

103^D CONGRESS
2^D SESSION

H. R. 6

AMENDMENT

In the Senate of the United States,

August 2 (legislative day, July 20), 1994.

Resolved, That the bill from the House of Representatives (H.R. 6) entitled “An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Improving America’s*
3 *Schools Act of 1994”.*

4 ***SEC. 2. ORGANIZATION OF THE ACT.***

5 *This Act is organized into the following titles:*

*TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965*

*TITLE II—AMENDMENTS TO THE GENERAL EDUCATION
PROVISIONS ACT*

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—MISCELLANEOUS

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

TITLE VI—MULTIETHNIC PLACEMENT

*TITLE VII—ALBERT EINSTEIN DISTINGUISHED EDUCATOR
FELLOWSHIP ACT*

TITLE VIII—1994 INSTITUTIONS

1 ***SEC. 3. EFFECTIVE DATES; TRANSITION.***

2 (a) *EFFECTIVE DATES.*—

3 (1) *TITLE I.*—*The amendment made by title I of*
4 *this Act shall take effect July 1, 1995, except that*
5 *those provisions of title I that apply to programs*
6 *under part A of title IX of the Elementary and Sec-*
7 *ondary Education Act of 1965, as amended by this*
8 *Act, and to programs under such Act that are con-*
9 *ducted on a competitive basis, shall be effective with*
10 *respect to appropriations for use under such pro-*
11 *grams for fiscal year 1995 and for subsequent fiscal*
12 *years.*

13 (2) *TITLE II.*—*Title II of this Act and the*
14 *amendments made by title II of this Act shall take ef-*
15 *fect on the date of enactment of this Act, except that*
16 *section 250 of such title shall be effective—*

1 (A) *July 1, 1995 for noncompetitive pro-*
2 *grams in which funds are allocated on the basis*
3 *of a formula; and*

4 (B) *for programs that are conducted on a*
5 *competitive basis, with respect to appropriations*
6 *for use under such programs in fiscal year 1995*
7 *and in subsequent fiscal years.*

8 (3) *TITLE III.—(A) Parts A and B of title III*
9 *of this Act and the amendments made by such parts*
10 *shall take effect on July 1, 1995.*

11 (B) *Part C of title III of this Act and the*
12 *amendments made by such part shall take effect on*
13 *October 1, 1994.*

14 (b) *TRANSITION.—Notwithstanding any other provi-*
15 *sion of law, a recipient of funds under the Elementary and*
16 *Secondary Education Act of 1965, as such Act was in effect*
17 *on the day preceding the date of enactment of this Act, may*
18 *use funds available to such recipient under such predecessor*
19 *authority to carry out necessary and reasonable planning*
20 *and transition activities in order to ensure a smooth imple-*
21 *mentation of programs authorized by this Act.*

1 ***TITLE I—AMENDMENTS TO THE***
 2 ***ELEMENTARY AND SECOND-***
 3 ***ARY EDUCATION ACT OF 1965***

4 ***SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SEC-***
 5 ***ONDARY EDUCATION ACT OF 1965.***

6 *The Elementary and Secondary Education Act of 1965*
 7 *(20 U.S.C. 2701 et seq.) is amended to read as follows:*

8 ***“SECTION 1. SHORT TITLE.***

9 *“This Act may be cited as the ‘Elementary and Sec-*
 10 *ondary Education Act of 1965’.*

11 ***“SEC. 2. TABLE OF CONTENTS.***

12 *“The table of contents for this Act is as follows:*

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

“Sec. 1001. Declaration of policy and statement of purpose.

“Sec. 1002. Authorization of appropriations.

“PART A—MAKING HIGH-POVERTY SCHOOLS WORK

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

“Sec. 1114. Schoolwide programs.

“Sec. 1115. Targeted assistance schools.

“Sec. 1116. Parental involvement.

“Sec. 1117. Participation of children enrolled in private schools.

“Sec. 1118. Assessment and local educational agency and school improvement.

“Sec. 1119. State assistance for schools support and improvement.

“Sec. 1120. Fiscal requirements.

“SUBPART 2—ALLOCATIONS

“Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.

“Sec. 1122. Allocations to States.

“Sec. 1123. Grants to States.

“Sec. 1124. Within State allocations.

“PART B—TRANSITION TO SUCCESS

- “Sec. 1201. Transition to success.*
- “Sec. 1202. Coordination requirements.*
- “Sec. 1203. Definitions.*

“PART C—EVEN START FAMILY LITERACY PROGRAMS

- “Sec. 1301. Statement of purpose.*
- “Sec. 1302. Program authorized.*
- “Sec. 1303. State programs.*
- “Sec. 1304. Uses of funds.*
- “Sec. 1305. Program elements.*
- “Sec. 1306. Eligible participants.*
- “Sec. 1307. Applications.*
- “Sec. 1308. Award of subgrants.*
- “Sec. 1309. Evaluation.*
- “Sec. 1310. Construction.*

“PART D—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1401. Program purpose.*
- “Sec. 1402. Program authorized.*
- “Sec. 1403. State allocations.*
- “Sec. 1404. State applications; services.*
- “Sec. 1405. Secretarial approval; peer review.*
- “Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.*
- “Sec. 1407. Bypass.*
- “Sec. 1408. Coordination of migrant education activities.*

“PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

- “Sec. 1501. Purpose; program authorized.*
- “Sec. 1502. Eligibility.*
- “Sec. 1503. Allocation of funds.*
- “Sec. 1504. State reallocation of funds.*
- “Sec. 1505. State plan and State agency applications.*
- “Sec. 1506. Use of funds.*
- “Sec. 1507. Institution-wide projects.*
- “Sec. 1508. Three-year projects.*
- “Sec. 1509. Program evaluations.*
- “Sec. 1510. Transition services.*
- “Sec. 1511. Definitions.*

“PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

- “Sec. 1601. Evaluations.*
- “Sec. 1602. Demonstrations of innovative practices.*

“PART G—GENERAL PROVISIONS

- “Sec. 1701. Federal regulations.*
- “Sec. 1702. State administration.*
- “Sec. 1703. Construction.*
- “Sec. 1704. Reservation of funds for territories.*

“PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM

- “Sec. 1801. Findings and purposes.*
- “Sec. 1802. Definitions.*
- “Sec. 1803. Program authorized.*
- “Sec. 1804. Applications.*
- “Sec. 1805. Selection of grantees.*
- “Sec. 1806. Study commissioned.*
- “Sec. 1807. Construction.*

“TITLE II—IMPROVING TEACHING AND LEARNING

“PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

- “Sec. 2101. Findings.*
- “Sec. 2102. Purposes.*
- “Sec. 2103. Authorization of appropriations; allocation between subparts.*

“SUBPART 1—FEDERAL ACTIVITIES

- “Sec. 2111. Program authorized.*
- “Sec. 2112. Authorized activities.*
- “Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.*
- “Sec. 2114. National Teacher Training Project.*

