
NOTE

TRUTH OR DARE? RETHINKING SCHOOL DRUG EDUCATION IN AMERICA

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ABSTRACT

Anyone who went to school in the United States from the late '80s to early 2000s is likely familiar with the DARE program. For decades American schoolchildren across the nation sat through police-led lectures on how to “just say no” to drugs and alcohol. DARE capitalized on waves of federal funding to ensure DARE-trained police officers were in nearly every U.S. classroom. The problem was, though, DARE, and programs like it, didn't work. DARE was as ineffective as it was widespread. Those who underwent hours of DARE lectures likely remember the program as a massive failure. And to this day, the failures of the DARE program persist: misinformation on drugs and drug users abounds, children are lied to or kept in the dark on valuable, life-saving information, and police officers run rampant through schools arresting kids.

These failures persist because American schools have refused to leave behind the original, unsuccessful DARE program. After DARE was exposed as an educational failure, the program underwent a rebranding as “DARE: keepin' it REAL,” which is now spreading across the country. But all that has changed is the name. This new DARE still relies on police-officer instruction, stereotyping students, and at-best-untested curricula. This Note highlights the many similarities between the DARE of thirty years ago and the DARE of today and suggests that DARE's refusal to change from its roots has and will keep the program ineffective. Further, this Note discusses more promising pedagogical

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approaches to school-based drug education and how those programs can be advocated for, incentivized, and implemented.

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Just say no.

—Nancy Reagan¹

Traditional gateway drugs are alcohol, cigarettes, and marijuana.

—Drug Abuse Resistance Education America²

This is your brain. This is drugs. This is your brain on drugs. Any questions?

—Partnership for a Drug Free America³

INTRODUCTION

Anyone who attended U.S. schools from the 1980s to the 2000s is likely familiar with the above messaging, having had it drilled into them through Health or Home Economics classes and special antidrug assemblies. As the war on drugs took off, antidrug campaigns and school programs became “as American as apple pie.”⁴ But none became more popular or widespread than the Drug Abuse Resistance Education (“DARE”) program. Originally founded in Los Angeles as a partnership between local police departments and schools,⁵ DARE quickly spread to almost every American school district.⁶ As part of its war on drugs, the Department of Justice spent millions supporting DARE

¹ Nancy Reagan, “*Just Say No.*,” SCH. SAFETY, Spring 1986, at 4, 4.

² DRUG ABUSE RESISTANCE EDUC. AM., PARENTS’ GUIDE BOOK 2, [https://www.bvso.net/Documents/DARE%20\(Parent's%20Handbook\).pdf](https://www.bvso.net/Documents/DARE%20(Parent's%20Handbook).pdf) [<https://perma.cc/SM3D-55DV>] (last visited Sept. 4, 2024).

³ Anthony Kalamut, *This Is Your Brain . . . This Is Your Brain on Drugs - 80s Partnership for a Drug Free America*, YOUTUBE (Mar. 21, 2010), <https://www.youtube.com/watch?v=GOnENVylxPI> [<https://perma.cc/T5TL-H58G>]; see also PaleyArchive, *Partnership for a Drug-Free America: Any Questions?* {Advertising Council Exhibition: Anti-Drug}, PALEY CTR. FOR MEDIA, <https://www.paleycenter.org/collection/item/?item=AT:23829.016> [<https://perma.cc/4FJC-WBR4>] (last visited Sept. 4, 2024) (“A man . . . proceeds to fry an egg, explaining that it represents your brain on drugs. He concludes by asking if anyone has any questions.”).

⁴ *Scaring Them Straight: The History of Anti-Drug Campaigns in America*, CORNERSTONE OF RECOVERY, <https://cornerstoneofrecovery.com/scaring-them-straight-the-history-of-anti-drug-campaigns-in-america/> [<https://perma.cc/4TPU-N5WY>] (last visited Sept. 4, 2024) (“[D]rug scares have been a recurring feature of U.S. society for 200 years.”).

⁵ *The History of D.A.R.E.: D.A.R.E.’s Story as a Leader in Drug Prevention Education*, DRUG ABUSE RESISTANCE EDUC. [hereinafter *The History of DARE*], <https://dare.org/history/> [<https://perma.cc/H6RK-8CWP>] (last visited Sept. 4, 2024) (asserting law enforcement alone was insufficient to stop drug use).

⁶ Christopher Ingraham, *A Brief History of DARE, the Anti-Drug Program Jeff Sessions Wants to Revive*, WASH. POST (July 12, 2017, 3:25 PM), <https://www.washingtonpost.com/news/wonk/wp/2017/07/12/a-brief-history-of-d-a-r-e-the-anti-drug-program-jeff-sessions-wants-to-revive/> (“Eventually, the [DARE] program was in place in up to 75 percent of the nation’s school districts . . .”).

programs nationwide.⁷ States and private donors followed suit, giving DARE an annual budget in the tens of millions⁸ to operate as the “most popular school-based drug abuse prevention program in the U.S.”⁹ Embracing DARE’s nationwide popularity, President Ronald Reagan declared the first National DARE Day in 1988,¹⁰ a tradition most recently continued by President Barack Obama in 2011.¹¹ In short, since the 1980s, DARE has been virtually ubiquitous, invading schools to “[b]oost[] the self-esteem of students so that they can resist the temptation to use drugs.”¹²

But despite its popularity, DARE proved massively ineffective at preventing drug use. DARE adapted “prevailing prevention science”¹³ from the University of Southern California’s Self-Management and Resistance Training (“SMART”) program,¹⁴ but SMART’s own creators later determined the program did not work.¹⁵ DARE was not an improvement. Several studies in the 1990s questioned DARE’s effectiveness and concluded, “DARE’s core

⁷ See BUREAU OF JUST. ASSISTANCE, U.S. DOJ, DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) 4 (1995) (disclosing discretionary funding levels for DARE Program totaling \$7.59 million from 1989 to 1995).

⁸ D.A.R.E. AM., RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX 2 (2002) [hereinafter DARE EXPENSES 2002] (reporting annual expenses of approximately \$10 million).

⁹ Sarah Birkeland, Erin Murphy-Graham & Carol Weiss, *Good Reasons for Ignoring Good Evaluation: The Case of the Drug Abuse Resistance Education (D.A.R.E.) Program*, 28 EVALUATION & PROGRAM PLAN. 247, 247 (2005) (“Statistics provided by D.A.R.E. America show the program . . . was being used by more than 80% of school districts in America by 2001.”).

¹⁰ Ronald Reagan, *Proclamation 5854—National D.A.R.E. Day, 1988*, RONALD REAGAN PRESIDENTIAL LIBR. & MUSEUM (Sept. 8, 1988), <https://www.reaganlibrary.gov/archives/speech/proclamation-5854-national-dare-day-1988> [<https://perma.cc/ZAJ9-S6K6>] (recognizing DARE as “successful program” on national stage).

¹¹ Barack Obama, *Presidential Proclamation—National D.A.R.E. Day*, WHITE HOUSE: PRESIDENT BARACK OBAMA (Apr. 6, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/04/06/presidential-proclamation-national-dare-day> [<https://perma.cc/K4KY-CDZZ>] (acknowledging DARE continues to be resource for American youth).

¹² Jim Newton, *DARE Marks a Decade of Growth and Controversy: Youth: Despite Critics, Anti-Drug Program Expands Nationally. But Some See Declining Support in LAPD.*, L.A. TIMES (Sept. 9, 1993, 12 AM PT), <https://www.latimes.com/archives/la-xpm-1993-09-09-mn-33226-story.html> [<https://perma.cc/86U8-T9QQ>].

¹³ *The History of DARE*, *supra* note 5.

¹⁴ William B. Hansen, C. Anderson Johnson, Brian R. Flay, John W. Graham & Judith Sobel, *Affective and Social Influences Approaches to the Prevention of Multiple Substance Abuse Among Seventh Grade Students: Results from Project SMART*, 17 PREVENTIVE MED. 135, 151 (1988) (describing DARE as “derived in large part from Project SMART”).

¹⁵ See Rosie Cima, *DARE: The Anti-Drug Program That Never Actually Worked*, PRICEONOMICS (Dec. 19, 2016), <https://priceonomics.com/dare-the-anti-drug-program-that-never-actually/> [<https://perma.cc/9FNV-MUAA>] (reporting some SMART versions had “boomerang effect,” by which participation correlated to *higher* rates of drug use”).

curriculum effect on drug use relative to [alternatives] . . . is slight,”¹⁶ and “suburban students who participated in [DARE] reported significantly *higher* rates of drug use” compared to students who received no DARE training.¹⁷ DARE’s failures eventually caught up with it. Following a 1998 audit from the Government Accountability Office, DARE lost significant funding and began disappearing from school districts.¹⁸

But then, in 2011, the DARE program launched a comeback tour, and since then it has been playing all its greatest hits. The new DARE program is dubbed “keepin’ it REAL” (“kiR”; REAL stands for Refuse, Explain, Avoid, and Leave),¹⁹ and it is eerily similar to the original program. Like DARE, kiR was originally developed by university researchers before it was adapted into a new police-taught curriculum. Like DARE, kiR has been quickly spreading through U.S. schools. And, like DARE, the effectiveness of kiR is doubtful.²⁰

This Note discusses the troubling similarities between the original DARE and the new kiR, as well as potential ways to implement safer, more effective drug education programs. One of the most detrimental changes the DARE program made in adopting SMART and kiR was replacing the intended instructors—doctors or teachers—with police officers. DARE justified this change under a community-building policy, but, for many children and families, the increased police presence was not reassuring.²¹ Any police presence in schools has been shown to result in physical harm to students and to perpetuate the school-to-prison pipeline.²² kiR also raises questions about how best to implement drug

¹⁶ Susan T. Ennett, Nancy S. Tobler, Christopher L. Ringwalt & Robert L. Flewelling, *How Effective Is Drug Abuse Resistance Education? A Meta-Analysis of Project DARE Outcome Evaluations*, 84 AM. J. PUB. HEALTH 1394, 1398 (1994).

¹⁷ Dennis P. Rosenbaum & Gordon S. Hanson, *Assessing the Effects of School-Based Drug Education: A Six-Year Multilevel Analysis of Project D.A.R.E.*, 35 J. RSCH. CRIME & DELINQ. 381, 402 (1998) (emphasis added).

¹⁸ See *Why the D.A.R.E. Program Failed*, LANDMARK RECOVERY (May 18, 2020), <https://landmarkrecovery.com/why-the-dare-program-failed/> [<https://perma.cc/3QWZ-44SD>] (last visited Sept. 4, 2024) (noting since DARE lost funding, it was quickly replaced with new program).

¹⁹ See *Curricula & Lessons for Multiple Ages and Needs*, DRUG ABUSE RESISTANCE EDUC., <https://dare.org/education> [<https://perma.cc/JB8Y-PZRM>] (last visited Sept. 4, 2024) (“These strategies help youth stay away from drugs by preparing them to act decisively and responsibly in difficult situations.”).

²⁰ See discussion *infra* Part II.

²¹ Under the guise of child protection, DARE officers overpoliced families by invading child-parent relationships in shocking violations of substantive due process. See, e.g., *Grendell v. Gillway*, 974 F. Supp. 46, 51 (D. Me. 1997) (“The lying to and threatening of an eleven year old girl by [DARE] police in order to force her to incriminate her parents is contemptible and exceeds all notions of fair play and decency.”).

²² See *Bullies in Blue: The Problem with School Policing [Infographic]*, ACLU, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/bullies-blue-problem-school-policing-infographic> [<https://perma.cc/6WQ2-WGYT>] (last visited Sept. 4, 2024)

education programs, in addition to who should lead them. After all, the SMART program was found to be ineffective even without the participation of police officers. Now, kiR is starting to face similar efficacy critiques.

