. Holding agencies and fund recipients to it will force turf walls to collapse because no one agency can do the job alone and government will have to empower and work for the community members to make it happen.

The Need is Great

If the drug problem was solved tomorrow, the economic savings and benefits could nearly balance the budget before the President's first term was completed. Substance abuse drains up to $300 billion a year from the economy through lost productivity, health costs, crime, and other problems. In Michigan, Chrysler estimates the cost at up to $400 per car. Our chief global auto competitor, Japan, has the world's lowest drug abuse rate while we have the highest. From $100-300 billion of U.S. currency is illegally laundered each year - cash that could be used for our services and goods is funnelled out of the country.

The AMA just estimated that one dollar in four spent on the nation's $666 billion health care bill is due to substance abuse, violence and preventable causes.

And in Detroit, residents recently polled on the city's most important problem overwhelmingly said crime and drugs, not the economy and health care.

All these issues are intrinsically linked and the drug issue must be kept on the front burner. There are indications that since media and public attention waned from the drug issue the past couple of years, drug use has begun to climb again among youth - bucking a long term downward spiral.

Heed the Lessons of History

A lot of push is being made to "de-emphasize" law enforcement and transfer funds to treatment and prevention. It is said that drugs are solely a "public health problem." We must heed the lessons of history before we rush into some simplistic approach like this or "harm reduction."

Ask the American people if they believe there is too much enforcement in drug and crime plagued areas. Ask them if we should let the kingpins overseas, or organized traffickers in America escape vigilant enforcement. And next time a fortified crack house needs to be shut down, call a health worker to handle this public health problem!

What many of these "experts" are calling for is a return to the 1970's when, for part of that decade, most of the federal budget went toward treatment. Law enforcement was "de-emphasized" - not only were sentences lenient, but state and federal governments pushed to decriminalize marijuana and possibly cocaine. Harm reduction was in vogue, with an emphasis on the rights of users and addicts. Schools taught "responsible" drug use and pushed anti-drug law attitudes. The result was skyrocketing marijuana and cocaine use among youth that peaked in 1978-79 when one in ten high school seniors smoked pot everyday of the week.

The government, professionals (ABA/AMA), drug "experts", and media all said to liberalize drug law and policy. It was an uprising of mothers across America, - an uprising of Ross Perot magnitude, - that changed that direction and our national slumber. President Reagan did not create that movement, concerned mothers did.

Today, we are suffering dearly from the mistakes of that drug tolerant decade. The youth generation of the 1970's constitute the vast majority of crack and drug addicts in their 20's and 30's today. Drug use among school age youth plummeted when decriminalization was halted and law enforcement efforts expanded.

Ironically, those who wish to return to the 1970's with their slogans of "harm reduction" and "de-emphasize" law enforcement often cite the terrible drug problem today as evidence that no toleration and increased enforcement has failed. Their argument falls when one consider that the addiction and crime problem they cite is fueled by those raised during the drug tolerant seventies. The kids are not the problem, by and large the adults are.

Reclamation Through Enforcement, Education/Prevention and Treatment

Enforcement - Having said the above does not mean that our law enforcement approach should not be overhauled. Where laws are too harsh, we can adjust. A simplistic lock-em-up mentality will not work. Fortunately most enforcement leaders readily embrace prevention and accountable treatment partners.

Law enforcement at the state and local level gets the smallest share of federal funds. In Michigan, $47 million goes to treatment, $17 million to education and $14 million to enforcement of which over $1 million is used to treat offenders.

The federal government should use the accountability system of the Justice Department's Bureau of Justice Assistance (BJA) as a model for administering drug funds going through HHS and the U.S. Education Department. Compare recordkeeping and monitoring and it is obvious the enforcement funds are held to higher accountability standards.

Enforcement is needed at all levels of the drug distribution chain, but every level should relate its activity to a community impact. If upper and mid-level busts will disrupt the drug flow temporarily, then treatment centers should be prepared for an influx and communities mobilized during the lull.

In Lansing Michigan, the police targeted an area with a community officer who now works with school, social service, housing, and prevention specialists. A once drug ridden area is now a model community.

Law enforcement success must be measured by community impact and not just arrests and seizures, and this standard should be acceptable to federal and state grant monitors.