“SUBPART 2—STATE AND LOCAL ACTIVITIES

- “Sec. 2121. Program authorized.*
- “Sec. 2122. Allocation of funds.*
- “Sec. 2123. Within-State allocations.*
- “Sec. 2124. Priority for professional development in mathematics and science.*
- “Sec. 2125. State applications.*
- “Sec. 2126. State level activities.*
- “Sec. 2127. Local educational agency applications.*
- “Sec. 2128. Local cost-sharing.*
- “Sec. 2129. Local allocation of funds and allowable activities.*
- “Sec. 2130. Higher education activities.*
- “Sec. 2131. Consortium requirement.*

“SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

- “Sec. 2141. Findings and purpose.*
- “Sec. 2142. Demonstration program authorized.*
- “Sec. 2143. Grants.*
- “Sec. 2144. Plan.*
- “Sec. 2145. Technical assistance.*
- “Sec. 2146. Matching funds.*

“SUBPART 4—GENERAL PROVISIONS

- “Sec. 2151. Reporting and accountability.*
- “Sec. 2152. Definitions.*

“PART B—NATIONAL WRITING PROJECT

- “Sec. 2201. Short title.*
- “Sec. 2202. Findings.*
- “Sec. 2203. National Writing Project.*

*"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS**"SUBPART 1—COMPREHENSIVE REGIONAL CENTERS*

- "Sec. 2301. Findings.*
- "Sec. 2302. Purpose.*
- "Sec. 2303. Program authorized.*
- "Sec. 2304. Eligible entities.*
- "Sec. 2305. Comprehensive regional centers.*
- "Sec. 2306. Information collection and evaluation.*
- "Sec. 2307. Transition.*
- "Sec. 2308. Authorization of appropriations.*

"SUBPART 2—NATIONAL DIFFUSION NETWORK

- "Sec. 2311. Program authorized.*
- "Sec. 2312. Authorization of appropriations.*

*"SUBPART 3—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION
CONSORTIUMS*

- "Sec. 2321. Program established.*
- "Sec. 2322. Use of funds.*
- "Sec. 2323. Application and review.*
- "Sec. 2324. Regional boards.*
- "Sec. 2325. Payments; Federal share; non-Federal share.*
- "Sec. 2326. Evaluation.*
- "Sec. 2327. Definitions.*
- "Sec. 2328. Authorization of appropriations.*

"PART D—TERRITORIAL TEACHER TRAINING PROGRAM

- "Sec. 2401. Territorial teacher training program.*

*"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR
MATHEMATICS*

- "Sec. 2501. Project authorized.*
- "Sec. 2502. Application required.*
- "Sec. 2503. Authorization of appropriations.*

"TITLE III—TECHNOLOGY FOR EDUCATION

- "Sec. 3001. Short title.*

"PART A—TECHNOLOGY FOR EDUCATION FOR ALL STUDENTS

- "Sec. 3111. Findings.*
- "Sec. 3112. Statement of purpose.*
- "Sec. 3113. Definitions.*

"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION

- "Sec. 3121. Purposes.*
- "Sec. 3122. Federal leadership.*
- "Sec. 3123. Regional technical support and professional development.*
- "Sec. 3124. Educational technology product development.*
- "Sec. 3125. Research on educational applications of advanced technologies.*
- "Sec. 3126. High performance computing and telecommunications networks for
education.*

“Sec. 3127. Study, evaluation and report of funding alternatives.

*“SUBPART 2—STATE AND LOCAL PROGRAMS FOR SCHOOL TECHNOLOGY
RESOURCES, TECHNICAL SUPPORT, AND PROFESSIONAL DEVELOPMENT*

“Sec. 3131. Statement of purpose.

“Sec. 3132. School technology resource grants.

“SUBPART 3—SPECIAL RULE APPLICABLE TO APPROPRIATIONS

“Sec. 3141. Special rule.

“PART B—STAR SCHOOLS PROGRAM

“Sec. 3201. Short title.

“Sec. 3202. Purpose.

“Sec. 3203. Grants authorized.

“Sec. 3204. Eligible telecommunications partnerships.

“Sec. 3205. Applications.

“Sec. 3206. Leadership and evaluation activities.

“Sec. 3207. Administrative provisions.

“Sec. 3208. Other assistance.

“Sec. 3209. Definitions.

“PART C—READY-TO-LEARN TELEVISION

“Sec. 3301. Ready-to-learn.

“Sec. 3302. Educational programming.

“Sec. 3303. Duties of Secretary.

“Sec. 3304. Applications.

“Sec. 3305. Reports and evaluation.

“Sec. 3306. Administrative costs.

“Sec. 3307. Definition.

“Sec. 3308. Authorization of appropriations.

“PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

“Sec. 3401. Short title.

“Sec. 3402. Statement of purpose.

“Sec. 3403. Program authorized.

“Sec. 3404. Allotments of funds.

“Sec. 3405. State application.

“Sec. 3406. Local application.

“Sec. 3407. Program requirements.

“Sec. 3408. Federal administration.

“Sec. 3409. Authorization of appropriations.

*“PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA
RESOURCES PROGRAM*

“Sec. 3501. Program authorized.

“Sec. 3502. Funding requirements.

“Sec. 3503. State plans.

“Sec. 3504. Distribution of allocation to local educational agencies.

“PART F—BUDDY SYSTEM COMPUTER EDUCATION

“Sec. 3601. Short title.

“Sec. 3602. Purpose.

- "Sec. 3603. Grant authorization.*
- "Sec. 3604. Program requirements.*
- "Sec. 3605. Applications.*
- "Sec. 3606. Use of funds.*
- "Sec. 3607. Evaluation.*
- "Sec. 3608. Authorization of appropriations.*

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

- "Sec. 4101. Findings.*
- "Sec. 4102. Statement of purpose.*
- "Sec. 4103. Program authorized.*
- "Sec. 4104. Definition.*
- "Sec. 4105. Eligibility.*
- "Sec. 4106. Applications and requirements.*
- "Sec. 4107. Priority.*
- "Sec. 4108. Use of funds.*
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- "Sec. 4110. Limitation on payments.*
- "Sec. 4111. Innovative programs.*
- "Sec. 4112. Authorization of appropriations; reservation.*

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

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- "Sec. 5102. Purpose.*
- "Sec. 5103. Authorization of appropriations.*

"SUBPART 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

- "Sec. 5111. Reservations and allotments.*
- "Sec. 5112. State applications.*
- "Sec. 5113. State and local educational agency programs.*
- "Sec. 5114. Governor's programs.*
- "Sec. 5115. Local applications.*
- "Sec. 5116. Local drug and violence prevention programs.*
- "Sec. 5117. Evaluation and reporting.*
- "Sec. 5118. Programs for Hawaiian Natives.*

"SUBPART 2—NATIONAL PROGRAMS

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- "Sec. 5122. Grants to institutions of higher education.*

"SUBPART 3—GENERAL PROVISIONS

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- "Sec. 5132. Materials.*
- "Sec. 5133. Prohibited uses of funds.*

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

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- "Sec. 5202. Purpose.*
- "Sec. 5203. Grants to local educational agencies.*
- "Sec. 5204. Application.*
- "Sec. 5205. Authorized activities.*

- "Sec. 5206. Distribution of assistance; limitation on costs.*
- "Sec. 5207. Reports.*
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"TITLE VI—INDIAN EDUCATION