But there seems to be a need for effective drug education programs. When the federal government refuses to reschedule cannabis under the Controlled Substances Act, it often cites statistics on underage cannabis use to justify its decision.²³ Misinformation about drugs is spreading.²⁴ Moreover, for the past few decades, the United States has seen an opioid epidemic fatally impacting children and teens.²⁵ DARE had a stranglehold on American drug education and did nothing to rectify these problems, and, in some instances, DARE likely exacerbated them.²⁶ While DARE was fundamentally flawed, that is not necessarily true of future programs, provided America learns its lessons from DARE's failures. There are new, promising drug-education programs that remain largely unadopted for both financial and political reasons.²⁷ Thus, this Note does not call for the abolishment of drug education programs, but instead it proposes a shift in American drug pedagogy toward truthful, effective drug education by removing police officers as drug educators and incorporating better teaching practices into drug education. This Note also contends these shifts can be incentivized by the federal government through school grant funding.

This Note proceeds in three parts. Part I gives a brief history of the DARE program and its funding and then discusses the emergence of kiR, focusing on how kiR's similarities to the original DARE program evoke the adage, "those who do not learn history are doomed to repeat it." Part II discusses kiR's shortcomings, particularly how kiR's use of police officers as teachers

(observing elevated police presence in schools has resulted in "increased criminalization of young people" and "bring[ing] the full weight of the criminal justice system to bear on kids who are simply misbehaving").

²³ See, e.g., DRUG ENF'T ADMIN., U.S. DOJ, SCHEDULE OF CONTROLLED SUBSTANCES: MAINTAINING MARIJUANA IN SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT 40 (2016) ("Marijuana initiates totaled 2.6 million in 2014. Nearly half . . . were less than 18 years of age."). While the Department of Justice has recently taken a large step toward rescheduling cannabis, underage cannabis use remains a serious concern. See Schedules of Controlled Substances: Rescheduling of Marijuana, 89 Fed. Reg. 44597, 44619 (proposed May 21, 2024) ("However, FDA observed that in young children, population-adjusted rates of [emergency department] visits and hospitalizations involving marijuana poisoning were higher than heroin, cocaine, and benzodiazepines for the periods studied.").

²⁴ See generally Khalid A. J. Al Khaja, Alwaleed K. AlKhaja & Reginald P. Sequeira, *Drug Information, Misinformation, and Disinformation on Social Media: A Content Analysis Study*, 39 J. PUB. HEALTH POL'Y 343, 355 (2018) ("The majority of the drug-related messages on social media analyzed were 'potentially misleading' or 'false' claims that lacked credible scientific evidence.").

²⁵ See Julie R. Gaither, Veronika Shabanova & John M. Leventhal, *US National Trends in Pediatric Deaths from Prescription and Illicit Opioids, 1999-2016*, JAMA NETWORK OPEN, Dec. 28, 2018, at 1, 3 ("A total of 8986 children and adolescents died from prescription and illicit opioid poisonings between 1999 and 2016.").

²⁶ See discussion *infra* Section II.A.

²⁷ See discussion *infra* Part III.A.

undermines kiR's culturally based strategy. Part II also discusses how that culturally based, preventative strategy limits its nuance and potentially harms students of color more than it helps them. While this Note does not attempt to develop a drug education curriculum itself, Part III does provide guidelines that local schools can use for such a program. First, with police officers removed from a teaching role, the drug-education burden should not fall on regular classroom teachers but on specialized educators such as those in specialized areas like sex education or student mental health. Second, curricula should embrace culturally relevant pedagogy, as designed by educators, rather than culturally grounded intervention, as designed by drug use prevention researchers. The former combats inequity while the latter can promote stereotypes. Lastly, curricula should remain neutral and focused on drug abuse harm reduction as opposed to drug use prevention. Part III discusses how both local and national entities can motivate these shifts in policy and pedagogy. In particular, Part III calls for amending the Student Support and Academic Enrichment Grants ("SSAEG")²⁸ subpart of the Elementary and Secondary Education Act to expressly permit specialized drug education programs taught by specialized educators. That said, pedagogical shifts do not need to start with amending the SSAEG. Instead, Part III notes that current, small-scale advocacy for and adoption of specialized drug education can begin to pressure the government to fund such schemes, which, in turn, can motivate local pedagogical shifts, creating a feedback loop that emphasizes qualified educators and quality education. This feedback loop can provide communities the funds and freedom to make drug education exactly that: educational.

I. FROM DARE TO kiR

kiR's shared aspects with DARE are concerning, to say the least. Will kiR, too, follow the same cycle: explode in popularity, only to deliver lackluster-at-best results, refuse to acknowledge its shortcomings, and, finally, disappear from schools until a shiny new curriculum comes along? It is worth briefly revisiting DARE's problematic history to highlight key features of the program that contributed to both its popularity and its eventual failure before discussing the similar features now present in kiR's rollout.

²⁸ 20 U.S.C. § 7114 (2024).

A. *The Rise and Fall of DARE*

1. DARE's Failed Curriculum

DARE began as a local initiative in Los Angeles schools,²⁹ when then-Chief of Police Daryl Gates³⁰ decided to pursue “preventative education,” instead of punitive measures, after noticing an increase in drug-related arrests at schools.³¹ At the time, drug prevention education was primarily based on scare tactics and teaching drug recognition, both of which were found to be ineffective at reducing student drug use.³² Hoping to evolve beyond past methods, Gates partnered with Los Angeles Unified School Districts to select a new curriculum for DARE;³³ they chose the SMART program.

SMART consisted of two curricula: the “affective” curriculum, which focused on boosting self-esteem, and the “resistance training” curriculum, which focused on avoiding social influences (e.g., peer pressure or pervasive tobacco ads).³⁴ The DARE program adopted these curricula and taught them, combined, to police officers through a “challenging and rigorous” eighty-hour training program with “several overnight homework assignments.”³⁵ While a portion of

²⁹ Cima, *supra* note 15 (“DARE got its beginnings in the city of Los Angeles in the early 1980s.”).

³⁰ Chief Gates believed casual drug users “ought to be taken out and shot” and resigned following the brutalization of Rodney King and the 1992 L.A. riots. See Ronald J. Ostrow, *Casual Drug Users Should Be Shot, Gates Says*, L.A. TIMES (Sept. 6, 1990, 12 AM PT), <https://www.latimes.com/archives/la-xpm-1990-09-06-mn-983-story.html>; Joe Domanick, *Daryl Gates' Downfall*, L.A. TIMES (Apr. 18, 2010, 12 AM PT), <https://www.latimes.com/archives/la-xpm-2010-apr-18-la-oe-domanick18-2010apr18-story.html> (“Former Police Chief Daryl F. Gates cast a long shadow, not just on the LAPD but on Los Angeles and American policing.”).

³¹ See Newton, *supra* note 12.

³² Pamela Moreland, *SCHOOLS VS. DRUGS: The Scare Tactics and Lectures Are Scuttled as Awareness Programs Start in Kindergarten*, L.A. TIMES (Sept. 14, 1986, 12 AM PT), <https://www.latimes.com/archives/la-xpm-1986-09-14-me-12552-story.html>. See generally SAMHSA'S CTR. FOR THE APPLICATION OF PREVENTION TECHS., USING FEAR MESSAGES AND SCARE TACTICS IN SUBSTANCE ABUSE PREVENTION EFFORTS 1 (2015), <https://preventionactionalliance.org/wp-content/uploads/2023/07/fear-messages-prevention-efforts.pdf> [<https://perma.cc/3FZ6-RAYH>] (overviewing several studies on effectiveness of scare tactics in substance abuse prevention and finding minimal-to-zero effectiveness).

³³ Cima, *supra* note 15.

³⁴ Jeff Elliott, *Drug Prevention Placebo*, REASON (Mar. 1995), <https://reason.com/1995/03/01/drug-prevention-placebo/> [<https://perma.cc/5SQD-MAV6>] (“USC was testing two completely different versions of the SMART curriculum. . . . ‘One was “affective.” It focused on self-esteem and setting goals. The other was “resistance training,” which concentrated on social influences, such as [cigarette and alcohol] ads.’”).

³⁵ See BUREAU OF JUST. ASSISTANCE, U.S. DOJ, IMPLEMENTING PROJECT DARE: DRUG ABUSE RESISTANCE EDUCATION 35 (1988) [hereinafter IMPLEMENTING DARE]. For comparison, a master's degree (required for many teaching positions) is thirty to sixty credit hours. Deborah Ziff Soriano, *How Long Does It Take to Get a Master's Degree?*, U.S. NEWS

this training was devoted to “Pedagogical Techniques” and learning the curriculum, the eighty hours also included more law-enforcement-focused material, such as “current trends in narcotics packaging, distribution, and use.”³⁶ Once trained, police officers visited schools weekly and delivered seventeen separate hour-long DARE lectures.³⁷

DARE’s adaptation of the SMART program was met with resistance from the SMART developers themselves. Gates and Ruth Rich, the author of the DARE curriculum, insisted that the curriculum be delivered by uniformed police officers because “[p]olice officers are believable.”³⁸ But Dr. C. Anderson Johnson, leader of the SMART research team, refused to collaborate with DARE, believing that police would have “credibility problems” with children in middle school.³⁹ The SMART program instead envisioned doctors and teachers delivering the curriculum.⁴⁰ As a result, DARE did not directly partner with Dr. Johnson’s SMART program but instead adopted a prototype version of its curriculum.⁴¹ While DARE ran rampant with this unproven prototype, the actual SMART program went through “30 versions of . . . curriculum” testing that ultimately revealed it didn’t work.⁴²

But DARE was already spreading. DARE’s rise to prominence despite the fact there was no proof it worked is not particularly surprising in context. The “Just Say No” era of the war on drugs had seen several other drug-prevention programs fail.⁴³ DARE advertised itself as “not us[ing] the scare tactics of traditional approaches” and as being a program that actually worked.⁴⁴ At the time, SMART was one of the few drug education programs showing any

& WORLD REP. (Mar. 13, 2019, 12:26 PM), <https://www.usnews.com/education/best-graduate-schools/articles/2019-03-13/how-long-does-it-take-to-get-a-masters-degree> [<https://perma.cc/DAV6-WHS6>] (“[T]he average master’s program requires 32 to 36 credit hours But some master’s programs require as many as 60 credits.”). This is approximately 1,275 to 2,550 hours of training, using the American Bar Association’s own standard of 42.5 hours per credit hour. See AM. BAR ASS’N, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024, at 24 (2023), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2023-2024/2023-2024-aba-standards-rules-for-approval.pdf [<https://perma.cc/X3XF-N4VW>] (“[A]t least 42.5 hours of total in-class instruction and out-of-class student work is required per credit.”).

³⁶ IMPLEMENTING DARE, *supra* note 35, at 35.

³⁷ See Ennett et al., *supra* note 16, at 1394-95.

³⁸ Newton, *supra* note 12.

³⁹ Elliott, *supra* note 34.

⁴⁰ Cima, *supra* note 15.

⁴¹ Elliott, *supra* note 34.

⁴² *Id.*

⁴³ See *id.*

⁴⁴ BUREAU OF JUST. ASSISTANCE, U.S. DOJ, AN INTRODUCTION TO DARE: DRUG ABUSE RESISTANCE EDUCATION, at i (2d ed. 1991); see also IMPLEMENTING DARE, *supra* note 35, at i.

promise and, by adopting it, DARE became “a rallying symbol to do something positive about the drug abuse problem.”⁴⁵

Despite DARE’s claims of effectiveness, its combination of the affective and resistance training curricula did not reduce drug use. While the first independent study of DARE, conducted by the National Institute of Justice (the “NIJ”), showed the program had short-term positive effects,⁴⁶ several other studies that emerged from the 1980s and 1990s questioned whether DARE had any effect on students’ drug use.⁴⁷ Particularly damning was a study by the Research Triangle Institute (the “RTI”) that the NIJ itself funded.⁴⁸ The RTI study found that DARE’s lecture-based method had minimal effect and that interactive drug education programs were more desirable.⁴⁹ Despite the RTI study being peer reviewed, the NIJ refused to publish the results, choosing instead to simply issue a press release reporting only the limited, positive findings.⁵⁰

But the DARE program wouldn’t let its demonstrated inefficacy derail its widespread popularity and earnings. Rather than change its lesson plans to respond to criticism, DARE attacked the motives of its critics.⁵¹ Questioners were clearly collaborating with drug dealers or wanted to tear DARE down to pawn their own antidrug programs.⁵² Although DARE itself had little to no effect, national drug use among teens decreased throughout the 1980s and early 1990s,⁵³ perhaps allowing DARE to escape heightened public scrutiny. This drop has been attributed to several factors outside of DARE, such as artificial inflation of previous drug use reporting or a decrease in availability due to law enforcement efforts.⁵⁴ But DARE’s veneer of protecting children, coupled with

⁴⁵ See Elliott, *supra* note 34 (quoting state director of DARE regarding its “explosive growth”).