Treatment for Impact

Many treatment centers are uncertain of their mission. **The federal government must make it clear that the primary objective of treatment is to keep the chemicals used out of the body system and that centers will be held accountable for results.**

It is amazing that although addiction is a disease, treatment centers are allowed to operate without clinically testing for substances at every visit. It is like treating diabetes without testing for blood sugar. Centers should be forced to keep records of drug test results and then evaluated on results. The success standard they should be held to would depend on the universe of center test results. Perhaps a clean test rate of 20% is average, at lease a standard is set.

Federal, state and local governments should not dictate treatment standards unless supported by strong research that the standards are related to drug-free results. Regular clinical testing is a scientific way to measure whether drugs are cleared from the system.

Courts should focus on drug abstinence for offenders and not treatment per se. In Michigan, one program requires offenders to attend AA or NA and pass clean urine screens regularly. Drug use results in a swift, guaranteed three-day jail stay, graduated with subsequent dirty urines. Of over 200 offenders only 28 have tested positive. Many addicts and alcoholics can kick the habit with support group AA type help and proper motivation. More serious addicts will seek the level of help they need to avoid certain sanctions.

The federal government also should ensure that set asides for women with children treatment include requirements to treat (by court coercion where appropriate) the males those women plan to stay with. Returning to a drug using male is the number one relapse cause for recovering women.

The federal government should continue its assistance in reviewing state treatment management and coordination.

Drug Education

State drug directors that I have met from around the nation agree that the federal drug education funds are the least accountable and coordinated of all federal drug money. Just inquire whether any drug education funds were ever withheld or returned for misuse. Billions were spent, but accountability has been lax and enforcement nil.

In Michigan, the State Board of Education agreed to subcontract with my office to administer funds on their behalf. This has resulted in a major effort to enhance local school district choice and control and to come into compliance with all federal requirements. **The federal government should ensure that state education agencies retain the right to select who will administer funds on their behalf.** There is a political move afoot to limit the state's right to choose the mechanism for program delivery.

Drug education funds should remain focused on **drug** curriculum and K-12 programming, parenting, student to student, and student assistance initiatives. **The federal government should not allow these funds to be diverted to general health or other subjects beyond their drug portion.** General health education funds should come from a separate source if supported. Many "drug" programs fail to inform children of basic tobacco, alcohol, and other drug information and concentrate on non-research based factors such as feelings, etc. Drug "facts" given in failed "information campaigns" generally consisted of 1970's pro-drug curriculums information that resembled drug advertising, not hard facts on immediate drug harms.

The two most relevant research-based preventive factors are peer resistance skills and social norm setting. All drug education must emphasize peer resistance and set negative norms for drug use and positive drug-free names. Parents must be paid more than lip service in funding priorities. Four times as many students will go to a parent for help than a counselor or teacher, yet 98% of drug education training is spent on teachers and counselors.

Beware of Drug "Experts"

There are many strong pro-drug liberalization proponents and organizations who offen disguise their underlying agenda. The Drug Policy Foundation (DPF) received $2 million from a single donor to push for liberalized drug policies. DPF gives $150,000 in awards to those who come out for drug legalization or other related causes, such as marijuana as medicine. Last year a $10,000 awardee included attorney Tony Sera, who once stated that he would pay to represent cop killers.

These groups, and close allies such as NORML, have great hopes that they will move American drug policy back to a more drug tolerant era. It is not surprising that membership is primarily white middle class males who seldom focus on the impact of their strategies on children.

I have also found a pro-drug liberalization ideology and focus on drug user rights indicated in certain researchers working for RAND and Harvard. I carefully scrutinize their data and research for bias of this type. It is often subtle. RAND recently issued a report that clearly made the case for tobacco, alcohol and marijuana being gateway drugs, but the marijuana connection was downplayed and the tobacco/alcohol connection highlighted. Peter Reuter of RAND was cited in the February 28, 1993 Washington Post apparently lamenting that banning water pipes has made pot smoking more dangerous. Does he seek to repeal the efforts of parent volunteers to rid communities of head shops? After all his years of drug study is he still a self-described "agnostic" on drug legalization?