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- "Sec. 6002. Purpose.*

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- "Sec. 6101. Purpose.*
- "Sec. 6102. Grants to local educational agencies.*
- "Sec. 6103. Amount of grants.*
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"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

- "Sec. 6201. Improvement of educational opportunities for Indian children.*
- "Sec. 6202. Professional development.*
- "Sec. 6203. Fellowships for Indian students.*
- "Sec. 6204. Gifted and talented.*
- "Sec. 6205. Grants for evaluation and technical assistance.*
- "Sec. 6206. Grants to tribes for education administrative planning and development.*

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

- "Sec. 6301. Improvement of educational opportunities for adult Indians.*

"PART D—NATIONAL RESEARCH ACTIVITIES

- "Sec. 6401. National activities.*

"PART E—FEDERAL ADMINISTRATION

- "Sec. 6501. National advisory council on Indian education.*
- "Sec. 6502. Peer review.*
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"PART E—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

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"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

- "Sec. 7101. Short title.*
- "Sec. 7102. Findings.*
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“Sec. 7104. Definitions.

“Sec. 7105. Native American and Alaska Native children in school.

“SUBPART 1—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

“Sec. 7111. Financial assistance for bilingual education.

“SUBPART 2—RESEARCH AND EVALUATION

“Sec. 7121. Authority.

“Sec. 7122. Research.

“Sec. 7123. Academic excellence awards.

“Sec. 7124. State grant program.

“Sec. 7125. National Clearinghouse for Bilingual Education.

“Sec. 7126. Evaluations.

“SUBPART 3—PROFESSIONAL DEVELOPMENT

“Sec. 7131. Purpose.

“Sec. 7132. Professional development grants.

“Sec. 7133. Fellowships.

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“PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

“Sec. 7201. Short title.

“Sec. 7202. Findings.

“Sec. 7203. Program authorized.

“Sec. 7204. Applications.

“Sec. 7205. Elementary school foreign language incentive program.

“Sec. 7206. Authorization of appropriations.

“PART C—ADMINISTRATION

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“Sec. 7302. Report on bilingual education.

“Sec. 7303. State educational agency recommendations; peer review.

“PART D—SPECIAL RULE

“Sec. 7401. Special rule.

“TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

“PART A—ARTS IN EDUCATION

“Sec. 8101. Support for arts education.

“PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

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“PART C—PUBLIC CHARTER SCHOOLS

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“Sec. 8202. Program authorized.

“Sec. 8203. Applications.

“Sec. 8204. Administration.

“Sec. 8205. National activities.

“Sec. 8206. Definitions.

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“PART D—CIVIC EDUCATION

“Sec. 8251. Instruction on the history and principles of democracy in the United States.

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“PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

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“SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

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“SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

“Sec. 8321. Establishment.

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“SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

“Sec. 8331. Establishment.

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“SUBPART 4—GENERAL PROVISIONS

“Sec. 8341. Administrative provisions.

“Sec. 8342. Authorization of appropriations.

“PART F—GIFTED AND TALENTED CHILDREN

“Sec. 8401. Short title.

“Sec. 8402. Findings and purposes.

“Sec. 8403. Construction.

“Sec. 8404. Authorized programs.

“Sec. 8405. Program priorities.

“Sec. 8406. General provisions.

“Sec. 8407. Authorization of appropriations.

“PART G—WOMEN’S EDUCATIONAL EQUITY

“Sec. 8451. Short title; findings.

“Sec. 8452. Statement of purposes.

“Sec. 8453. Program authorized.

“Sec. 8454. Applications.

“Sec. 8455. Criteria and priorities.

“Sec. 8456. Report.

“Sec. 8457. Evaluation and dissemination.

“Sec. 8458. Authorization of appropriations.

“PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

“Sec. 8501. Fund for the Improvement of Education.

“PART I—BLUE RIBBON SCHOOLS

“Sec. 8551. Blue Ribbon Schools program.

“PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

“Sec. 8601. National student and parent mock election.

“PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

- “Sec. 8651. Short title.*
- “Sec. 8652. Findings and purpose.*
- “Sec. 8653. Authorization of appropriations.*
- “Sec. 8654. Program authority.*
- “Sec. 8655. Applications.*
- “Sec. 8656. Use of funds.*
- “Sec. 8657. Definitions.*

“PART L—21ST CENTURY COMMUNITY LEARNING CENTERS

- “Sec. 8701. Short title.*
- “Sec. 8702. Findings.*
- “Sec. 8703. Program authorization.*
- “Sec. 8704. Application required.*
- “Sec. 8705. Uses of funds.*
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“PART M—MODEL PROJECTS

“Sec. 8751. Model projects.

“PART N—EXTENDING TIME FOR LEARNING

- “Sec. 8801. Findings.*
- “Sec. 8802. Purpose.*
- “Sec. 8803. Program authorized.*
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- “Sec. 8805. Authorized activities.*
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“PART O—LONGER SCHOOL YEAR

- “Sec. 8851. Short title.*
- “Sec. 8852. Findings.*
- “Sec. 8853. Purpose.*
- “Sec. 8854. Program authorized.*
- “Sec. 8855. Application.*
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“PART P—CREATING SMALLER LEARNING COMMUNITIES

- “Sec. 8871. Findings.*
- “Sec. 8872. Purpose.*
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- “Sec. 8875. Authorized activities.*

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"PART Q—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT

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- "Sec. 8902. State educational agency applications.*
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- "Sec. 8922. Findings.*
- "Sec. 8923. Purpose.*
- "Sec. 8924. Alaska Native educational planning, curriculum development, teacher training and recruitment program.*
- "Sec. 8925. Alaska Native home based education for preschool children.*
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"PART S—PROMOTING SCHOLAR-ATHLETE COMPETITIONS

- "Sec. 8931. Findings.*
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"PART T—COMMUNITY SCHOOL PARTNERSHIPS

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- "Sec. 8942. Findings.*
- "Sec. 8943. Definitions.*
- "Sec. 8944. Purpose; endowment grant authority.*
- "Sec. 8945. Grant agreement and requirements.*
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- "Sec. 9005. Application for payments under sections 9002 and 9003.*
- "Sec. 9006. Payments for sudden and substantial increases in attendance of military dependents.*
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- "Sec. 9008. Facilities.*
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"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

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- "Sec. 9202. State administrative costs.*
- "Sec. 9203. Withholding.*
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- "Sec. 9206. Administrative provisions.*
- "Sec. 9207. Uses of funds.*
- "Sec. 9208. Reports.*
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- "Sec. 9210. Communications between federally funded government agencies and the Immigration and Naturalization Service.*

"PART C—NATIVE HAWAIIAN EDUCATION

- "Sec. 9301. Short title.*
- "Sec. 9302. Findings.*
- "Sec. 9303. Purpose.*
- "Sec. 9304. Native Hawaiian curriculum development, teacher training and recruitment program.*
- "Sec. 9305. Native Hawaiian community-based education learning centers.*
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- "Sec. 9307. Native Hawaiian higher education program.*
- "Sec. 9308. Native Hawaiian gifted and talented program.*
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- “Sec. 13401. Authorization of appropriations.*