⁴⁶ CHRISTOPHER L. RINGWALT ET AL., NAT’L INST. OF JUST., PAST AND FUTURE DIRECTIONS OF THE D.A.R.E.® PROGRAM: AN EVALUATION REVIEW 7-8 (1994); *see also* Amy Nordrum, *The New D.A.R.E. Program—This One Works*, SCI. AM. (Sept. 10, 2014), <https://www.scientificamerican.com/article/the-new-d-a-r-e-program-this-one-works/> [<https://perma.cc/N87V-UMFT>] (noting NIJ study’s finding of effectiveness covered only tobacco, not alcohol or marijuana).

⁴⁷ See Cima, *supra* note 15.

⁴⁸ See generally Ennett et al., *supra* note 16 (indicating minimal effects resulting from student drug prevention programs).

⁴⁹ *Id.* at 1397-98.

⁵⁰ Cima, *supra* note 15.

⁵¹ *Id.* (stating scientists who reached out to DARE to revise the curriculum were rebuffed).

⁵² *Id.* (“DARE supporters would regularly accuse critics of being in bed with drug cartels, or selfishly interested in taking over the drug resistance education industry.”).

⁵³ See RICHARD A. MIECH ET AL., INST. FOR SOC. RSCH., UNIV. OF MICH., NATIONAL SURVEY RESULTS ON DRUG USE, 1975-2022: SECONDARY SCHOOL STUDENTS 109-11 tbl.5-1 (2023) (displaying continuous decrease in student use of any illicit drug from 1981 to 1990).

⁵⁴ See generally LLOYD D. JOHNSTON, PATRICK M. O’MALLEY, JERALD G. BACHMAN & JOHN E. SCHULENBERG, INST. FOR SOC. RSCH., UNIV. OF MICH., MONITORING THE FUTURE: NATIONAL RESULTS ON ADOLESCENT DRUG USE (2012) (explaining usage trends and

the larger war on drugs effort, had created an Emperor's-New-Clothes situation: questioning DARE was "like kicking Santa Claus."⁵⁵ In 2004, well after DARE's efficacy was debunked, the *New York Times* reported that "any suggestion that [DARE] be replaced with a more effective or less expensive program tend[ed] to raise howls of protest from parents, school officials and the police."⁵⁶ Thus, DARE continued, ineffectively, into the 21st century.

2. DARE's Funding History

DARE's advertising paid off, literally. Throughout DARE's peak, much of its revenue came from federal funding.⁵⁷ In 1986, the Bureau of Justice Assistance awarded DARE \$140,000 to take the program nationwide.⁵⁸ Congress further upped the ante with the Safe and Drug Free Schools and Communities Act ("SDFSCA") Amendments of 1989, giving DARE and similar programs more than \$400 million.⁵⁹ The 1994 SDFSCA solidified DARE's nationwide prominence, mentioning DARE by name when requiring state governors to spend grant funding on "Project Drug Abuse Resistance Education and other programs which provide classroom instruction by uniformed law enforcement officials."⁶⁰ DARE was also named in the 1994 Violent Crime Control and Law Enforcement Act of 1994, allocating funds for schools that used it or a similar program.⁶¹

The attacks on and censorship of critics may have prolonged DARE's cash flow, but as scientific scrutiny became public scrutiny, its funding began to

perceived risk for various substances over time). However, some individual drugs, like cannabis, saw an increase in use among teenagers during the same time. *Id.* at 12.

⁵⁵ Kristina Marlow & Steve Rhodes, *DARE Under Fire: Despite Popularity, Program Fails to Stop Kids from Using Drugs, Study Says*, CHI. TRIB., Nov. 1, 1994, at A1 (quoting Glenn Levant, then-Executive Director of DARE).

⁵⁶ Julia C. Mead, *DARE Program: Sacred Cow or Fatted Calf?*, N.Y. TIMES (Feb. 1, 2004), <https://www.nytimes.com/2004/02/01/nyregion/dare-program-sacred-cow-or-fatted-calf.html>.

⁵⁷ See Cima, *supra* note 15 ("By 1992, the [SDFSCA] money accounted for almost \$10 million nationally."); Elliott, *supra* note 34 (reporting 1994 crime bill held DARE up as "exemplary," and DARE was competing for \$500 million in federal aid for drug instruction); DARE EXPENSES 2002, *supra* note 8, at 1 (attributing about 30% of DARE's annual revenue to "government contributions").

⁵⁸ Cima, *supra* note 15 ("DARE also soon won a \$140,000 grant from the Department of Justice to expand the program to the national level.").

⁵⁹ Drug-Free Schools and Communities Act Amendments of 1989, Pub. L. No. 101-226, § 2, 103 Stat. 1928, 1928 (1989) (repealed 1995) (amending allocations totaling over \$400 million).

⁶⁰ 20 U.S.C. § 7114(d) (1995).

⁶¹ Pub. L. No. 103-322, § 31001, 108 Stat. 1796, 1861 (1994) (codified as amended at 20 U.S.C. § 6703) ("[T]he assistance provided shall be used . . . for activities under, or for activities that are substantially similar to an activity under . . . [t]he Drug Abuse Resistance Education Program . . ."). Then-Senator Joseph Biden was explicitly credited for the bill's reference to DARE. See Elliott, *supra* note 34 ("As you know, it's a pretty popular program, so it wasn't a question of not including it," says a Biden staffer.).

decline. In 1998, the Department of Education audited drug-education programs, allowing only evidence-based programs to receive funding.⁶² In 2000, DARE did not qualify.⁶³ The Government Accountability Office followed up in 2003, reviewing studies of DARE and finding that the program had no effect on illicit drug use.⁶⁴ As news of DARE's ineffectiveness spread, many cities and states abandoned it, with some complaining DARE was "a fraud on the people of America."⁶⁵

In 2006, the SDFSCA no longer included DARE's name, though it did allow funding for school-based drug education taught by police officers.⁶⁶ By 2015, Congress passed the Every Student Succeeds Act, which renamed the "Safe and Drug-Free Schools and Communities" subpart to "Student Support and Academic Enrichment Grants" ("SSAEG").⁶⁷ While shifting away from DARE directly, the Act still included funding for "drug and violence prevention activities."⁶⁸ The Act requires recipients of federal grants to use a portion of the funds for both (1) "evidenced based . . . programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes" and (2) "professional development and training for school and specialized instructional support personnel . . . as related to drug and violence prevention[.]"⁶⁹ The DARE of the 1990s might not have made the cut, but DARE's loss of funds amid new funding priorities (more than critiques from the scientific community) seemed to spur it into revising its curriculum.

⁶² Reauthorization of Elementary and Secondary Education Programs, 63 Fed. Reg. 30056, 30058 (June 2, 1998) (describing program to "encourage more extensive implementation of research-based approaches to comprehensive school reform").

⁶³ Renee Moilanen, *Just Say No Again*, REASON (Jan. 2004), <https://reason.com/2004/01/01/just-say-no-again-2/> [<https://perma.cc/UY9B-J2JX>] (noting "DARE did not make the cut" for list of programs "backed by at least one scientific evaluation of effectiveness").

⁶⁴ See Cima, *supra* note 15 ("All of the studies found 'no significant differences in illicit drug use,' between the DARE group and the control group.").

⁶⁵ Jacob Sullum, *DARE Aware*, REASON (Jan. 2001), <https://reason.com/2001/01/01/dare-aware-2/> [<https://perma.cc/LMR4-ARYM>] (quoting then-Mayor of Salt Lake City, Ross C. Anderson); U.S. GEN. ACCT. OFF., GAO-03-172R, YOUTH ILLICIT DRUG USE PREVENTION: DARE LONG-TERM EVALUATIONS AND FEDERAL EFFORTS TO IDENTIFY EFFECTIVE PROGRAMS 5 (2003) ("The six evaluations that we reviewed of the long-term effectiveness of the DARE elementary school curriculum found no statistically significant differences in illicit drug use between students who received DARE lessons in the fifth or sixth grade . . . and students who did not . . .").

⁶⁶ 20 U.S.C. § 7115(b)(2) (2006) (authorizing funding for "[t]he hiring and mandatory training [of police] who interact with students in support of youth drug and violence prevention activities . . . implemented in the school").

⁶⁷ Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802, 1966 (codified as amended at 10 U.S.C. § 6301).

⁶⁸ 20 U.S.C. § 7118(5)(A).

⁶⁹ *Id.*

B. *The Emergence of kiR*

1. DARE Adopts kiR

In 2007, DARE finally sought a new curriculum. After reviewing nine evidenced-based drug prevention programs, DARE selected kiR for collaboration.⁷⁰ kiR was originally developed by the Drug Resistance Strategies Project (“DRS,” a program funded by the National Institute on Drug Abuse) and used a life skills training (“LST”) model, which focuses on teaching students skills to refuse drugs.⁷¹ Despite the emphasis on refusal, kiR holds itself to be “not an antidrug program”⁷² but a program “teach[ing] good decision-making skills [that] should transfer from one high-risk behavior to the next.”⁷³

kiR’s curriculum uses interactive lessons that are “culturally-grounded,” i.e., that incorporate cultural values into the lessons.⁷⁴ The idea behind this cultural infusion was that “most successful substance use prevention programs reflect aspects of the adolescent’s culture” and “[e]thnic, racial, and cultural influences play a role in the prevalence of substance use and abuse.”⁷⁵ kiR’s cultural infusion was implemented in several ways: (1) collecting cultural stories to add “performance-based elements” to lessons; (2) incorporating and affirming cultural values; and (3) “culturally ground[ing]” the core elements of the curriculum.⁷⁶ The values incorporated into the lesson are shown in Figure 1.

⁷⁰ *The History of DARE*, *supra* note 5.

⁷¹ Michael L. Hecht et al., *Culturally Grounded Substance Use Prevention: An Evaluation of the Keepin’ It R.E.A.L. Curriculum*, 4 PREVENTION SCI. 233, 233-34 (2003) [hereinafter *kiR Evaluation*]; see also Nancy S. Tobler et al., *School-Based Adolescent Drug Prevention Programs: 1998 Meta-Analysis*, 20 J. PRIMARY PREVENTION 275, 287 (2000) (“[L]ife skills programs . . . have a strong refusal skills component . . .”).

⁷² Nordrum, *supra* note 46 (quoting curriculum co-developer Michelle Miller-Day).

⁷³ *Id.* (quoting DARE America CEO Frank Pegueros).

⁷⁴ See *kiR Evaluation*, *supra* note 71, at 234-37.

⁷⁵ See *id.* at 233-34.

⁷⁶ *Id.* at 235-36. The core elements of the curriculum are:

(a) communication competence, and ethnic variations thereof; (b) narrative-based knowledge to enhance identification with the prevention message; (c) different types of social norms (personal, injunctive, and descriptive) as motivators in substance use; (d) social learning of life skills and their key role in risk assessment and decision making; (e) drug resistance strategies most commonly and effectively employed by adolescents; and (f) the local social context

Id. (internal citations omitted).