The experts I would rely on are those in the communities and front lines who have actually done something to solve the problem. Like in most of the social science areas, the drug intellectuals generally carry a social agenda, no matter how prestigious their institution.

To move to a community impact approach, the federal government should help develop community risk and protective factor assessments so that local needs dictate programming. Currently, communities often are fit into the existing programs.

Summary

A clear mission and measure of success should be set for federal drug funds, accountability for results should be established, and technical assistance should be rendered.

What is needed is a lazar beam focus on the reclamation of our homes, streets, and communities from drug related problems.

Michigan stands ready to pilot new ideas and assist in reaching that goal.

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BLUEPRINT FOR A DRUG-FREE MICHIGAN

Drugs are intrinsically related to every major problem we face as a state and a nation. Although the issue may not top today's opinion polls as the first issue of concern to American citizens, drugs are linked to every issue that does.

Look at the economy for instance, can we afford a $60 billion drain on consumer resources, a high proportion of which is imposed on industry in the form of absenteeism and diminished productivity due to drug use? Drug funds often flow from our country into the pockets of international drug kingpins. Every dollar spent on illicit drugs is a dollar that could have been used to buy products made by our workers and sold by taxpaying merchants.

Examine the health care issue, a single crack baby may cost up to $300,000 in medical related expenses and many drugs can lead to permanent chronic illness or death. Consider the AIDs epidemic and the role of drug addicted prostitutes and high risk sexual behavior engaged in as a result of drug impaired thinking.

Of course, there also is the strong correlation of drug use and crime. Law enforcement leaders find it difficult to separate the drug problem from the crime problem. Finally, there is the serious issue of drug use itself, our teens tell us that drug abuse remains one of the chief problems that they face. The tragic human toll of broken homes and broken lives is all too real for too many citizens.

Unfortunately, in Michigan the rate of drug use may be higher than the national average. While no statewide drug prevalence study has been performed since the 1970's (a situation we plan to remedy), data from some of the high schools reviewed by the Office of Drug Control Policy indicates that the use of drugs is higher than average among youth. In one school, the eighth grade inhalant use was nearly double the national average. Other surveys confirm that cigarette smoking and alcohol use is high among both adolescents and adults. Use of these substances has a strong correlation to levels of illicit drug use.

The good news is that we can do something about it. The drug war is not lost. There have been some successes. Overall drug use is down among adolescents and young adults, even in Michigan. We have even witnessed neighborhoods that have changed from drug infested crime dens into safe and vibrant streets and homes. Perhaps most importantly, we can learn from our experience.

What is needed is not a new government program or agency or even a tremendous influx of new funds. Changes in the law can be helpful, and the Governor has proposed some excellent legal improvements, but statutory measures will not solve the drug problem.

What is needed is a radical change in thinking about what the drug problem is, what each of our roles are, and how we go about defining our goals and our measures of "success."

Like many of you, my professional career has pretty much been dedicated to fighting in the drug war. Some people do not like that term, "drug war," but those who spend time in the courtroom or the emergency room or on the streets, know it is a war out there. But what an unusual war it has been! Imagine for a moment that the drug war was World War II.

The Red Cross would be fighting for the lion's share of funds and resources to end the war by treating all the wounded with the slogan - "treatment on demand for every soldier shot." The education establishment would propose ending the war by teaching the next generation to resolve conflicts peacefully through non-violence, enhanced self esteem, and healthy habits. And law enforcement, that army of footsoldiers and their leaders, would center their strategy on attacking Hitler's organizational structure, targeting the enemy's battle kingpins and individual commanders. One has to wonder, with that strategy would all of Europe be speaking German today?

To win a war you have to take back ground, secure it, and then take back more turf. Step by step, front by front, home by home, block by block, we have to reclaim our streets and our neighborhoods. It seems obvious, but it will never happen unless two things take place. First, we must make reclaiming communities our number one goal and take responsibility for achieving this objective. Second, the community itself must participate in defining the problem and implementing the solution and be empowered to take over their own destiny.

My office administers and oversees federal funds to Michigan for drug law enforcement, treatment, education and prevention. Part of my role is to ensure that our drug fighting efforts are coordinated and comprehensive. I do not think the word "coordinated" means simply making sure that agencies do not step on each others toes. It is more than being able to say, "Hey, if DEA going in the front door did not hit the local sheriff coming in the back door, it's coordinated."