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- “Sec. 14001. Short title.*
- “Sec. 14002. Findings; purpose; definitions.*
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- “Sec. 14004. Duties of the Center.*
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- “Sec. 14006. Reports.*
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- “Sec. 14010. Cooperative education statistics systems.*
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“TITLE XV—EDUCATION INFRASTRUCTURE

- “Sec. 15001. Short title.*
- “Sec. 15002. Findings.*
- “Sec. 15003. Purpose.*
- “Sec. 15004. Definitions.*
- “Sec. 15005. Improvement of public elementary and secondary education facilities program authorized.*
- “Sec. 15006. Applications.*
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- “Sec. 15008. Authorized activities.*
- “Sec. 15009. Requirements.*
- “Sec. 15010. Fair wages.*
- “Sec. 15011. Federal assessment.*

“TITLE XVI—URBAN AND RURAL EDUCATION

- “Sec. 16001. Definitions.*

*“PART A—URBAN SCHOOLS**“Sec. 16101. Short title.**“Sec. 16102. Findings.**“Sec. 16103. Purpose.**“SUBPART 1—URBAN SCHOOL IMPROVEMENT**“Sec. 16121. Allocation of funds.**“Sec. 16122. Application.**“Sec. 16123. Planning period.**“Sec. 16124. Uses of funds.**“Sec. 16125. Accountability.**“Sec. 16126. Incentive awards to exemplary programs.**“Sec. 16127. Special rules.**“SUBPART 2—GENERAL PROVISIONS**“Sec. 16131. White House Conference on Urban Education.**“PART B—RURAL SCHOOLS**“Sec. 16201. Short title.**“Sec. 16202. Findings.**“Sec. 16203. Purpose.**“SUBPART 1—RURAL SCHOOL IMPROVEMENT**“Sec. 16221. Allotment of funds.**“Sec. 16222. Application.**“Sec. 16223. Planning period.**“Sec. 16224. Uses of funds.**“Sec. 16225. Accountability.**“Sec. 16226. Incentive awards to exemplary programs.**“SUBPART 2—GENERAL PROVISIONS**“Sec. 16231. White House Conference on Rural Education.**“PART C—AUTHORIZATION OF APPROPRIATIONS**“Sec. 16301. Authorization of appropriations.**“TITLE XVII—GUN-FREE SCHOOLS**“Sec. 17001. Gun-free requirements.*

1 **“TITLE I—HELPING CHILDREN**
 2 **IN NEED MEET HIGH STAND-**
 3 **ARDS**

4 **“SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF**
 5 **PURPOSE.**

6 **“(a) STATEMENT OF POLICY.—**

1 “(1) *IN GENERAL.*—The Congress declares it to
2 be the policy of the United States that a high-quality
3 education for all individuals and a fair and equal op-
4 portunity to obtain that education are a societal good,
5 are a moral imperative, and improve the life of every
6 individual, because the quality of our individual lives
7 ultimately depends on the quality of the lives of oth-
8 ers.

9 “(2) *ADDITIONAL POLICY.*—The Congress further
10 declares it to be the policy of the United States to ex-
11 pand the program authorized by this title over the fis-
12 cal years 1995 through 1999 by increasing funding
13 for this title by at least \$750,000,000 over baseline
14 each fiscal year and thereby increasing the percentage
15 of eligible children served in each fiscal year with the
16 intent of serving all eligible children by fiscal year
17 2004.

18 “(b) *RECOGNITION OF NEED.*—The Congress recog-
19 nizes that—

20 “(1) *although the achievement gap between dis-*
21 *advantaged children and other children has been re-*
22 *duced by half over the past two decades, a sizable gap*
23 *remains, and many segments of our society lack the*
24 *opportunity to become well educated;*

1 “(2) the most urgent need for educational im-
2 provement is in schools with high concentrations of
3 children from low-income families and achieving the
4 National Education Goals will not be possible without
5 substantial improvement in such schools;

6 “(3) educational needs are particularly great for
7 low-achieving children in our Nation’s highest-poverty
8 schools, children with limited-English proficiency,
9 children of migrant workers, children with disabili-
10 ties, Indian children, children who are neglected or
11 delinquent, and young children and their parents who
12 are in need of family-literacy services; and

13 “(4) in order for all students to master challeng-
14 ing standards in core academic subjects as described
15 in the third National Education Goal described in
16 section 102(3) of the Goals 2000: Educate America
17 Act, students and schools will need to maximize the
18 time spent on teaching and learning the core aca-
19 demic subjects, and students who receive pullout in-
20 struction at the expense of core academic subject
21 learning time can fall further behind in learning the
22 core academic subjects.

23 “(c) WHAT HAS BEEN LEARNED SINCE 1988.—To en-
24 able schools to provide all children a high-quality education,
25 this title builds upon the following learned information:

1 “(1) All children can master challenging content
2 and complex problem-solving skills. Research clearly
3 shows that children, including low-achieving children,
4 can succeed when expectations are high and all chil-
5 dren are given the opportunity to learn challenging
6 material.

7 “(2) Piecemeal reform, particularly when not
8 tied to an overall vision of teaching to, and helping
9 all children reach, high standards does not work.

10 “(3) Use of low-level tests that are not aligned
11 with schools’ curricula fails to provide adequate infor-
12 mation about what children know and can do and en-
13 courages curricula and instruction that focus on low-
14 level skills measured by those tests.

15 “(4) Resources are effective when children have
16 full access to quality regular school programs and re-
17 ceive supplemental help through extended-time activi-
18 ties.

19 “(5) Intensive and sustained professional devel-
20 opment for teachers and other school staff, focused on
21 teaching and learning and on helping children attain
22 high standards, is too often not provided.

23 “(6) All parents can contribute to their chil-
24 dren’s success by helping at home and becoming part-

1 *ners with teachers so that children can achieve high*
2 *standards.*

3 *“(7) Decentralized decisionmaking is a key in-*
4 *gredient of systemic reform. Schools need the re-*
5 *sources, flexibility, and authority to design and im-*
6 *plement effective strategies for bringing their children*
7 *to high levels of performance.*

8 *“(8) Opportunities for students to achieve to*
9 *high standards can be enhanced through a variety of*
10 *approaches such as public school choice and charter*
11 *schools.*

12 *“(9) Attention to academics alone cannot ensure*
13 *that all children will reach high standards. The health*
14 *and other needs of children that affect learning are*
15 *frequently unmet, particularly in high-poverty*
16 *schools, thereby necessitating coordination of services*
17 *to better meet children’s needs.*

18 *“(10) Resources provided under this title have*
19 *not been adequately targeted on the highest-poverty*
20 *school districts and schools that have children most in*
21 *need.*

22 *“(11) Equitable and sufficient resources, particu-*
23 *larly as such resources relate to the quality of the*
24 *teaching force, have an integral relationship to high*
25 *student achievement.*

1 “(d) *STATEMENT OF PURPOSE.*—*The purpose of this*
2 *title is to enable schools to provide opportunities for chil-*
3 *dren served to acquire the same basic and advanced skills*
4 *and knowledge as children not served under this title. This*
5 *purpose shall be accomplished by—*