Figure 1. kiR's Table of Cultural Values.⁷⁷

Euro American values ^a	Mexican American values ^b	African American values ^c
Individualism Stress what people are able to do for themselves as honorable; honor individual strengths, goals, victories	Family orientation (familismo) Value in trusting entire network; family/extended family valued as center of social support, solidarity; family not limited to blood relatives	Communalism Interdependence; strong family orientation; role flexibility, sacrificing or adapting one's own wishes/agenda for the good of the group or family; inclusiveness
Planning and goals Having a purpose in life to get ahead and setting priorities accordingly	Action orientation Emphasis on evidence of one's intentions through their actions	Purpose Doing things for a reason; value in hard work in achieving a goal
Respect Valuing people's boundaries	Respect (respeto) Giving deference to persons of status or acknowledging their position, avoiding humiliation of others or direct public confrontation	Respect Respecting the accomplishments of others; honoring the family and elders; taking into account the feelings of others, affective orientation
Directness in communication Being assertive and sure of one's self in communication, direct eye contact	Personal treatment (personalismo) Preference for being treated on a personal basis rather than according to categories, rules, policy	Endurance Value in endurance and persistence in the face of adversity
Fair game Preference not to be singled out, playing by the rules, objectivity valued	Niceness (simpatia) Creating pleasure in others by actions, kindness and grace in personal treatment, regardless of persons' status	Creativity Expressing oneself through music, dance, or other forms of expressive presentation; importance of the oral tradition

kiR consists of ten class sessions that incorporate either the Mexican American or the European and Black cultural values identified by its developers into the curriculum.⁷⁸

2. kiR's Questionable Effectiveness

kiR's efficacy was questioned even before DARE's adaptation.⁷⁹ The program was originally developed for a Hispanic audience, and its version centering European and African American values was not tested prior to DARE's implementation.⁸⁰ In fact, a survey of kiR studies revealed "little evidence that the [African American and European American] version was effective," and the effectiveness of the Mexican-American version was limited to when the program had "a primarily Hispanic audience."⁸¹ The same survey

⁷⁷ *Id.* at 235 tbl.1.

⁷⁸ *Id.* at 234.

⁷⁹ In general, this Note uses the same terminology as the sources cited. When referencing kiR's culturally grounded pedagogy, African American, Mexican American, or European American is used. When discussing students' experiences, this Note uses white, Black, or Hispanic because that is more representative of the student population regardless of what the curriculum uses. Critiques of kiR often refer to the curriculum as Hispanic, despite kiR using Mexican American values and this Note defers to their language.

⁸⁰ See Theodore L. Caputi & A. Thomas McLellan, *Truth and D.A.R.E.: Is D.A.R.E.'s New Keepin' It REAL Curriculum Suitable for American Nationwide Implementation?*, 24 DRUGS EDUC., PREVENTION & POL'Y 49, 55 (2017) ("No research exists on whether [kiR] can be successful with a predominantly African American or predominantly White audience.").

⁸¹ *Id.* at 53-54.

also found that kiR versions meant for elementary students, the targets of DARE's kiR,⁸² were "unsuccessful at reducing substance use."⁸³

DARE's adaptation of kiR again raises questions of effectiveness. kiR's initial field testing had students' regular teachers facilitate the kiR lesson plans,⁸⁴ but in the DARE-implemented kiR program, police officers were trained to deliver the curriculum in schools through ten interactive lessons, each forty-five minutes long.⁸⁵ DARE officer training seems largely unchanged from the 1980s.⁸⁶ Once again, it seems unlikely DARE's collaboration improved kiR's effectiveness; studies on kiR "provide[] little available information on how [DARE's adaptation] may have affected the effectiveness of the original [kiR program]."⁸⁷

Although relatively unproven, DARE's kiR seems to be obtaining early popularity. While the war on drugs has waned in popularity, protecting children from drugs and alcohol has not, particularly in the face of the opioid epidemic.⁸⁸ As a result, DARE's reemergence is being welcomed with open arms. While kiR has not yet reached DARE's former stature, it is threatening to do so. In 2022, Chicago schools partnered with DARE to bring DARE officers back for the first time in fourteen years.⁸⁹ Chicago is not alone. DARE's programming was delivered to over four million students in 2022.⁹⁰ kiR's relatively quick adoption is too widespread for comfort. Given its inefficacy, communities should be cautious before once again hopping on the DARE bandwagon. The rest of this

⁸² *D.A.R.E.'s Keepin' It REAL Elementary and Middle School Curriculums Adhere to Lessons from Prevention Research Principles*, DRUG ABUSE RESISTANCE EDUC. (Apr. 5, 2015), <https://dare.org/d-a-r-e-s-keepin-it-real-elementary-and-middle-school-curriculums-adhere-to-lessons-from-prevention-research-principles/> [<https://perma.cc/6JX6-Y472>].

⁸³ Caputi & McLellan, *supra* note 80, at 55.

⁸⁴ See *kiR Evaluation*, *supra* note 71, at 236.

⁸⁵ *D.A.R.E. Keepin' It REAL Elementary School Curriculum Is Evidenced-Based, Successful and Effective*, DRUG ABUSE RESISTANCE EDUC. (Jan. 2022), <https://dare.org/d-a-r-e-keepin-it-real-evidence-based-successful-and-effective/> [<https://perma.cc/LN2W-FHYZ>].

⁸⁶ See William B. Hansen, Emily R. Beamon, Santiago Saldana, Samantha Kelly & David L. Wyrick, *D.A.R.E./Keepin' It REAL Elementary Curriculum: Substance Use Outcomes*, PLOS ONE, Apr. 28, 2023, at 1, 2 ("[O]fficers must pass a rigorous 80-hour training to become a D.A.R.E. certified officer.").

⁸⁷ See Caputi & McLellan, *supra* note 80, at 55.

⁸⁸ See, e.g., Press Release, U.S. Drug Enf't Admin., President Biden Releases National Drug Control Strategy to Save Lives, Expand Treatment, and Disrupt Trafficking (Apr. 21, 2022), <https://www.dea.gov/press-releases/2022/04/21/president-biden-releases-national-drug-control-strategy-save-lives-expand> [<https://perma.cc/L9RM-8N88>] ("[T]he [Biden] Strategy directs federal agencies to expand efforts to prevent substance use among school-aged children . . ."); *Fact Sheet: President Biden's Unity Agenda for the Nation*, WHITE HOUSE (Mar. 8, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/03/08/fact-sheet-president-bidens-unity-agenda-for-the-nation/> [<https://perma.cc/4DY2-PNEW>] (prioritizing commitment to "beating the opioid epidemic").

⁸⁹ *D.A.R.E. Returns to Chicago Schools*, DRUG ABUSE RESISTANCE EDUC. (Apr. 25, 2022), <https://dare.org/d-a-r-e-returns-to-chicago-schools/> [<https://perma.cc/AJC9-ZYJJ>].

⁹⁰ Hansen et al., *supra* note 86, at 2.

Note will point out kiR's shortcomings, explain that these flaws are not limited to kiR but apply to many approaches to drug education, and suggest a way forward for drug-education programs.

II. WHERE KEEPIN' IT REAL GOES WRONG

The kiR program appears to carry much of the same baggage present in the original DARE program. This Part argues DARE's implementation of kiR significantly undermines the best practices of drug education pedagogy. DARE's continued insistence on using police officers as teachers and on uniform implementation are particularly troubling. If any drug education program is to target specific cultures—in particular African American and Mexican American cultures—the program cannot be taught by oft-mistrusted and disliked police officers, nor can it treat these cultures as monoliths. Likewise, kiR's uniform “culturally-grounded intervention” is ends-based and reductive, having the potential to do more harm than good to individual students' identities. Lastly, kiR's drug abuse resistance training shifts away from drug abuse *harm* resistance, ignores student wants, and has the potential to exacerbate harm.

A. *kiR's Contribution to the Overpolicing of Minority Students*

1. Police Presence Harms Kids

Both the original DARE and new kiR modified drug education programs replace the intended instructor (a doctor or teacher) with a police officer. But the use of police officers creates a risk of perpetuating the school-to-prison pipeline. Numerous studies conclude that the presence of police in schools results in the over-policing of minority students.⁹¹ Many of these concerns are directed at School Resource Officers (“SROs”), who primarily function as school security and law enforcement, but who often also teach programs such as DARE.⁹² In fact, at the same time SDFSCA stopped mentioning DARE by name, it explicitly noted schools could use federal funds for “the hiring and mandatory

⁹¹ See, e.g., *Police in Schools Continue to Target Black, Brown, and Indigenous Students with Disabilities. The Trump Administration Has Data That's Likely to Prove It.*, ACLU (July 9, 2020), <https://www.aclu.org/news/criminal-law-reform/police-in-schools-continue-to-target-black-brown-and-indigenous-students-with-disabilities-the-trump-administration-has-data-thats-likely-to-prove-it> [<https://perma.cc/64J6-36MM>] (“Time and time again, [the] data has shown students of color and students with disabilities are disproportionately referred to and arrested by police in schools.”).

⁹² See JUST. POL'Y INST., *EDUCATION UNDER ARREST: THE CASE AGAINST POLICE IN SCHOOLS 2* (2011) (reporting SROs devote 48% of their time to law enforcement and 12% of their time to teaching programs like DARE).

training . . . of school security personnel (including school resource officers)” to provide drug education to students.⁹³

SROs’ primary role is law enforcement; they are a hammer, and every student becomes a nail. Schools with SROs have more arrests for disorderly conduct because police officers automatically respond to disruptions with arrests.⁹⁴ For complex and systemic reasons beyond the scope of this Note, these arrests are often violent and disproportionate across race and gender lines, with Black girls suffering the most.⁹⁵ Additionally, SROs’ reach extends beyond schools to destabilize students’ home environments, especially when those officers teach drug education programs. For example, through the DARE program, “Officer Friendly”⁹⁶ encouraged elementary school children to report their parents’ and relatives’ drug use, however casual, then arrested those families.⁹⁷ Thus, DARE directly contributed to the war on drugs’ inequitable mass incarceration, familial separation, and criminalization of minorities.⁹⁸

Using police as teachers undermines both DARE’s educational and drug prevention goals. Students of color are well aware that their safety can be jeopardized by police officers, and the resultant fear of SROs has been linked to lower grades and graduation rates.⁹⁹ If the mere presence of police in schools degrades students’ broader educational experience, that degradation is certainly still present, if not heightened, when police take on teaching roles. Additionally, SROs’ focus on law enforcement toward students can actually push those

⁹³ 20 U.S.C. § 7115(b)(2) (2002) (listing “authorized activities” for which schools may use federal funds). The current SSAEG does not explicitly list funding SROs as an authorized activity. *See* 20 U.S.C. § 7115 (2024). However, SROs continue to exist in many American schools, funded through a variety of education and law enforcement statutes. *See Frequently Asked Questions*, NAT’L ASS’N OF SCH. RES. OFFICERS, <https://www.nasro.org/faq/> (last visited Sept. 4, 2024) (“42 percent of public schools reported that they had at least one SRO present at least one day a week during the 2015-2016 academic year.”).

⁹⁴ *See* JUST POL’Y INST., *supra* note 92, at 13-14 (“[A]s the presence of law enforcement and SROs in schools has increased, arrests and referrals to the juvenile justice system generally have also increased.”).

⁹⁵ *See* ACLU, *supra* note 91 (“[I]n some states, Black girls are over eight times as likely to be arrested as white girls.”).

⁹⁶ Rebecca Onion, *Playing Good Cop*, SLATE (Aug. 27, 2020, 3:20 PM), <https://slate.com/human-interest/2020/08/officer-friendly-police-copaganda-history.html> [<https://perma.cc/MYC7-TYDP>] (“The Officer Friendly school program left kids with sunny visions of community policing—and adults with an inaccurate view of history.”).

⁹⁷ *See* Max Felker-Kantor, *The DARE Snitches*, SLATE (Sept. 30, 2023, 10:00 AM), <https://slate.com/human-interest/2023/09/dare-history-police-surveillance-schools.html> (describing kids unknowingly sharing with police inculpatory stories about their parents smoking marijuana, leading to their arrest).

⁹⁸ *See id.*; ACLU, *supra* note 91.

⁹⁹ *See Policing in Schools*, CITIZENS FOR JUV. JUST., <https://www.cfjj.org/policing-in-schools> [<https://perma.cc/AD2T-JDC6>] (last visited Sept. 4, 2024); CITIZENS FOR JUV. JUST., FAIL: SCHOOL POLICING IN MASSACHUSETTS 14 (2021) [hereinafter CITIZENS FOR JUV. JUST., FAIL], <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5f64b57d40e1a14ef6c1c468/1600435601167/SchoolSafetyPolicyReport.pdf> [<https://perma.cc/9AKM-ZJQ3>].

students toward drug abuse, as repeated interaction with the criminal justice system results in more students in jail and other detention facilities where substance abuse rates are high.¹⁰⁰

The issues police create in schools are symptoms of a systematically racist law enforcement enterprise.¹⁰¹ kiR, as a drug abuse intervention technique, fundamentally cannot address these underlying problems, no matter how it frames drug education. kiR does not address SROs' violence toward students of color, their inability to resolve school conflicts without arrest, or their use of children as informants. Instead, kiR's continued use of police as teachers threatens to perpetuate the arrest and separation of minority families.¹⁰² kiR's eighty-hour training program may teach police officers the curriculum, but it does not cause them to act primarily as teachers instead of police officers, and the harms of overenforcement will likely continue to outweigh the limited benefits seen from such drug education programs.