Consider the root word "coordinate." To a navigator, coordinates are reference points by which one can tell where one is in order to arrive at a specific destination point. The word "comprehensive" can merely mean doing everything at once - treatment, education, law enforcement, and prevention. We are doing all these things. But the root word "comprehend" has to do with understanding how all these pieces fit together to form a tapestry, not just a mass of various types of thread.

When the results of federal drug funding in our state is examined, one finds that law enforcement has done a remarkable job of documented success in reaching the objectives they set. In fact, with a 35% increase in funds, multi-jurisidictional drug teams returned nearly a 95% increase in arrests, forfeitures and drug seizures. Law enforcement stripped drug dealers of $11.8 million in assets last year. Local police also have made more quality drug arrests per officer in the last few years. The drug teams have brought nearly a three for one return for the dollar. This is a tribute to the men and women on the front lines.

Now let's probe a little deeper. How many of you believe that your neighborhoods are three times safer and better to live in as a result of this activity? How many feel that the quality of community life has improved threefold in drug impacted communities? How many have voters who believe this?

When we ask law enforcement to improve community life and solve the drug problem, it immediately becomes evident that law enforcement cannot do this alone. Jobs, housing, health care, treatment, and drug education are all needed aspects of the solution.

Let me give another example. Governor Engler's Drug Impacted Infant Task Force visited a treatment center for mothers who were addicted to crack. It was a beautiful sight to behold. These ladies, many of whom were streetwalking addicts, were glowing with healthy smiles and their children were laughing and playing with them. Then I asked the program director how many of these women would return to men who were still messed up with drugs. The director shook her head and said it was the number one cause of relapse and it was all too often the case.

Now think of it, we provide funded treatment for men in that city and I expect that many of the males those women will return to are under criminal justice jurisdiction. It would make sense to give male treatment priority to those who are involved with women and children and to target the males connected to these particular women. But in order for this to occur, treatment goals must extend beyond simply providing treatment to whoever walks in first to making a long term impact in the home and family. Also, the justice system must take a role in demanding coordinated treatment of this type.

The key to a coordinated and comprehensive drug fight is not so much in the merging of programs, as it is in the unity of goals and objectives. If law enforcement, treatment, education and prevention all have the same objective - to work together with citizens to reclaim a street or neighborhood from the ravages of drugs and to enable residents to keep that area drug-free - coordination and comprehensiveness will follow. If each defines success the same way; for example, by measuring the number of neighborhoods made better and safer places to live, then one agency cannot succeed unless the other one does.

Law enforcement can take the lead role and be the hub of neighborhood revitalization efforts. We have seen it happen. In Lansing, an area in which there was a crack addict and prostitute on every other block now has typical weekend where the only police complaint is a loud party. The neighborhood police officer is stationed in an office adjoining the school official whose office is next to the social service worker, who is stationed beside the mental health employee, who sits in the space between the community partnership director and the housing code inspector.

The agencies are located in the neighborhood they serve and local residents and children are met in their homes and come to the center for various activities. It all began with law enforcement providing basic security and taking responsibility to help residents turn their community around.

The President's "Weed and Seed" program is based on this same concept. Working together with residents, local, state, and federal agencies can weed out drug peddlars and criminals and seed in the social and other programs the area needs to grow and keep drugs out. Governor Engler's Communities First is a visionary effort that brings seeding resources together and places public agencies back into the streets and service of the community. The Governor's initiative should give Michigan a competitive edge for federal assistance if the President's budget for Weed and Seed is approved by Congress.

It is important to note that Weed and Seed and Communities First are not just funding mechanisms or new government programs. It is the vision and objective of restoring communities and putting government back to work for people that is the essential ingredient for success. It is in redefining our mission and our goals that will make the difference in the long run.

The time is right to really make a turn for the better in our war on drugs. If we can turn voter anger into positive citizen action, the drug traffickers do not stand a chance. One tactic is to let communities know where their tax dollars to fight drugs are going. I encourage citizens to identify who receives these funds; what initiatives the resources are being utilized for; what evidence there is demonstrating a positive impact on the neighborhood and what proof of success exists; and, most importantly, who is making the decisions on matters that effect their children and locality.