6 “(1) *ensuring high standards and aligning the*
7 *efforts of States, local educational agencies, and*
8 *schools to help children served under this title to reach*
9 *such standards;*

10 “(2) *providing children an enriched and acceler-*
11 *ated educational program, including, when appro-*
12 *priate, the use of the arts and humanities, through*
13 *schoolwide programs or through additional services*
14 *that increase the amount and quality of instructional*
15 *time;*

16 “(3) *promoting schoolwide reform and access of*
17 *children, from the earliest grades, to effective instruc-*
18 *tional strategies and challenging academic content*
19 *that support intensive complex thinking and problem-*
20 *solving experiences;*

21 “(4) *significantly upgrading the quality of in-*
22 *struction by providing staff in participating schools*
23 *with substantial opportunities for ongoing profes-*
24 *sional development;*

1 “(5) coordinating services under all parts of this
2 title with each other, with other educational services,
3 and, to the extent feasible, with health and social serv-
4 ice programs funded from other sources;

5 “(6) affording parents meaningful opportunities
6 to participate in the education of their children at
7 home and at school;

8 “(7) distributing resources, in amounts sufficient
9 to make a difference, to areas where needs are great-
10 est;

11 “(8) improving accountability, as well as teach-
12 ing and learning, by using State assessment systems
13 designed to measure how well children served under
14 this title are achieving high State student perform-
15 ance standards expected of all children;

16 “(9) providing greater decisionmaking authority
17 and flexibility to schools in exchange for greater re-
18 sponsibility for student performance; and

19 “(10) encouraging the development of innovative
20 models for recruitment, induction, retention, and as-
21 sessment of new, highly qualified teachers, especially
22 such teachers from historically underrepresented
23 groups.

1 ***“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.***

2 “(a) *LOCAL EDUCATIONAL AGENCY GRANTS.*—For the
3 purpose of carrying out part A of this title, other than sec-
4 tion 1117(e), there are authorized to be appropriated
5 \$7,500,000,000 for fiscal year 1995 and such sums as may
6 be necessary for each of the 4 succeeding fiscal years.

7 “(b) *EVEN START.*—For the purpose of carrying out
8 part C, there are authorized to be appropriated
9 \$120,000,000 for fiscal year 1995 and such sums as may
10 be necessary for each of the 4 succeeding fiscal years.

11 “(c) *EDUCATION OF MIGRATORY CHILDREN.*—For the
12 purpose of carrying out part D, there are authorized to be
13 appropriated \$310,000,000 for fiscal year 1995 and such
14 sums as may be necessary for each of the 4 succeeding fiscal
15 years.

16 “(d) *EDUCATION FOR NEGLECTED OR DELINQUENT*
17 *YOUTH.*—For the purpose of carrying out part E, there are
18 authorized to be appropriated \$40,000,000 for fiscal year
19 1995 and such sums as may be necessary for each of the
20 4 succeeding fiscal years.

21 “(e) *CAPITAL EXPENSES.*—For the purpose of carrying
22 out section 1117(e), there are authorized to be appropriated
23 \$45,000,000 for fiscal year 1995 and such sums as may be
24 necessary for each of the 4 succeeding fiscal years.

25 “(f) *FEDERAL ACTIVITIES.*—

6 “(2) SECTION 1602.—For the purpose of carrying
7 out section 1602, there are authorized to be appro-
8 priated \$20,000,000 for fiscal year 1995 and such
9 sums as may be necessary for each of the 4 succeeding
10 fiscal years.

12 **WORK**

14 ***“SEC. 1111. STATE PLANS.***

“(1) *IN GENERAL.*—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.

25 “(b) *STANDARDS AND ASSESSMENT PROVISIONS.*—

1 “(1) *IN GENERAL.*—(A) *Each State plan shall*
2 *describe—*

3 “(i) *the high-quality academic standards for*
4 *all children that will be used by the State, its*
5 *local educational agencies, and its schools in sub-*
6 *jects, as determined by the State, to carry out*
7 *this part, and for those subjects for which a State*
8 *does not have standards and students are served*
9 *under this part, describe a process for ensuring*
10 *that such students are taught the same knowledge*
11 *and skills and held to the same expectations as*
12 *all children;*

13 “(ii) (I) *two levels of high performance, pro-*
14 *ficient and advanced, that determine how well*
15 *children are mastering the material in the State*
16 *content standards; and*

17 “(II) *a third level, partially proficient, to*
18 *provide complete information about the progress*
19 *of the lower-performing children toward achiev-*
20 *ing to the proficient and advanced levels of per-*
21 *formance; and*

22 “(iii) *the steps the State will take to help*
23 *each local educational agency and school affected*
24 *by the State plan develop the capacity to comply*
25 *with each of the requirements of sections*

1 1112(c)(3), 1114(b), and 1115(c) that is applica-
2 ble to such agency or school.

3 “(B) If a State has State content standards or
4 State student performance standards developed under
5 title III of the Goals 2000: Educate America Act or
6 an aligned set of assessments for all students devel-
7 oped under such title, or if not developed under such
8 title, adopted under another process, the State shall
9 use those standards and assessments, modified, if nec-
10 essary, to conform with the requirements of para-
11 graphs (1)(A)(i), (2), and (3).

12 “(C) If a State has not adopted State content
13 standards and State student performance standards
14 for all students, the State plan shall include a strat-
15 egy for developing State content standards and State
16 student performance standards for elementary and
17 secondary school children served under this part in
18 subjects as determined by the State, including at least
19 mathematics, and reading or language arts, which
20 standards shall include the same knowledge, skills,
21 and levels of performance expected of all children, and
22 for those subjects for which a State will not develop
23 standards and students are served under this part, in-
24 clude a strategy for developing a process for ensuring
25 that such students are taught the same knowledge and

1 *skills and held to the same expectations as all chil-*
2 *dren.*

3 “(2) *ADEQUATE YEARLY PROGRESS.—(A) Each*
4 *State plan shall include a description, based on as-*
5 *sessments described under paragraph (3), of what con-*
6 *stitutes adequate yearly progress of—*

7 “(i) *any school served under this part to-*
8 *ward enabling all children to meet the State’s*
9 *student performance standards; and*

10 “(ii) *any local educational agency that re-*
11 *ceives funds under this part toward enabling all*
12 *children within its jurisdiction to meet the*
13 *State’s student performance standards.*

14 “(B) *Adequate yearly progress under this para-*
15 *graph shall be defined in a manner that results in*
16 *continuous and substantial yearly improvement of*
17 *each local educational agency and school sufficient to*
18 *achieve the goal of all children served under this part*
19 *meeting the State’s proficient and advanced level of*
20 *performance, particularly eligible children described*
21 *in section 1115(b).*

22 “(3) *ASSESSMENTS.—Each State plan shall in-*
23 *clude a description of the set of high-quality, yearly*
24 *student assessments, including at least mathematics,*
25 *and reading or language arts, in one grade in each*