2. Community Enrichment Arguments Are Not Persuasive

The main argument for keeping police involved in drug education programs is that their involvement strengthens the community. By having police officers visit classrooms weekly, DARE was claimed to have put a "local, 'human' face on drug prevention."¹⁰³ Even the most damning studies of DARE found that the program improved students' perception of police.¹⁰⁴ Indeed, improving student-police relationships is often used as a justification for SROs in general.¹⁰⁵ Proponents of SROs also claim that police officers can be seen as role models or mentors.¹⁰⁶

¹⁰⁰ OFF. OF JUST. PROGRAMS, BUREAU OF JUST. STATS., U.S. DOJ, DRUG USE, DEPENDENCE, AND ABUSE AMONG STATE PRISONERS AND JAIL INMATES, 2007-2009, at 1 (2017), <https://bjs.ojp.gov/content/pub/pdf/dudaspji0709.pdf> [<https://perma.cc/36TD-25EW>] ("More than half (58%) of state prisoners and two-thirds (63%) of sentenced jail inmates met the criteria for drug dependence or abuse, according to data collected through the 2007 and 2008-09 National Inmate Surveys . . .").

¹⁰¹ For a fascinating discussion on the "Blue gaze" of racialized policing, see generally Ciji Dodds, *The Exigencies of Black Existence: The Blue Gaze, the State of Exception, & Racialized Policing in Carceral Internal Colonies*, 104 B.U. L. REV. 233 (2024).

¹⁰² See generally DOROTHY ROBERTS, *TORN APART* (2022).

¹⁰³ *The History of DARE*, *supra* note 5.

¹⁰⁴ See, e.g., Ennett et al., *supra* note 16, at 1397-98.

¹⁰⁵ See, e.g., John Rosiak, *School Resource Officers: Benefits and Challenges*, 2014 F. ON PUB. POL'Y ONLINE, no. 1, at 1, 2 https://www.forumonpublicpolicy.co.uk/_files/ugd/553e83_aa48a5f0b2384d7682dceaffa67baea5.pdf [<https://perma.cc/95BE-8AZ8>].

¹⁰⁶ See, e.g., LAWRENCE F. TRAVIS III & JULIE K. COON, *THE ROLE OF LAW ENFORCEMENT IN PUBLIC SCHOOL SAFETY: A NATIONAL SURVEY* 213-14 (2005).

However, since the initial studies on DARE, faith in police has declined, particularly among communities of color,¹⁰⁷ and there is historical reason to doubt whether police were ever seen as friendly by these communities. Even if programs like DARE did at one point improve students' view of police, current studies do not find students placing their trust in police. For example, in 2018, a survey conducted on mostly students of color in Los Angeles revealed over 60% of them "did not believe that SROs were trustworthy."¹⁰⁸ These results should not be surprising; it is almost a universal experience for young children of color to be given "the talk": a lesson on how to simply *survive* encounters with police officers.¹⁰⁹ These talks stem from a "historical distrust of law enforcement," which, as a whole, has repeatedly shown animus toward communities of color.¹¹⁰ kiR takes pride in grounding its curriculum in Mexican and African American cultural values but seemingly ignores that these two communities are highly distrustful of police officers.

Some may argue that, given such increased mistrust, community policing efforts like DARE (i.e., having police officers interact with their communities in more contexts than simply as law enforcement) are more important than ever. However, community policing has recently been shown not to increase trust in police.¹¹¹ Students' lack of trust toward police certainly hampers DARE officers' ability to deliver kiR's lessons; trustworthiness is a key component of effective teaching, regardless of subject matter.¹¹² While reform efforts to increase trust and decrease police violence should certainly continue, until police presence in schools is no longer detrimental to schools' education goals and no longer causes students more harm than good, police officers should not be teaching drug education programs.

B. *The Shortcomings of Culturally Grounded Drug Resistance Education*

In addition to its selected instructors, kiR's selected curriculum is also troubling. kiR is not alone in proposing culturally grounded drug resistance

¹⁰⁷ Emily Washburn, *America Less Confident in Police Than Ever Before: A Look at the Numbers*, FORBES (Feb. 3, 2023, 4:04 PM), <https://www.forbes.com/sites/emilywashburn/2023/02/03/america-less-confident-in-police-than-ever-before-a-look-at-the-numbers/> [<https://perma.cc/H7VV-PWC8>].

¹⁰⁸ CITIZENS FOR JUV. JUST., FAIL, *supra* note 99.

¹⁰⁹ See Corey Williams & Gary Fields, *Distrust of Police: Black Parents, Children Have 'the Talk,'* AP NEWS (Jan. 28, 2023, 5:36 PM), <https://apnews.com/article/memphis-detroit-law-enforcement-94d651117990d6b5850dbb4e902020ab> [<https://perma.cc/28ZM-K6X7>].

¹¹⁰ *Id.*

¹¹¹ Graeme Blair et al., *Community Policing Does Not Build Citizen Trust in Police or Reduce Crime in the Global South*, SCIENCE (Nov. 26, 2021), <https://www.science.org/doi/pdf/10.1126/science.abd3446>.

¹¹² See, e.g., Jason J. Teven, *Teacher Caring and Classroom Behavior: Relationships with Student Affect and Perceptions of Teacher Competence and Trustworthiness*, 55 COMM. Q. 433, 446 (2007).

training.¹¹³ On the surface, the underlying reasoning—drug use is different among different cultures, so resistance training should also be tied to culture¹¹⁴—makes sense. However, there are fundamental flaws both in observing drug use among K-12 students and in incorporating cultural values into drug resistance lessons. Likewise, the idea that drug programs should focus on preventing use, as opposed to reducing harm, limits the effectiveness of current drug education.

1. Cultural Grounding

The idea of culturally grounded drug resistance training stems from observations that adolescent drug use patterns differ along cultural lines.¹¹⁵ But these observations are problematic. Notably, they rely on self-reported survey data.¹¹⁶ When it comes to self-reporting drug use, “unwillingness to provide the information . . . is a crucial issue.”¹¹⁷ Self-reporting drug use is highly subject to underreporting bias, where survey takers report lower-than-actual drug use because it is “often considered as a sensitive, stigmatized, shameful and even illegal act.”¹¹⁸ In particular, Black children tend “to underreport on surveys when responding to sensitive topics such as drug use.”¹¹⁹ Black students

¹¹³ See generally Michela Lauricella, Jessica K. Valdez, Scott K. Okamoto, Susana Helm & Colleen Zaremba, *Culturally Grounded Prevention for Minority Youth Populations: A Systematic Review of the Literature*, 37 J. PRIMARY PREVENTION 11, 11 (2016) (evaluating thirty-one peer reviewed articles with varying approaches to culturally grounded prevention programs).

¹¹⁴ See, e.g., Denise B. Kandel, *The Social Demography of Drug Use*, 69 MILBANK Q. 365, 391-403 (1991).

¹¹⁵ See *id.*; see also *kiR Evaluation*, *supra* note 71, at 233-34 (citing Kandel, *supra* note 114) (“[Black] adolescents demonstrate substantially lower rates of alcohol, tobacco, and marijuana use”).

¹¹⁶ See LAURA KANN ET AL., CTRS. FOR DISEASE CONTROL & PREVENTION, YOUTH RISK BEHAVIOR SURVEILLANCE — UNITED STATES, 1997, at 3-4, 10-14 (1998) (using national survey of ninth- through twelfth-grade students to report student tobacco, alcohol, cannabis, and cocaine use); see, e.g., *kiR Evaluation*, *supra* note 71, at 233-34 (citing KANN ET AL., *supra*, for statistics on Black student drug use).

¹¹⁷ Adele V. Harrell, *Validation of Self-Report: The Research Record*, in SELF-REPORT METHODS OF ESTIMATING DRUG USE: MEETING CURRENT CHALLENGES TO VALIDITY 12, 13 (Beatrice A. Rouse, Nicholas J. Kozel & Louise G. Richards eds., 1985).

¹¹⁸ See, e.g., Parvin Khalili et al., *Validity of Self-Reported Substance Use: Research Setting Versus Primary Health Care Setting*, 16 SUBSTANCE ABUSE TREATMENT, PREVENTION, & POL’Y 66, 67 (2021) (“[E]stimating the prevalence of substance use in a representative population may yet result in an inaccurate measurement due to underreporting.”).

¹¹⁹ Danelle Stevens-Watkins, Brea Perry, Kathi L. Harp & Carrie B. Oser, *Racism and Illicit Drug Use Among African American Women: The Protective Effects of Ethnic Identity, Affirmation, and Behavior*, 38 J. BLACK PSYCH. 471, 491 (2012) (citing Barbara S. Mensch & Denise B. Kandel, *Underreporting of Substance Use in a National Longitudinal Youth Cohort: Individual and Interviewer Effects*, 52 PUB. OP. Q. 100 (1988)).

underreporting drug use makes perfect sense given the disproportionate punishment schools give them.¹²⁰

While it is true “[e]thnic, racial, and cultural influences play a role in the prevalence of substance use,”¹²¹ the reliance on survey data could overemphasize this role. A sole focus on tying cultural values to the core curriculum presents more problems. First, cultural adaptation “requires *cultural competence* . . . among program delivery staff.”¹²² While kiR may provide the curriculum, it does not provide cultural competency training for its instructors, who need a “strong understanding of cultural diversity” and “[h]igh expectations for every child, especially students of color.”¹²³ kiR’s chosen instructors, police officers, do not appear to receive this instruction elsewhere given their well-documented prejudices and preconceptions of students of color,¹²⁴ and attempts at more robust training have failed.¹²⁵ Even if kiR switched educators, the curriculum would still not include the cultural competency training required to effectively implement a culturally grounded intervention.

Second, kiR’s cultural adaptation threatens to propagate “cultural essentialism”: the assumption that all members of a culture share the same defining features.¹²⁶ Because not all students of one culture may have the same core values, culturally adapted interventions that generalize cultural values might not affect them equally.¹²⁷ Students in a classroom cannot easily fit into a table of core values, but some cultural adaptations try to do just that.¹²⁸ In

¹²⁰ See, e.g., U.S. GOV’T ACCOUNTABILITY OFF., GAO-18-258, K-12 EDUCATION: DISCIPLINE DISPARITIES FOR BLACK STUDENTS, BOYS, AND STUDENTS WITH DISABILITIES 12 (2018) (“Black students were particularly overrepresented among students who were suspended from school, received corporal punishment, or had a school-related arrest.” (citation omitted)).

¹²¹ *kiR Evaluation*, *supra* note 71, at 233.

¹²² Felipe González Castro, Manuel Barrera, Jr. & Charles R. Martinez, Jr., *The Cultural Adaptation of Prevention Interventions: Resolving Tensions Between Fidelity and Fit*, 5 PREVENTION SCI. 41, 43 (2004).

¹²³ See *Culturally Responsive Teaching in Practice*, VIRTUAL LAB SCH., <https://www.virtuallabschool.org/focused-topics/creating-culturally-responsive-programs/lesson-4> [<https://perma.cc/VQF3-SK6U>] (last visited Sept. 4, 2024).

¹²⁴ See, e.g., Stephan A. Schwartz, *Police Brutality and Racism in America*, 16 EXPLORE 280, 280 (2020) (providing statistical evidence showing people of color are more likely to be harassed and harmed by police).

¹²⁵ See Calvin K. Lai & Jaclyn A. Lisnek, *The Impact of Implicit-Bias-Oriented Diversity Training on Police Officers’ Beliefs, Motivations, and Actions*, 34 PSYCH. SCI. 424, 425-27 (2023) (explaining how diversity training has fleeting effects on police behavior).