Through executive reorganization, the Governor's change in the administration of drug education funds will provide enhanced opportunity for parents, community members and law enforcement to become involved in determining school - community drug prevention programs and activity. School districts will be encouraged to meet federal requirements to form school - community drug education advisory teams that include law enforcement and DARE representatives. The best parenting, K-12 drug education, student to student, and student assistance programs will be demonstrated for local teams to review and select.

Care must be taken not to limit community impact law enforcement to community policing. If Michigan expended all of its federal drug funds on community policing, only 200 officers could be supported. Detroit alone has that many needy neighborhoods. What we must do is make it clear that all of law enforcement is responsible for helping to make the communities within their jurisdiction a safer drug-free place to live. Multi-jurisdictional teams must look to impact communities within their region, prosecutors and sheriffs within their county, and state police must look at communities statewide.

The Office of Drug Control Policy will give priority to projects that involve the community and demonstrate community commitment. The Governor's Discretionary funds from the federal Drug-Free Schools and Communities Act were allocated to programs that work with grassroots and community based organizations. Police officers were funded for neighborhood

and street level enforcement in Communities First areas with federal enforcement funds. Treatment and education accountability to local residents is being enhanced. Michigan communities will aggressively pursue Weed and Seed participation through the United States Attorneys offices.

If we broaden our role and focus our goals on the community, and work with citizens who want to make government work for them, blocks and neighborhoods will be reclaimed from drug peddlars. Law enforcement coordination with job, educational, housing, health and other services can work to ensure that the drug dealers stay out. If one agency can not succeed unless the community does, then all will succeed together. Each community has unique needs and solutions, but the goal and the vision for drug-free communities can be shared by everyone.

Together we will make a difference. There are models of success. The status quo is not good enough. The ability and power of the average citizen is a tremendous dormant force for change. Your vision and your leadership will help direct that force to retake our streets from drug dealers and revitalize neighborhoods and community participation. My office looks forward to working with you toward that end.

Approved 5/13/92

Revised
Memorandum of Understanding

between

MICHIGAN DEPARTMENT OF EDUCATION

and

THE MICHIGAN OFFICE OF DRUG CONTROL POLICY

Regarding the Drug-Free Schools and Communities Act of 1986
(Title VI, Subtitle B of the Anti-Drug Abuse Act of 1986)
and Pursuant to Executive Order 1991-20

WHEREAS, the Governor has established an Office of Drug Control Policy (herein referred to as ODCP) through Executive Order 1991-20, to strengthen state drug program coordination and direction; and

WHEREAS, the State of Michigan is allotted funds for activities authorized by Part B of the Drug-Free Schools and Communities Act of 1986 (P.L. 99-570, as amended by P.L. 100-297, P.L. 100-690, P.L. 101-226, and P.L. 101-647 hereafter call the "Act"); and

WHEREAS, in Michigan the State Educational Agency is the Michigan Department of Education (herein referred to as SEA). The statewide elected State Board of Education, pursuant to MCL 16.401; MSA 3.29(301) is the head of the SEA. The Superintendent of Public Instruction serves, by Constitution, as the principal executive officer of the SEA and is responsible for the execution of the State Board of Education's policies; and

WHEREAS, in the interest of the efficient administration and effectiveness of government, the SEA and the Governor have amended the state's application to the U. S. Department of Education for funds under the Act, consistent with Michigan Executive Order 1991-20; and

WHEREAS, said amendment designates that the Office of Drug Control Policy (ODCP) on behalf of the SEA directly receive, distribute, and initially administer all funds under the Act; and

WHEREAS, said funds are to be transferred to, received, administered, and distributed by ODCP on behalf of the SEA in compliance with all applicable federal and state laws and regulations and the state application for funds; and

WHEREAS, in the case of funds allotted to the SEA under the Act, the functions to be performed by ODCP are service functions for the SEA, subject to the oversight of the SEA, and in accordance with a program plan approved by the SEA; and

WHEREAS, the purpose of this Memorandum of Understanding is to clarify the responsibilities of the SEA and ODCP with regard to the receipt, administration, and disbursement of all funds allotted to Michigan under the Drug-Free Schools and Communities Act of 1986 (the act);

Now therefore, the above parties agree as follows:

Section 1. STATEMENT OF PURPOSE

1.1 All funds allotted to Michigan under the Act, and designated to be administered by the SEA, shall be administered by ODCP on behalf of the SEA. ODCP agrees to administer such funds on behalf of and as a service function to the SEA, and to abide by all requirements of the Act applicable to the SEA.