1 *school, that will be used as the primary means of de-*
2 *termining the yearly performance of each local edu-*
3 *cational agency and school served under this part in*
4 *enabling all children served under this part to meet*
5 *the State's student performance standards. Such as-*
6 *sessments shall—*

7 *“(A) be the same assessments used to meas-*
8 *ure the performance of all children, if the State*
9 *measures the performance of all children;*

10 *“(B) be aligned with such State's content*
11 *standards in subjects for which the State has de-*
12 *veloped standards in accordance with subpara-*
13 *graph (A) or (C) of paragraph (1);*

14 *“(C) involve multiple measures of student*
15 *performance, including measures that assess*
16 *higher order thinking skills and understanding;*

17 *“(D) provide for—*

18 *“(i) the participation in such assess-*
19 *ments of all students with diverse learning*
20 *needs; and*

21 *“(ii) the adaptations and accommoda-*
22 *tions necessary to permit such participa-*
23 *tion;*

24 *“(E) be used for the purposes for which they*
25 *are valid and reliable and be consistent with rel-*

1 *evant, nationally recognized professional and*
2 *technical standards for such assessments, except*
3 *that assessment measures that do not satisfy the*
4 *requirements of this subparagraph may be in-*
5 *cluded as one of the multiple measures, so long*
6 *as a State includes in the State plan informa-*
7 *tion regarding the State's efforts to validate such*
8 *measures;*

9 *“(F) be capable of providing coherent infor-*
10 *mation about student attainments relative to the*
11 *State content standards;*

12 *“(G) support effective curriculum and in-*
13 *struction;*

14 *“(H) provide individual student interpre-*
15 *tive and descriptive reports, which may include*
16 *scores and other information on the attainment*
17 *of student performance standards;*

18 *“(I) provide statistically reliable results for*
19 *economically disadvantaged children*
20 *disaggregated by gender, major ethnic or racial*
21 *groups, limited-English proficient children, chil-*
22 *dren with disabilities, migratory children, and*
23 *other educationally meaningful categories of chil-*
24 *dren;*

1 “(J) include students who have resided in
2 the area served by a local educational agency for
3 a full academic year but have not attended a
4 single school served by such agency for a full
5 academic year, except that the performance of
6 students who have attended more than one school
7 in the local educational agency in any academic
8 year shall be used only in determining the
9 progress of the local educational agency, unless
10 the State provides otherwise; and

11 “(K) particularly for assessments given in
12 kindergarden, or grades one or two, be devel-
13 opmentally appropriate.

14 “(4) OTHER INDICATORS.—Each State plan may
15 include a description of any other indicators, such as
16 rates of attendance, graduation, and school-to-work or
17 school-to-college transition, that will be used in addi-
18 tion to the assessments required by paragraph (3) in
19 determining the yearly performance of each local edu-
20 cational agency and school served under this part.

21 “(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—
22 (A)(i) If a State does not have State content stand-
23 ards and State student performance standards that
24 meet the requirements of paragraph (1) or assess-
25 ments that meet the requirements of paragraph (3),

1 *the State may propose to use, for a transitional pe-*
2 *riod of not more than two years, a transitional state-*
3 *wide set of yearly assessments, including at least*
4 *mathematics, and reading or language arts, in one*
5 *grade in each school, that measure the performance of*
6 *complex skills and challenging subject matter.*

7 *“(ii) Each State using the transitional assess-*
8 *ments described in clause (i) shall develop benchmarks*
9 *of progress toward the development of assessments*
10 *that meet the requirements of paragraph (3), includ-*
11 *ing periodic updates.*

12 *“(B)(i) The Secretary may extend for two addi-*
13 *tional years the use of the transitional assessments de-*
14 *scribed in subparagraph (A) upon the request of a*
15 *State and a showing of substantial progress toward*
16 *meeting the requirements of paragraphs (1) and (3),*
17 *particularly paragraph (3)(C).*

18 *“(ii) A State that is denied the two-year exten-*
19 *sion or renewal under clause (i) or is granted such*
20 *an extension or renewal, but after two additional*
21 *years does not have State content standards and State*
22 *student performance standards that meet the require-*
23 *ments of paragraph (1) or assessments that meet the*
24 *requirements of paragraph (3), shall adopt a set of*
25 *such standards and aligned assessments, such as those*

1 *contained in other State plans the Secretary has ap-*
2 *proved.*

3 *“(C) For any year during which a State is using*
4 *transitional assessments the State shall devise a pro-*
5 *cedure for identifying local educational agencies*
6 *under subsections (c)(3) and (c)(7) of section 1118*
7 *and schools under subsections (b)(1) and (b)(6) of sec-*
8 *tion 1118 that relies on accurate information about*
9 *the academic progress of each such local educational*
10 *agency and school.*

11 *“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND*
12 *LEARNING.—Each State plan shall contain assurances*
13 *that—*

14 *“(1) the State educational agency will imple-*
15 *ment a system of school support teams under section*
16 *1119(b), including provision of necessary professional*
17 *development for those teams;*

18 *“(2) the State educational agency will provide*
19 *the least restrictive and burdensome regulations for*
20 *local educational agencies and individual schools par-*
21 *ticipating in a program assisted under this part;*

22 *“(3) the State educational agency will fulfill its*
23 *local educational agency and school improvement re-*
24 *sponsibilities under section 1118; and*

1 “(4) the State educational agency will encourage
2 the use of funds from other Federal, State, and local
3 sources for schoolwide reform in schoolwide programs
4 under section 1114.

5 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

6 “(1) IN GENERAL.—The Secretary shall—

7 “(A) establish a peer review process to assist
8 in the review and recommendations for revision
9 of State plans;

10 “(B) following an initial peer review, ap-
11 prove a State plan the Secretary determines
12 meets the requirements of subsections (b) and (c);

13 “(C) if the Secretary determines that the
14 State plan does not meet the requirements of sub-
15 section (b) or (c), immediately notify the State
16 of that determination and the reasons for such
17 determination;

18 “(D) not finally disapprove a State’s plan
19 before offering the State an opportunity to revise
20 its plan and provide technical assistance to as-
21 sist the State to meet the requirements of sub-
22 sections (b) and (c); and

23 “(E) not require a State, as a condition of
24 approval of the State plan, to include in, or de-
25 lete from, such plan one or more specific ele-

1 *ments of the State’s content standards or to use*
 2 *specific assessment instruments or items.*

3 “(2) *WITHHOLDING.*—*The Secretary may with-*
 4 *hold funds for State administration and activities*
 5 *under section 1119 until the Secretary determines*
 6 *that the State plan meets the requirements of this sec-*
 7 *tion.*

8 “(e) *DURATION OF THE PLAN.*—

9 “(1) *IN GENERAL.*—*Each State plan shall—*

10 “(A) *remain in effect for the duration of the*
 11 *State’s participation under this part; and*

12 “(B) *be periodically reviewed and revised*
 13 *by the State, as necessary, to reflect changes in*
 14 *the State’s strategies and programs under this*
 15 *part.*

16 “(2) *ADDITIONAL INFORMATION.*—*If the State*
 17 *makes significant changes in its plan, such as the*
 18 *adoption of new State content standards and State*
 19 *student performance standards, new assessments, or a*
 20 *new definition of adequate progress, the State shall*
 21 *submit such information to the Secretary.*