¹²⁶ See Bretton T. Alvaré, ‘Do They Think We Live in Huts?’ – *Cultural Essentialism and the Challenges of Facilitating Professional Development in Cross-Cultural Settings*, 12 ETHNOGRAPHY & EDUC. 33, 34 (2017) (warning about negative consequences of culturally responsive pedagogy that engages in cultural essentialism).

¹²⁷ See *id.* at 45 (attributing failure to produce effective pedagogy to “obscuring the cultural differences that exist[] within the population [researchers] were trying to reach”).

¹²⁸ See *supra* Figure 1 (citing *kiR Evaluation*, *supra* note 71, at 235 tbl.1, which sorts discrete cultural values along racial and ethnic lines).

addition to not reaching the intended audience, cultural adaptations that embrace cultural essentialism risk spreading stereotypes. A central struggle of implementing culturally grounded intervention is that teachers “carry into the classroom their personal cultural background[,] . . . prejudice and preconception.”¹²⁹ This makes it difficult to integrate different cultures and perspectives into classroom behavior and curriculum. kiR can exacerbate this.

For example, imagine an already prejudiced kiR instructor. They believe white students are quicker to understand lesson materials and more capable of working alone. They also believe Black students are generally slower to understand the lesson materials, require more individualized attention, and are better off working in a group. The curriculum they receive reinforces these stereotypes, informing them white students highly value individualism, while Black students highly value communalism.¹³⁰ Then, while conducting classroom conversations, the teacher focuses on calling on Black students, inadvertently signaling that Black students need drug resistance intervention more than their white peers.¹³¹ The monolithic approach of kiR and similar programs does not appear to mitigate this stereotyping or its adverse effects.

2. kiR’s Drug Resistance Training

Beyond kiR’s lack of cultural competency training and threat of stereotyping, the resistance model it and other life skills training programs use is dangerously outcomes-based. The focus of kiR is to “positively influence antidrug attitudes and normative beliefs,” drugs being tobacco, alcohol, and other drugs, including cannabis.¹³² But the “norms” around drug use are changing. As of 2024, half of American states have fully legalized recreational adult cannabis use, and forty-six states allow some form of medicinal cannabis use.¹³³ Still, DARE remains “opposed to the legalization of marijuana,” and continues to believe it is a

¹²⁹ See generally George Spindler & Louise Spindler, *Preface to PATHWAYS TO CULTURAL AWARENESS: CULTURAL THERAPY WITH TEACHERS AND STUDENTS*, at xii (George Spindler & Louise Spindler eds., 1994); see also GENEVA GAY, *CULTURALLY RESPONSIVE TEACHING: THEORY, RESEARCH, AND PRACTICE* 75 (3d ed. 2018).

¹³⁰ See *supra* Figure 1 (displaying kiR’s core cultural values).

¹³¹ Teachers’ singling out Black students as particularly susceptible to drugs and violence is not uncommon. See, e.g., Tom Dart, *US School District Apologizes for Black-Student-Only Assembly on Gang Dangers*, *GUARDIAN* (Feb. 22, 2016, 17:49 PM), <https://www.theguardian.com/us-news/2016/feb/22/black-students-only-assembly-arkansas-maumelle-little-rock-high-school-apologizes> [<https://perma.cc/S8ZB-MNV9>] (“[A]n announcement . . . reportedly told all African American ninth-graders to go to the auditorium for an assembly where a local pastor, Dante Shelton, gave a talk on his personal story and the dangers of gangs, violence and drugs.”).

¹³² *kiR Evaluation*, *supra* note 71, at 237.

¹³³ *Marijuana Legality by State*, *DISA*, <https://disa.com/marijuana-legality-by-state> [<https://perma.cc/2BWE-5NCW>] (last updated Sept. 2, 2024) (illustrating legality of cannabis use among states).

“gateway drug.”¹³⁴ Not only is the kiR curriculum built on the gateway-drug hypothesis, which remains unproven,¹³⁵ its blanket “refuse, explain, avoid, leave” policy can promote cognitive dissonance. A student can have trouble reconciling repeated classroom messaging that cannabis is illegal, is associated with harmful consequences, and should always be refused, when their reality involves walking past multiple dispensaries on the way home or hearing about a trusted adult taking an edible before bed.

Indeed, students have long called for more education in their drug programs,¹³⁶ but kiR’s antidrug goals overshadow this desire. kiR’s approach runs counter to successful pedagogical techniques that emphasize “co-creation,” where students and teachers work together to set curricula and find knowledge.¹³⁷ While kiR encourages conversation between students and teachers, the preset conclusion—drugs are bad, just say no—prevents true co-creation. When a student asks why cannabis is legal if it’s bad and the response is always “under no circumstance is it legal for anyone under the age of 18 to use marijuana,”¹³⁸ that student’s question isn’t answered, knowledge is obscured, and the student’s own experiences are ignored. Outcomes-based approaches like kiR and similar “antidrug” programs lack nuance and student involvement. School-based drug education can be better.

III. TOWARD A BETTER SCHOOL-BASED DRUG EDUCATION

kiR and programs like it are dangerous, and there are better ways to implement drug education. This Note calls for specialized drug education programs that employ specialized educators as opposed to police, a focus on mitigating the negative effects of cultural adaptation, and a prioritization of student wants and needs. This Part argues federal funding schemes can incentivize such programs before providing some principles of culturally

¹³⁴ D.A.R.E.’s *Position and Curricula Regarding Marijuana & Legalization*, DRUG ABUSE RESISTANCE EDUC. (Feb. 2, 2018) [hereinafter DARE, *Marijuana & Legalization*], <https://dare.org/d-a-r-e-s-position-and-curricula-regarding-marijuana-legalization/> [<https://perma.cc/G69L-JXYN>] (arguing cannabis use results in “[i]ncreased risk of addiction and use of other more lethal drugs”).

¹³⁵ See, e.g., Michael L. Miller & Yasmin L. Hurd, *Testing the Gateway Hypothesis*, 42 NEUROPSYCHOPHARMACOLOGY 985, 986 (2017) (“[T]here remain significant gaps of knowledge before we are able to fully accept or refute the [gateway drug] hypothesis.”).

¹³⁶ See, e.g., Joel H. Brown, Marianne D’Emidio-Caston & John A. Pollard, *Students and Substances: Social Power in Drug Education*, 19 EDUC. EVALUATION & POL’Y ANALYSIS 65, 73 (1997) (“[Students] wanted more complete drug information, delivered through a different influence process, and more panels and talks by those who have experienced either substance use or abuse.”).

¹³⁷ See generally CATHERINE BOVILL, CO-CREATING LEARNING AND TEACHING (2020) (defining and describing benefits of “co-creation”); ALISON COOK-SATHER, CO-CREATING EQUITABLE TEACHING AND LEARNING (2022) (advocating for co-creation pedagogy).

¹³⁸ DARE, *Marijuana & Legalization*, *supra* note 134 (“When asked about the legalization of marijuana, the D.A.R.E. officer’s first response is under no circumstance is it legal for anyone under the age of 18 to use marijuana.”).

relevant pedagogy that these programs should incorporate. First, though, this Part discusses why, after the numerous flaws of the DARE program and kiR, we should have drug education at all.

A. *Why Have School-Based Drug Education at All?*

School-based drug education programs are motivated by real harms. Students who take drugs risk disease or overdose (especially those who consume via injection).¹³⁹ Adolescent drinking can harm brain development.¹⁴⁰ Cannabis' effect on brain development is less studied, but researchers are still concerned about potential interference.¹⁴¹ In light of these harms, it makes sense to offer students drug education, provided that education actually shows promise in reducing harm. At the very least, research indicates school is the environment most conducive to drug education.¹⁴² But, after DARE failed, the question remains whether it should still be pursued.

Can school-based drug education ever work? The answer is not definitively yes, but neither is it definitively no. For much of America's drug education history, we used the flawed, ineffective DARE program.¹⁴³ In the wake of DARE, culturally adapted LST programs like kiR have been proposed and implemented.¹⁴⁴ Previous Parts of this Note have pointed out several flaws with these programs, but future drug education programs can overcome them. While uniform, nationwide programs have failed, smaller-scale programs have found success and can provide a model for future programs. For example, consider the "Rx for Addiction and Medication Safety" ("RAMS") program, a Rhode Island-based program focused on reducing harm from opioid use among students.¹⁴⁵ Like kiR, RAMS uses mock scenarios and interactive education to implement

¹³⁹ *High-Risk Substance Use Among Youth*, CTRS. FOR DISEASE CONTROL & PREVENTION [hereinafter CDC Statistics], <https://www.cdc.gov/healthyyouth/substance-use/index.htm> [<https://perma.cc/L28Y-EPMC>] (last visited Sept. 4, 2024) ("Injection drug use places youth at direct risk for HIV, and drug use broadly places youth at risk of overdose.").

¹⁴⁰ See Michael R. Steinfeld & Mary M. Torregrossa, *Consequences of Adolescent Drug Use*, TRANSLATIONAL PSYCHIATRY 1-3, Oct. 6, 2023, at 1, 1-3.

¹⁴¹ *Id.* at 3 ("[The nervous system] undergoes important changes during adolescence that are critical to normative development, such that over-use of cannabis during adolescence might interfere with these changes.").

¹⁴² See, e.g., David White & Marian Pitts, *Educating Young People About Drugs: A Systematic Review*, 93 ADDICTION 1475, 1475 (1998) (conducting systematic review of drug education programs and finding school-based programs outperformed those conducted outside schools).

¹⁴³ See discussion *supra* Section I.A; see also Richard Midford, *Does Drug Education Work?*, 19 DRUG & ALCOHOL REV. 441, 444 (2000).

¹⁴⁴ See discussion *supra* Section I.B.

¹⁴⁵ Emily Patry et al., *Rx for Addiction and Medication Safety: An Evaluation of Teen Education for Opioid Misuse Prevention*, 15 RSCH. SOC. & ADMIN. PHARMACY 917, 921 (2019) (reviewing effectiveness of RAMS program and finding it led to increased knowledge and confidence in substance abuse education).

its lessons.¹⁴⁶ Unlike kiR, RAMS doesn't focus on refusal and avoidance but instead on safe opioid uses, signs of withdrawal, and treating overdose.¹⁴⁷ This approach is finding positive results—RAMS participants were more knowledgeable about and confident in addressing opioid use harms.¹⁴⁸ Future drug education programs can benefit from this education-focused approach.

B. *Improving School-Based Drug Education Pedagogy*

kiR and other drug resistance programs are interventions: changes introduced in hopes of seeing a different outcome. But when the intervention occurs in the classroom, it should be grounded in pedagogical theory. To date, drug education interventions often missed the mark. kiR's cultural grounding risks overgeneralizing students and promoting cultural essentialism. Likewise, its antidrug goals ignore students' wants and deny them a full education. While this Note doesn't attempt to lay out a full curriculum, it does point to pedagogical techniques future drug education programs should embrace to avoid these problems.

1. From Culturally Grounded Intervention to Culturally Relevant Pedagogy

Although the terms sound similar, “culturally grounded intervention” is not culturally relevant pedagogy. Culturally grounded interventions tie observed cultural values to messaging, hoping to obtain a more responsive audience and a better outcome.¹⁴⁹ The term “culturally relevant pedagogy” was first coined by Professor Gloria Ladson-Billings as “a theoretical model that not only addresses student achievement but also helps students to accept and affirm their cultural identity while developing critical perspectives that challenge inequities that schools (and other institutions) perpetuate.”¹⁵⁰ Ladson-Billings gave three criteria for this model: “(a) [s]tudents must experience academic success; (b) students must develop and/or maintain cultural competence; and (c) students must develop a critical consciousness through which they challenge the status quo of the current social order.”¹⁵¹ The “ABCs” of the Ladson-Billings model

¹⁴⁶ *Id.* at 918.

¹⁴⁷ *Id.* (describing how RAMS has “a focus on medication safety (i.e. safe use and storage, proper disposal of opioids), signs and symptoms and risk factors for opioid misuse and withdrawal, opioid overdose identification and response, and local treatment and recovery resources for adolescents and their families and friends”).

¹⁴⁸ *Id.* at 921 (“Freshmen students who participated improved their overall knowledge of opioid misuse and use disorder (i.e., addiction). Improved knowledge and confidence were also observed for overdose identification and naloxone administration, as well as increased self-confidence of knowing when treatment is indicated for a friend or family member . . .”).