1.2 Subject to the oversight of the SEA, the ODCP shall carry out administrative functions on behalf of the SEA for all funds under the Act designated for local or intermediate educational agencies or consortia (local educational agencies or LEA) in accordance with the purposes of the Act and the application and amendments previously made by the SEA to the U. S. Department of Education, and the program plan approved by the SEA. With regard to this responsibility, as well as the others mentioned in this agreement, the SEA will ensure that ODCP fully complies with all applicable federal requirements.

1.3 The Director of ODCP, and the head and principal executive officer of the SEA shall meet periodically to discuss implementation of this Agreement.

1.4 A drug prevention program plan, including drug prevention program funding priorities, criteria, guidelines, and any significant alterations thereof, shall be developed by the drug education advisory committee. This committee shall include the Director of ODCP who shall be the chair and serve without a vote, three members of the SEA, and three appointees selected by the Governor. Three regional hearings will be held by the committee each year for the purpose of soliciting advice and recommendations in advance of each year's fiscal allocation plan and submission of the state's federal application under the Act.

1.5 The drug prevention program plan approved by the drug education advisory committee and any substantive amendments to it must be consistent with Sections 5123 through 5126 of the Act, and must be reviewed and approved by the head of the SEA prior to implementation.

Section 2. RESPONSIBILITIES

2.1 As required under federal law, ultimate responsibility for use of the respective portion of the funds shall remain with the Governor and the SEA and ODCP will submit reports on its activities as appropriate.

2.2 The ODCP will initially insure that all legal and regulatory requirements of the Act and related federal and state laws and regulations are complied with by ODCP and by all local educational agencies, intermediate school districts, and consortia participating in the grant program under the Act.

2.3 Subject to 2.1 above, the ODCP will act on behalf of the SEA, and will fulfill all representations made in the SEA's current application and amendments to the U. S. Department of Education for funds under the Act.

2.4 The ODCP, under the supervision of the SEA, shall monitor all local educational agency programs that it funds under the Act.

2.5 Except to the extent the SEA determines necessary to carry out its oversight functions in accordance with the Act the ODCP shall use the amount set aside for the SEA, not to exceed 10% of the total amount available, in accordance with Section 5124 (b) of the Act as approved by the SEA.

2.6 Except to the extent the SEA determines necessary to carry out its oversight functions in accordance with the Act, all records, personnel, property and unexpended balances of appropriations, allocations and other funds, used, held, employed, available or to be made available to the SEA for the administration and distribution of funds received by the State of Michigan through the Act are transferred to ODCP effective thirty (30) days after this agreement is executed by all signatories.

2.7 The Director of ODCP and the SEA shall immediately develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved relating to the services to be performed by ODCP. The head of the SEA shall review and approve this memorandum.

2.8 All rules, orders, contracts and agreements relating to services to be performed by ODCP lawfully adopted prior to the effective date of this agreement shall continue to be effective until revised, amended or repealed.

2.9 The ODCP shall provide the Governor and the SEA with an annual evaluation of the effectiveness of programs assisted under this Agreement, either by direct or contracted evaluation, or by requiring local educational agencies to include an evaluation component in their proposals and reports.

Section 3. REPORTING

3.1 The ODCP, through the SEA, shall submit on a timely basis any fiscal or other reports that may be required by the U. S. Department of Education under the Act.

3.2 The Governor or his designee, the Director of the Department of Management and Budget or her designees, the Auditor General or his designees, the U. S. Department of Education, and the Comptroller General of the United States (where federal funds are utilized) and their duly authorized representatives, and the SEA shall have the right to examine, audit, and make excerpts and transcripts of the books, records and other compilations of data of ODCP which pertain to the performance of the provisions and requirements under this Agreement. Such access shall include on-site audits, review and copying of records.