22 “(f) *SPECIAL RULE.*—*If the aggregate State expendi-*
 23 *ture by a State educational agency for the operation of ele-*
 24 *mentary and secondary education programs in the State*
 25 *is less than such agency’s aggregate Federal expenditure for*

1 *the State operation of all Federal elementary and secondary*
 2 *education programs, then the State plan shall include as-*
 3 *surances and specific provisions that such State will pro-*
 4 *vide State expenditures for the operation of elementary and*
 5 *secondary education programs equal to or exceeding the*
 6 *level of Federal expenditures for such operation by October*
 7 *1, 1998.*

8 ***“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.***

9 “(a) *PLANS REQUIRED.*—A local educational agency
 10 *may receive a subgrant under this part for any fiscal year*
 11 *only if such agency has on file with the State educational*
 12 *agency a plan that is approved by the State educational*
 13 *agency. Such plan may be submitted as part of a consoli-*
 14 *dated plan under section 10304.*

15 “(b) *PLAN PROVISIONS.*—

16 “(1) *IN GENERAL.*—Each local educational agen-
 17 *cy plan shall include—*

18 “(A) *a description of additional high-qual-*
 19 *ity student assessments, if any, other than those*
 20 *described in the State plan under section 1111,*
 21 *that—*

22 “(i) *the local educational agency and*
 23 *schools served under this part will use to—*

24 “(I) *provide information to teach-*
 25 *ers, parents, and students on the*

1 *progress being made toward meeting*
2 *the State student performance stand-*
3 *ards described in section*
4 *1111(b)(2)(A); and*

5 *“(II) aid in instruction, in im-*
6 *proving the performance of individual*
7 *students, and in revising the local edu-*
8 *cational agency or school’s instruc-*
9 *tional program to enable all children*
10 *served under this part to meet the*
11 *State student performance standards*
12 *described in section 1111(b)(2)(A);*

13 *“(ii) will be selected and administered*
14 *by teachers; and*

15 *“(iii) will be aligned with curriculum*
16 *and constitute an integral part of the in-*
17 *structional program;*

18 *“(B) at the local educational agency’s dis-*
19 *cretion, a description of any other indicators,*
20 *such as rates of attendance, graduation, and*
21 *school-to-work or school-to-college transition, that*
22 *will be used in addition to the assessments de-*
23 *scribed in subparagraph (A) for the uses de-*
24 *scribed in clause (i) of such subparagraph;*

1 “(C) a description of the strategy the local
2 educational agency will use to provide ongoing
3 professional development for teachers, pupil serv-
4 ices personnel, administrators, parents and other
5 staff, including local educational agency level
6 staff, that—

7 “(i) takes into account the needs and
8 activities across and within schools; and

9 “(ii) draws on resources available
10 under this part, other Federal resources,
11 and, at the local educational agency’s dis-
12 cretion, other State and local resources;

13 “(D) a description of the poverty criteria
14 that will be used to select school attendance areas
15 under section 1113;

16 “(E) a description of how teachers, in con-
17 sultation with parents, administrators, and
18 pupil services personnel, in targeted assistance
19 schools under section 1115 will identify those eli-
20 gible children most in need of services under this
21 part;

22 “(F) a general description of the nature of
23 the programs to be conducted by its schools
24 under sections 1114 and 1115 and, where appro-
25 priate, educational services outside those schools

1 *for children living in local institutions for ne-*
2 *glected or delinquent children, for neglected and*
3 *delinquent children in community day school*
4 *programs, and for eligible homeless children;*

5 *“(G) a description of how the local edu-*
6 *cational agency, where appropriate, will use*
7 *funds under this part to support preschool pro-*
8 *grams for children, particularly children partici-*
9 *pating in a Head Start or Even Start program,*
10 *which services may be provided directly by the*
11 *local educational agency or through a sub-*
12 *contract with the local Head Start agency des-*
13 *ignated by the Secretary of Health and Human*
14 *Services under section 641 of the Head Start*
15 *Act, or another comparable public early child-*
16 *hood development program; and*

17 *“(H) a description of how the local edu-*
18 *cational agency, as part of a comprehensive*
19 *school reform effort, will, where appropriate and*
20 *feasible as determined by such agency, use funds*
21 *provided under this part to reduce class size to*
22 *15 students.*

23 *“(2) FILING AND APPROVAL.—Notwithstanding*
24 *paragraph (1), each local educational agency plan*
25 *shall be filed according to a schedule established by*

1 *the State educational agency, except that a local edu-*
2 *cational agency shall have not more than 2 years*
3 *from the date of enactment of the Improving Ameri-*
4 *ca's Schools Act of 1994 to have such plan approved*
5 *by the State educational agency.*

6 “(c) ASSURANCES.—Each local educational agency
7 *plan shall provide assurances that the local educational*
8 *agency will—*

9 “(1) *work in consultation with schools as the*
10 *schools develop their plans pursuant to section 1114*
11 *or 1118 and assist schools as schools implement those*
12 *plans so that each school can make adequate yearly*
13 *progress toward meeting the State content standards*
14 *and State student performance standards;*

15 “(2)(A) *inform eligible schools and parents of*
16 *schoolwide project authority; and*

17 “(B) *provide technical assistance and support to*
18 *schoolwide programs;*

19 “(3) *fulfill its school improvement responsibil-*
20 *ities under section 1118;*

21 “(4) *give priority to serving students in the ear-*
22 *lier grades of schools that receive funds under this*
23 *part;*

24 “(5) *provide services to eligible children attend-*
25 *ing private elementary and secondary schools in ac-*

1 *cordance with section 1117, and timely and meaning-*
2 *ful consultation with private school officials regarding*
3 *such services;*

4 *“(6) consistent with the provisions of section*
5 *10306, coordinate and integrate services provided*
6 *under this part with other educational services, in-*
7 *cluding—*

8 *“(A) Even Start, Head Start, and other*
9 *preschool programs, and school-to-work transi-*
10 *tion programs; and*

11 *“(B) services for children with limited-Eng-*
12 *lish proficiency or with disabilities, migratory*
13 *children served under part D, neglected or delin-*
14 *quent children served under part E, homeless*
15 *children, and immigrant children, in order to*
16 *increase program effectiveness, eliminate dupli-*
17 *cation, and reduce fragmentation of the chil-*
18 *dren’s instructional program;*

19 *“(7) coordinate and collaborate, to the extent fea-*
20 *sible and necessary as determined by the local edu-*
21 *cational agency, with school-based pupil services per-*
22 *sonnel where appropriate, and with other agencies*
23 *providing services to children, youth, and families,*
24 *including health and social services;*

1 “(8) where appropriate and feasible as deter-
2 mined by the local educational agency, establish a
3 procedure to ensure that all children in participating
4 elementary schools receive two health screenings dur-
5 ing the elementary school years at appropriate inter-
6 vals based on reasonable pediatric standards; and

7 “(9) in the case that a State chooses to utilize
8 funds under this part to provide early childhood de-
9 velopment services to low-income children below the
10 age of compulsory school attendance, ensure that such
11 services comply with the performance standards estab-
12 lished under section 641A(a) of the Head Start Act or
13 under section 651 of such Act, as such section 651
14 was in effect on the day preceding the date of enact-
15 ment of the Human Services Amendments of 1994.