¹⁴⁹ See discussion *supra* Section I.B.

¹⁵⁰ Gloria Ladson-Billings, *Toward a Theory of Culturally Relevant Pedagogy*, 32 AM. EDUC. RSCH. J. 465, 469 (1995).

¹⁵¹ Gloria Ladson-Billings, *But That's Just Good Teaching! The Case for Culturally Relevant Pedagogy*, 34 THEORY INTO PRAC. 159, 160 (1995).

are a great starting point for drug education. Academic success can be likened to students becoming more knowledgeable and confident about drug use, symptoms, and harm reduction. Cultural competency can be developed and maintained as instructors work to avoid cultural essentialism and engage the class in conversations around drug use and race. Lastly, students should challenge the oversimplified “Just Say No” status quo perpetuated by DARE and consider the larger, social factors that interact with drug use. Together, these factors allow for a more co-creative learning environment.

Sadly, kiR does not follow Ladson-Billings’ ABCs. Academic success is exemplified by something like the RAMS program, in which students learn more about drug use, symptoms, and harm reduction.¹⁵² kiR curriculum focuses on imparting drug resistance strategies in the hopes students say no to drugs.¹⁵³ When that is the measurement for success, some students are bound to fail,¹⁵⁴ and no students are taught harm reduction. kiR also offers no cultural competency for its intended instructors, let alone its students. Part II discussed how kiR’s cultural grounding needs a culturally competent instructor to avoid stereotypes, but students are just as capable of promoting stereotypes.¹⁵⁵ During conversations on drug use, when racial stereotypes are plentiful,¹⁵⁶ it is especially important to foster cultural competency among students, so they do not continue spreading these stereotypes. Lastly, kiR, with its preformed answers and antidrug rhetoric, doesn’t encourage questioning at all but instead prevents actual conversations about drug abuse. Future drug education programs should instead embrace Ladson-Billings’ ABCs.

2. From Drug Resistance to Drug Harm Reduction

Students do not want to be told just to resist drugs, rather they want “the whole thing”¹⁵⁷ and express frustration with their educator when they “ask for more information [and he] really doesn’t want to come out . . . and tell us the whole

¹⁵² Patry et al., *supra* note 145, at 91.

¹⁵³ See discussion *supra* Section I.B.

¹⁵⁴ See CDC Statistics, *supra* note 139 (warning 15% of high school students report having used illicit or injection drugs and 14% have abused prescription opioids).

¹⁵⁵ See, e.g., Aleksandra Gajda, Agnieszka Bójko & Ewa Stoecker, *The Vicious Circle of Stereotypes: Teachers’ Awareness of and Responses to Students’ Gender-Stereotypical Behaviour*, PLOS ONE 2-3 (June 15, 2022), <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0269007&type=printable> (detailing how students behavior creates a “self-reinforcing circle of stereotypes”).

¹⁵⁶ See generally Betty Watson Burston, Dionne Jones & Pat Roberson-Saunders, *Drug Use and African Americans: Myth Versus Reality*, 40 J. ALCOHOL & DRUG EDUC. 19 (1995) (analyzing several commonly held beliefs about drug use in African American community and exploring their implications).

¹⁵⁷ Brown et al., *supra* note 136, at 74 (quoting middle-schooler’s thoughts on drug education).

thing.”¹⁵⁸ Specifically, students want more storytelling from substance users and abusers.¹⁵⁹ These demands are not compatible with kiR nor other resistance trainings that focus on abstinence and discourage questioning about modern drug norms. However, they are compatible with drug education programs that focus on harm reduction. Harm reduction models teach “the facts about drugs—including their benefits and their harms.”¹⁶⁰ Harm reduction education doesn’t encourage drug use, but it recognizes that abstinence-only approaches stigmatize drug use, and so instead, it encourages healthy decisions about drug use.¹⁶¹ While DARE’s stranglehold on drug education prevented harm reduction models from growing,¹⁶² initial studies have shown harm reduction “significantly increased high school students’ knowledge of harm reduction techniques and behaviors, and found a decrease in overall substance use.”¹⁶³

Embracing a drug harm reduction model can eliminate some of the issues with programs like kiR. Cognitive dissonance is less likely when educators allow discussion on drug use beyond just avoidance.¹⁶⁴ Co-creation and better learning is more likely when educators don’t avoid the topics students really want to know more about.¹⁶⁵ Future drug education programs should shift away from kiR’s blanket resistance model to better address student wants, reduce overall drug use, and actually prevent harm.

C. *Incentivizing and Funding Specialized Drug Education, with Specialized Educators*

1. The Need for Specialized Educators

As discussed above, reforms in drug education that incorporate culturally responsive pedagogy and harm reduction can’t be performed by police officers. But merely switching from police officers to students’ regular teachers is not the appropriate solution. While these teachers would have a better understanding of pedagogy than police officers, drug education programs still require “extensive undergraduate preparation in a wide variety of disciplines related to drug

¹⁵⁸ *Id.* at 73 (quoting elementary school student’s desire to receive more complete drug information from educators).

¹⁵⁹ *Id.* at 74 (noting 33% of focus groups wanted more information from individuals who have been impacted by drug use).

¹⁶⁰ See Lee V. Gaines & Nicole Cohen, ‘Just Say No’ Didn’t Actually Protect Students from Drugs. Here’s What Could, NPR (Dec. 19, 2023, 9:30 AM), <https://www.npr.org/2023/11/09/1211217460/fentanyl-drug-education-dare> [<https://perma.cc/3TNT-5998>].

¹⁶¹ Nina Rose Fischer, *School-Based Harm Reduction with Adolescents: A Pilot Study*, SUBSTANCE ABUSE TREATMENT, PREVENTION & POL’Y, 2022, at 1, 2 (measuring impact of harm reduction education program on students’ harm reduction knowledge and behaviors).

¹⁶² *Id.* at 2 (highlighting prevalence of abstinence-based education).

¹⁶³ Gaines & Cohen, *supra* note 160 (reporting results from Fischer, *supra* note 161).

¹⁶⁴ See *supra* notes 132-36 and accompanying text.

¹⁶⁵ See Brown et al., *supra* note 136, at 74; see also sources cited *supra* note 137.

education.”¹⁶⁶ Teachers are likely better suited to implement culturally grounded interventions, but they are still not primarily drug educators. For decades, scholars have called for more training for drug educators but have debated what that training should entail, proposing various specialized graduate and undergraduate degrees.¹⁶⁷ Regardless of what exact training should be required, it’s clear that drug education programs should be led by drug education specialists.

For other sensitive or specialized topics, schools already employ, or are encouraged to employ, experts rather than expand the role of teachers. For example, many school districts require sexual education training for school health educators.¹⁶⁸ Likewise, mental health advocates urge schools to hire specialists such as school counselors, social workers, and psychologists instead of letting police handle student well-being.¹⁶⁹ Mental health issues and drug use often overlap,¹⁷⁰ and it makes little sense to bring in experts for one topic but not the other. Future drug education programs should follow other specialized areas like sex education and student mental health by employing specialized, expert educators.

Of course, hiring these educators would require institutional support, both ideological and financial. The growth of DARE, despite its ineffectiveness, shows the popularity of drug education continuing in schools. However, pressure must be applied to change who is implementing these programs. This Note argues such pressure can be applied two ways. First, an “upward pressure,” initially applied by students, parents, and teachers to encourage their school district to adopt localized, effective drug education programs, like RAMS, and then further applied by schools that adopt these programs to surrounding districts—and even the federal government—to provide that necessary support. Second, a “downward pressure” that can be applied by the federal government to schools via grant funding.

¹⁶⁶ Mark Hochhauser, *Drug Education: Who Teaches What to Whom?*, 25 J. ALCOHOL & DRUG EDUC. 61, 62-63 (1980).

¹⁶⁷ See, e.g., *id.*

¹⁶⁸ See, e.g., Elissa M. Barr et al., *Improving Sexuality Education: The Development of Teacher-Preparation Standards*, 84 J. SCH. HEALTH 396, 399-400 (2014) (proposing guidelines for health-education professionals, including coursework on human sexuality).

¹⁶⁹ See AMIR WHITAKER ET AL., ACLU, COPS AND NO COUNSELORS: HOW THE LACK OF SCHOOL MENTAL HEALTH STAFF IS HARMING STUDENTS 4 (2019) (“Schools that employ more school-based mental health providers see improved attendance rates, lower rates of suspension and other disciplinary incidents, expulsion, improved academic achievement and career preparation, and improved graduation rates. . . . However, there is no evidence that police in schools improve safety . . .”).

¹⁷⁰ See Steinfeld & Torregrossa, *supra* note 140, at 2, 3, 14 (noting adolescent alcohol, cannabis, and nicotine use have been implicated in students’ negative mental health symptoms).

2. Upward Pressure from Local Communities

At the local level, communities still invested in drug education but distrustful of police, can and should use their influence to pressure school boards to move away from police-implemented programs and toward specialized, harm reduction drug education. This pressure starts with student advocacy, particularly toward their parents. On the surface, this may seem futile—students have long maligned their school-based drug education but have seen little-to-no change.¹⁷¹ However, several current factors suggest students can have a say in how they are taught about drugs. The disappearance of DARE has made drug education less ubiquitous and its support less consistent. kiR is still spreading but not nearly as quickly as the original DARE, likely because of the original program's known failures and a national shift in attitude around the war on drugs.¹⁷² As opposed to the students of the '90s, who were thrust into a "Just Say No" era of nationwide panic over drugs, current students have a unique window to share what they would like out of a drug education program.

This sharing can be effective if it targets parents. While stigmatizing drug use has made conversations around drugs or drug education awkward, parents have long been advised to have honest conversations about drugs with their children,¹⁷³ which is exactly what students want.¹⁷⁴ Further, the current generation of parents of elementary or middle schoolers is less likely to view drugs or specialized, harm reduction drug education as inherently bad.¹⁷⁵ Similarly, students—particularly students of color—have been shown to exert effective political pressure on their parents.¹⁷⁶ And when students advocate for better drug education to their parents, their parents will in turn advocate for better drug education to the school.

¹⁷¹ See Brown et al., *supra* note 136 and accompanying text.

¹⁷² See discussion *supra* notes 46-68; *On 50th Anniversary of "War on Drugs," Poll Shows Majority of Voters Support Ending Criminal Penalties for Drug Possession, Think Drug War Is a Failure*, ACLU (June 9, 2021, 9:30 AM), <https://www.aclu.org/press-releases/50th-anniversary-war-drugs-poll-shows-majority-voters-support-ending-criminal> [<https://perma.cc/K6AL-YJBU>].

¹⁷³ See, e.g., *Why You Should Talk with Your Child About Alcohol and Other Drugs*, SAMHSA SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., <https://www.samhsa.gov/talk-they-hear-you/parent-resources/why-you-should-talk-your-child> [<https://perma.cc/PL36-Y5YH>] (last visited Sept. 4, 2024).

¹⁷⁴ See Brown et al., *supra* note 136 and accompanying text.

¹⁷⁵ PEW RSCH. CTR., *AMERICA'S NEW DRUG POLICY LANDSCAPE 6* (2014), <https://www.pewresearch.org/wp-content/uploads/sites/4/legacy-pdf/04-02-14-Drug-Policy-Release.pdf> [<https://perma.cc/4NPS-AH53>] (reporting "60% of young people [surveyed in 2014] say the problem of drug abuse in their neighborhoods is either a minor problem or not a problem, the lowest percentage of any age group").

¹⁷⁶ See SANDRA DAY O'CONNOR INST. FOR AM. DEMOCRACY, *NEW EVIDENCE ON TRICKLE-DOWN AND TRICKLE-UP INFLUENCES IN CIVIC EDUCATION AND ENGAGEMENT 9* (2023), <https://oconnorinstitute.org/wp-content/uploads/PolicyBrief9.12.2023OConnorInstitute.pdf> [<https://perma.cc/U93R-DLBT>] (discussing "trickle-up" political influence, where children's civic engagement correlates to parents' civic engagement).