3.3 The ODCP shall preserve and make available upon request to the agencies referenced in the preceding paragraph all books, records, and data ODCP is required to maintain under the provisions of the Agreement, for a period of six (6) years from the date of final payment under this Agreement. During this Agreement period, access to the items shall be provided at ODCP's office in Lansing, Michigan at all reasonable times. ODCP shall retain such documents that are pertinent to adjudicatory proceedings, audits or other actions, including appeals, commenced before or during the six (6) year post contract period until such proceedings have reached final disposition or until resolution of all issues of which such disposition or resolutions occur beyond the end of the six (6) year period.

3.4 ODCP shall file with the SEA within ninety (90) days of termination of this Agreement, a final report of expenditures under the Agreement.

Section 4. TERM AND TERMINATION

4.1 This Agreement shall be effective upon execution by the parties and shall remain in effect until September 30, 1994, except as provided below.

4.2 In the event that federal funding for this Agreement through the Act shall cease, this Agreement shall be terminated within thirty (30) days of the effective date of fund termination.

4.3 This Agreement may be terminated, with or without cause, at the option of either party, by forwarding to the other party written notice within thirty (30) days of said termination. The written notice shall be forwarded via certified mail, postage prepaid, return receipt requested.

4.4 Termination shall not affect any obligations or liabilities of either party which have accrued prior to such termination, including provisions of any third party vendor contracts entered into in order to provide services under this Agreement.

Section 5. CONFIDENTIALITY

Any personal or confidential data or information that ODCP acquires or obtains access to as a result of this Agreement shall be kept in accordance with state and local law and SEA requirements.

Section 6. CONFLICT OF INTEREST

The SEA and the ODCP represent and agree that they do not have and shall not obtain any interest, direct or indirect, which would conflict in any manner with fulfillment of this Agreement and the respective duties and responsibilities set forth herein. ODCP and the SEA shall abide by all federal and state laws regarding such conflicts of interest.

Section 7. WAIVERS

It is agreed between the parties that failure of either party to insist upon compliance with any provisions herein at any time shall not waive performance of such provisions at any other time. No waiver by either party or any default or breach hereunder by the other shall constitute a waiver of any subsequent default or breach.

Section 8. NOTICE

Unless otherwise specified, any notice shall be in writing and shall be deemed given when delivered to either party or deposited in the U. S. Mail, first class, postage prepaid.

Section 9. INTEGRATION

The entire Agreement of the parties is contained herein and this Agreement supersedes all verbal agreements and negotiations between the parties relating to the performance of services. The attached application of the SEA and Governor for federal funds under the Act, and all current amendments, shall be deemed part of the Agreement.

Section 10. SEVERABILITY

If any provision of this Agreement is found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Agreement shall continue in force.

IN WITNESS WHEREOF, ODCP and the SEA by official action, have caused this Agreement to be executed by its officers and of the day and year first above written:

State Educational Agency

BY: _____
Robert E. Schiller, Superintendent
Michigan Department of Education

State Board of Education

BY: Dorothy Beardmore
Dorothy Beardmore, President

Governor of Michigan

BY: _____
Governor John Engler

Office of Drug Control Policy

BY: _____
Robert E. Peterson, Director

Signed this 8th day of June, 1992

STATE OF MICHIGAN

JOHN ENGLER
GOVERNOR

EXECUTIVE ORDER
1991-20

ABOLISHMENT OF THE OFFICE OF DRUG AGENCIES DIRECTOR
ESTABLISHMENT OF THE OFFICE OF DRUG CONTROL POLICY

EXECUTIVE REORGANIZATION

WHEREAS, on June 14, 1989, the Office of the Drug Agencies Director was established within the Department of Management and Budget; and

WHEREAS, the activities of that office can be strengthened through increased program control and direction; and

WHEREAS, drug abuse, illegal drug trafficking and the resultant crime and violence are among the most serious problems facing our state and country; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. Executive Order 1989-5 is rescinded and the Office of the Drug Agencies director is abolished. All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Office of the Drug Agencies Director are transferred to the Department of Management and Budget.

2. For the purpose of this Executive Order drug abuse includes the abuse or unlawful use of alcohol and all illicit drug use.

3. The Office of Drug Control Policy is established as an autonomous agency within the Department of Management and Budget. The director of the Office of Drug Control Policy shall be appointed by the Governor and shall serve at the pleasure of the Governor. The director of the Office of Drug Control Policy shall report directly to the Governor for the purpose of rendering advice and recommendations on programs and laws related to drug-abuse prevention, drug-abuse treatment and drug law enforcement. The director of the Office of Drug Control Policy shall report to the director of the Department of Management and Budget with respect to budget, procurement and management-related functions.

4. The Office of Drug Control Policy shall perform the following functions:

(a) Report to the Governor on the effectiveness of drug treatment and prevention programs within the Department of Public Health. Review, investigate, evaluate and assess all other programs within the Executive Branch of government related to drug-abuse prevention, drug-abuse treatment and drug law enforcement, serve as the coordinating office for all agencies of the Executive Branch of government which are responsible for programs related to drug-abuse prevention, drug-abuse treatment and drug law enforcement, and

develop a state drug-abuse prevention, drug-abuse treatment and drug law enforcement plan.

(b) Receive, administer and distribute funds received by the State of Michigan under or through Titles III and VI of the federal Anti-Drug Abuse Act of 1988, P.L. 100-690, for education and criminal justice programs, except for those funds received by the Department of Public Health, which shall be administered as set out below in number six.

(c) Analyze and make recommendations to the Governor on proposed programs relating to drug-abuse prevention, drug-abuse treatment and drug law enforcement, and on the elimination of duplication in existing state programs in these areas.

(d) Provide information and assistance to all agencies of the Executive Branch of government, both directly and by functioning as a clearinghouse for information received from other such agencies, from other states and from the federal government.

(e) Serve as the Governor's liaison with the Department of Public Health, with the Department of Education and with other departments and agencies of the Executive Branch of government with respect to drug control policy.

(f) Serve as the single point of contact for communicating the Governor's drug control policy to the Legislature.

(g) Agree and comply with conditions attached to federal financial assistance relating to drug control policy.

(h) Accept gifts, grants, loans, appropriations or other aid from the federal, state or local government, from a subdivision, agency, or instrumentality of the federal, state or local government, or from a person, corporation, firm or other organization.

(i) Make and execute contracts and other instruments necessary or convenient to the proper exercise of its functions.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds, used, held, employed, available or to be made available to the Departments of Education and Management and Budget for the administration and distribution of funds received by the State of Michigan through Titles III and VI of the federal Anti-Drug Abuse Act of 1988, P.L. 100-690, are transferred to the Office of Drug Control Policy by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

6. The Department of Public Health shall continue to receive and administer funds for prevention and treatment under Title II of the federal Anti-Drug Abuse Act of 1988, P.L. 100-690, and shall submit its annual plan to the Office of Drug Policy for review and approval prior to the release of any federal FY92 funds and thereafter.

7. The director of the Office of Drug Control Policy shall provide executive direction and supervision for the implementation of the transfer of federal funds and department personnel. The functions of the Office of Drug Control Policy, except the power to appoint the director and except for budget, procurement and management-related functions, shall be administered under the direction and supervision of the director of the Office of Drug Control Policy.

8. The director of the Office of Drug Control Policy and the directors of the Departments of Education, Management and Budget, Public Health and the Superintendent of Public Instruction shall immediately develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations to be resolved relating to the functions transferred to the Office of Drug Control Policy by this Order.

9. All rules, orders, contracts and agreements relating to the functions transferred to the Office of Drug Control Policy lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking of effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

11. All departments and agencies of the state government shall cooperate with the Office of Drug Control Policy in carrying out the functions assigned to it by this Order.

12. The director of the Office of Drug Control Policy may, with the Governor's approval, establish temporary advisory committees to assist in carrying out the functions and responsibilities of the Office.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective immediately.

Given under my hand and the Great Seal of the State of Michigan this 31st day of July, in the Year of our Lord, One Thousand Nine Hundred Ninety-One, and of the Commonwealth, One Hundred Fifty-Five.

John Engler

GOVERNOR

BY THE GOVERNOR:

Richard H. Austin

SECRETARY OF STATE