Parental advocacy is key. Parents already rank social and emotional skills as a high priority for their children's education,¹⁷⁷ so, with some pressure from their children, better drug education can become a priority as well. Just like students, parents are experiencing a unique opportunity to influence school decisions. Many teachers support parents having a say in the curriculum.¹⁷⁸ Recent years have seen an increase in the belief that "parents' rights" means more control over the curriculum¹⁷⁹ and parental participation in school board meetings.¹⁸⁰ Sadly, the parents' rights movement and increased interest in school boards has been centered on racist, homophobic, and transphobic ideologies and policies.¹⁸¹ However, it has shown that parents (even just a vocal minority) can have significant influence over school boards and school policy. If this influence were instead used to advocate for specialized drug education, school boards that listened and adopted such programs would in turn greatly influence other schools and even the federal government.¹⁸²

3. Downward Pressure via Federal Funding

As local schools adopt specialized drug education, the federal government may be incentivized to make policy changes reflecting and promoting such trends. This would be in line with the federal government's history of adopting or funding promising state programs for national implementation. Historically,

¹⁷⁷ PEW RSCH. CTR., PARENTS DIFFER SHARPLY BY PARTY OVER WHAT THEIR K-12 CHILDREN SHOULD LEARN IN SCHOOL 8 (2022), https://www.pewresearch.org/wp-content/uploads/sites/20/2022/10/ST_2022.10.26_Parents-K-12_REPORT.pdf [<https://perma.cc/6LDN-96RV>] ("About two-thirds of parents say it is extremely or very important to them that their children's school teaches them to develop social and emotional skills.").

¹⁷⁸ See *US Parents Look to Have More Influence over School Curriculums*, VOA LEARNING ENG. (Mar. 1, 2022), <https://learningenglish.voanews.com/a/us-parents-look-to-have-more-influence-over-school-curriculums/6463548.html> [<https://perma.cc/S32H-NKYS>].

¹⁷⁹ Kristine L. Bowman, *The New Parents' Rights Movement, Education, and Equality*, 91 U. CHI. L. REV. 399, 400 (2024).

¹⁸⁰ Nicole Carr & Lucas Waldron, *How School Board Meetings Became Flashpoints for Anger and Chaos Across the Country*, PROPUBLICA (July 19, 2023), <https://projects.propublica.org/school-board-meetings-flashpoints-for-anger-chaos/> [<https://perma.cc/NUV4-JHVP>].

¹⁸¹ See, e.g., Theresa Waldrop, *School Boards Around the Country Are Under Fire. What Exactly Do They Do?*, CNN (Oct. 24, 2021, 11:02 AM), <https://www.cnn.com/2021/10/24/us/school-boards-explainer/index.html> [<https://perma.cc/E7NP-MSZB>] (describing acrimonious protests at school board meetings against mask mandate policies and critical race theory instruction, leading to mass exodus of longtime educators and administrators).

¹⁸² Sarah Diem, Erica Frankenberg & Colleen Cleary, *Factors that Influence School Board Policy Making: The Political Context of Student Diversity in Urban-Suburban Districts*, 51 EDUC. ADMIN. Q. 712, 713-14 (2015) ("[S]chool boards have an enormous impact on public education, shaping policies that have consequences for local school districts and communities.").

when the federal government has wanted a particular pedagogy, funding schemes were the way to achieve it. To increase bilingual education programs and educators, the federal government increased the availability of grants under the Bilingual Education Act.¹⁸³ The pervasive use of abstinence-only sex education is similarly linked to federal funding.¹⁸⁴ More recently, the Race to the Top Initiative launched by the Obama Administration in 2009 pledged nearly four billion dollars in competitive federal funds, prompting forty-six states and the District of Columbia to submit their own education reform plans “in hopes of winning” the extra money.¹⁸⁵ The Department of Education made it clear that the likelihood of winning funding would increase if states adopted the Common Core (an initiative to standardize what K-12 students should learn in English and math) in their plans.¹⁸⁶ The Common Core itself initially emerged from growing calls to establish national education standards and was adopted state by state, beginning with Kentucky.¹⁸⁷ While drug education reform is not and should not be completely parallel—DARE has shown the dangers of standardized drug education and the Common Core itself is widely considered unsuccessful¹⁸⁸—history has demonstrated that, where there is will to shift pedagogy, the federal government can use its funding power to accelerate that shift. Likewise, federal funding plays a large role in both setting teacher qualifications and enabling teachers to meet those qualifications.¹⁸⁹

¹⁸³ See Hannah Feldman, Note, *Education Federalism in Action: English Learner Education Policy*, 109 CALIF. L. REV. 2465, 2482-84 (2021) (citing Rachel Moran, *The Politics of Discretion: Federal Intervention in Bilingual Education*, 76 CALIF. L. REV. 1249, 1276 (1988)).

¹⁸⁴ See generally Rachel Rubenstein, *Sex Education: Funding Facts, Not Fear*, 27 HEALTH MATRIX 525 (2017).

¹⁸⁵ See Claudio Sanchez & Cory Turner, *Obama's Impact on America's Schools*, NPR (Jan. 13, 2017, 6:38 AM), <https://www.npr.org/sections/ed/2017/01/13/500421608/obamas-impact-on-americas-schools> [<https://perma.cc/2HRZ-GLUT>].

¹⁸⁶ *Id.*; Derek W. Black, *Abandoning the Federal Role in Education: The Every Student Succeeds Act*, 105 CALIF. L. REV. 1309, 1329 (2017).

¹⁸⁷ Black, *supra* note 186, at 1329; Jessica Poiner, *Common Core: A Look at How Kentucky Made It Work*, THOMAS FORDHAM INST. (Mar. 9, 2015), <https://fordhaminstitute.org/ohio/commentary/common-core-look-how-kentucky-made-it-work> [<https://perma.cc/NHK4-NXT8>].

¹⁸⁸ See, e.g., TOM LOVELESS, BETWEEN THE STATE AND THE SCHOOLHOUSE: UNDERSTANDING THE FAILURE OF COMMON CORE 2 (2021) (“A decade later, scant evidence exists that Common Core produced any significant benefits.”).

¹⁸⁹ See, e.g., Julia E. Koppich, *The Federal Role in Teacher Professional Development*, 2000 BROOKINGS PAPERS ON EDUC. POL’Y 265, 270.

[Federal] funds . . . were a key resource in promoting teacher participation at state and local math and science professional meetings. For many teachers, especially at the elementary level, [federally] funded meeting attendance was the first, and perhaps the only, opportunity to participate in sessions focused on mathematics and science education. *Id.*

Much like other national curricula, DARE's rise and fall was tied to its federal funding.¹⁹⁰ New, better drug education programs can live or die by federal funding incentives. But even with the modern SSAEG, which apportions funds for "drug and violence prevention activities and programs that are evidence-based . . . including . . . professional development and training for school and specialized instructional support personnel,"¹⁹¹ police officers and their antidrug rhetoric permeate schools. However, under pressure from students, parents, and schools advocating for specialized instructors to replace police officers as teachers of drug education programs, the federal government can be incentivized to implement a new grant apportionment scheme. This Note proposes the federal grant be modified to allow funding for:

Drug and drug harm prevention activities that are evidence-based, including specialized drug education programs led by qualified educators, and the establishment of post-secondary education programs dedicated to the training of such qualified educators in the areas of mental health, substance abuse, and cultural competency.

The statute should define a "qualified educator" as:

One possessing the minimum requirements for employment as a teacher in the state in which the program is implemented with appropriate experience, as set by the state educational agency, in mental health education, substance abuse education, and cultural competency.

These requirements would mean drug educators (or "specialized support personnel") would typically have a master's or bachelor's degree and have been supervised in a teaching capacity,¹⁹² while not shifting the onus of drug education onto regular classroom teachers. Specialized educators, particularly those with master's degrees in mental health fields, would be more likely to have cultural competency training and could better implement culturally relevant teaching.¹⁹³ The revised statute would also provide funding for cultural

¹⁹⁰ See discussion *supra* Section I.A.

¹⁹¹ 20 U.S.C. § 7118(5).

¹⁹² See NAT'L CTR. FOR EDUC. STAT., CHARACTERISTICS OF PUBLIC SCHOOL TEACHERS 3 (2023), https://nces.ed.gov/programs/coe/pdf/2023/clr_508.pdf [<https://perma.cc/EN85-X7YF>] (reporting 38% of public-school teachers held bachelor's degree and 51% held master's degree as highest degree earned); Melissa Sartore & Nalea J. Ko, *Teaching Requirements by State*, BEST SCHS. (May 16, 2024), <https://thebestschools.org/resources/teaching-requirements-by-state/> [<https://perma.cc/NW4T-PWN5>] (providing each state's teaching qualification requirements).

¹⁹³ There is a growing push for teachers to receive cultural competency training, resulting in the availability of national training programs. See, e.g., Suha Hamdan & Roland Sintos Coloma, *Assessing Teachers' Cultural Competency*, 35 J. EDUC. FOUNDS. 108, 109-10 (2022) (citing cultural competency's critical role in learning and correlation to more effective teaching as motivating factors behind ardent calls for enhancement of educators' cultural competency); *Cultural Competence*, NAT'L EDUC. ASS'N, <https://www.nea.org/professional->

competency training. By primarily serving an instructional—rather than law enforcement—function, drug educators would be better suited to address student needs and foster the truthful conversation called for by harm reduction models. By modifying federal grants to explicitly allow for harm reduction models taught by specialized educators, the federal government can encourage and incentivize states to adopt drug education that follows the pedagogy laid out earlier.¹⁹⁴ Of course, the federal government could go further and explicitly mandate some percentage of SSAEG funds go toward specialized drug education programs. However, while the United States is in a period of testing newer education programs, it seems better to allow local experimentation, rather than risk mandating the hasty adoption of programs that ultimately might not work.¹⁹⁵ Early changes to drug education funding can instead follow the general policy of granting states some discretion.¹⁹⁶

CONCLUSION

Drug education in America has been flawed. The DARE program of the 1990s and early 2000s was ineffective and failed to change direction until it lost funding. The new DARE still carries many of its predecessor's flaws. It insists on using police officers, who are known to disproportionately harm children of color; it relies on untested interventions already facing critique from the scientific community; and it uses antidrug messaging that prevents honest learning and ignores student wants. The new DARE also threatens to reduce children to stereotypical representations of their culture. Before this new DARE spreads, we must consider other methods of drug education.

Better alternatives are available. Culturally responsive drug education programs can go beyond just tying culture to lesson plans and can ensure students develop a deeper understanding of themselves, build confidence, and appreciate the complex decisions behind drug use. Harm reduction models have been shown to be successful and can teach students more than “Just Say No.” And states should begin implementing these changes now, before DARE takes

excellence/professional-learning/resources/cultural-competence [https://perma.cc/5SMQ-JESD] (last visited Sept. 4, 2024) (providing “Cultural Competence Training Program” to education professionals). Mental health service providers also receive cultural competence training. *See, e.g.*, Wendy Chu, Guillermo Wippold & Kimberly D. Becker, *A Systematic Review of Cultural Competence Trainings for Mental Health Providers*, 53 *PRO. PSYCH.: RSCH. & PRAC.* 362, 362-63 (2022) (“Cultural competence is a core value of professional psychology that is represented in the practice guidelines and mandates of its governing organizations.”).

¹⁹⁴ *See Federal Spending Decisions Affect State Budgets*, PEW (Sept. 21, 2015), <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/09/federal-spending-decisions-affect-state-budgets> [https://perma.cc/89V9-ZX5G] (noting state budgets are directly affected by changes in federal grants); Susan Welch & Kay Thompson, *The Impact of Federal Incentives on State Policy Innovation*, 24 *AM. J. POL. SCI.* 715, 723 (1980) (finding federal incentives “greatly speed the rate of policy diffusion through the states”).

¹⁹⁵ *See* discussion *supra* Part II.

¹⁹⁶ *See generally* Black, *supra* note 186.

off again. These changes can emerge from a chain of advocacy starting and ending with students. Students can advocate to parents, parents to schools, and schools to the state and federal governments, that these better methods should be adopted. In response, the federal government can further incentivize specialized drug education via funding. This positive feedback loop allows communities the funds and freedom needed to make drug education programs exactly that: educational.