16 “(d) *PLAN DEVELOPMENT AND DURATION.*—Each
17 local educational agency plan shall—

18 “(1) be developed in consultation with teachers,
19 pupil services personnel and parents of children in
20 schools served under this part;

21 “(2) remain in effect for the duration of the local
22 educational agency’s participation under this part;
23 and

1 “(3) be periodically reviewed and revised, as nec-
 2 essary, to reflect changes in the local educational
 3 agency’s strategies and programs.

4 “(e) *STATE APPROVAL.*—The State educational agency
 5 shall approve a local educational agency’s plan only if the
 6 State educational agency determines that the local edu-
 7 cational agency’s plan will enable schools served under this
 8 part to substantially help all children served under this
 9 part meet the standards described in section 1111(b)(1).

10 “(f) *PROGRAM RESPONSIBILITY.*—The local edu-
 11 cational agency plan shall reflect the shared responsibility
 12 of the local educational agency and schools in making deci-
 13 sions required under sections 1114 and 1115.

14 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

15 “(a) *IN GENERAL.*—

16 “(1) *IN GENERAL.*—A local educational agency
 17 shall use funds received under this part only in eligi-
 18 ble school attendance areas.

19 “(2) *ELIGIBLE SCHOOL ATTENDANCE AREAS.*—
 20 For the purposes of this part—

21 “(A) the term ‘school attendance area’
 22 means, in relation to a particular school, the
 23 geographical area in which the children who are
 24 normally served by that school reside; and

1 “(B) the term ‘eligible school attendance
2 area’ means a school attendance area in which
3 the percentage of children from low-income fami-
4 lies is equal to or greater than the percentage of
5 children—

6 “(i) from low-income families served
7 by the local educational agency as a whole;
8 or

9 “(ii) served by the local educational
10 agency as a whole who are eligible to par-
11 ticipate in a schoolwide program under sec-
12 tion 1114.

13 “(3) *SERVING SCHOOLS IN RANK ORDER.*—Each
14 local educational agency receiving assistance under
15 this part shall—

16 “(A) first serve in rank order schools in
17 which the concentration of children from low-in-
18 come families is 75 percent or greater;

19 “(B) then serve in rank order schools in
20 which such concentration is at least 50 percent
21 and less than 75 percent with rank order deter-
22 mined at the discretion of the local education
23 agency according to grade span or school; and

24 “(C) finally serve in rank order schools in
25 which such concentration is below 50 percent

1 *with rank order determined according to grade*
2 *span or by school.*

3 “(4) *MEASURES.—The local educational agency*
4 *shall use the same measure of low-income, which such*
5 *agency shall choose on the basis of the best available*
6 *verifiable data and which may be a composite of sev-*
7 *eral indicators, with respect to all school attendance*
8 *areas in the local educational agency to—*

9 “(A) *identify eligible school attendance*
10 *areas;*

11 “(B) *determine the ranking of each such*
12 *area; and*

13 “(C) *determine allocations under subsection*
14 *(c).*

15 “(b) *LOCAL EDUCATIONAL AGENCY DISCRETION.—*
16 *Notwithstanding subsection (a)(1), a local educational*
17 *agency may use funds received under this part in a school*
18 *that is not in an eligible school attendance area, if the per-*
19 *centage of children from low-income families enrolled in the*
20 *school is equal to or greater than the percentage of such*
21 *children in a participating school attendance area of such*
22 *agency.*

23 “(c) *ALLOCATIONS.—*

1 “(1) *IN GENERAL.*—A local educational agency
2 shall allocate funds received under this part to eligible
3 school attendance areas or eligible schools—

4 “(A) identified under subsection (a)(3)(A),
5 in rank order, on the basis of the total number
6 of children from low-income families in each
7 such area or school; and

8 “(B) identified under subparagraphs (B)
9 and (C) of subsection (a)(3) or under subsection
10 (b), in rank order, on the basis of the total num-
11 ber of children from low-income families in
12 grade levels served in each such area or school.

13 “(2) *SPECIAL RULE.*—(A) Except as provided in
14 subparagraph (B), the per pupil amount of funds al-
15 located to each school attendance area or school under
16 paragraph (1) shall be at least 65 percent of the per
17 pupil amount of funds a local educational agency re-
18 ceived for that year under the poverty criterion de-
19 scribed by the local educational agency in the plan
20 submitted under section 1112, except that this para-
21 graph shall not apply to a local educational agency
22 that only serves schools in which the percentage of
23 such children is 50 percent or greater.

24 “(B) A local educational agency may reduce the
25 amount of funds allocated under subparagraph (A)

1 for a school attendance area or school by the amount
2 of any supplemental State and local funds expended
3 in that school attendance area or school for programs
4 that meet the requirements of section 1114 or 1115.

5 “(3) *RESERVATION.*—A local educational agency
6 shall reserve such funds as are necessary under this
7 part to provide services comparable to those provided
8 to children in schools funded under this part to
9 serve—

10 “(A) *eligible homeless children who do not*
11 *attend participating schools, including providing*
12 *educationally related support services to children*
13 *in shelters, where appropriate;*

14 “(B) *children living in local institutions for*
15 *neglected or delinquent children; and*

16 “(C) *where appropriate, neglected and de-*
17 *linquent children in community day school pro-*
18 *grams.*

19 “(d) *INAPPLICABILITY.*—

20 “(1) *IN GENERAL.*—Subsections (a) and (c) shall
21 not apply—

22 “(A) *to a local educational agency with a*
23 *total enrollment of less than 1,000 children, ex-*
24 *cept that such agency shall serve school attend-*
25 *ance areas or schools in rank order according to*

1 *grade span or school on the basis of the total*
2 *number of children from low-income families in*
3 *grade levels served in such area or school; or*

4 *“(B) to a school participating in a desegre-*
5 *gation program where the number of economi-*
6 *cally disadvantaged children served by the school*
7 *is equal to or greater than 100 or equal to or*
8 *greater than 25 percent of such school’s total stu-*
9 *dent enrollment.*

10 *“(2) SPECIAL RULE.—(A) Except as provided in*
11 *subparagraph (B), the per pupil amount of funds al-*
12 *located to each school attendance area or school de-*
13 *scribed in paragraph (1) shall be at least 65 percent*
14 *of the per pupil amount of funds the local educational*
15 *agency serving such area or school received for that*
16 *year under the poverty criterion described by such*
17 *agency in the plan submitted under section 1112, ex-*
18 *cept that this paragraph shall not apply to a local*
19 *educational agency that only serves schools in which*
20 *the percentage of children from low-income families is*
21 *50 percent or greater.*

22 *“(B) A local educational agency described in*
23 *subparagraph (A) may reduce the amount of funds*
24 *allocated under such subparagraph for a school at-*
25 *tendance area or school by the amount of any supple-*

1 *mental State and local funds expended in such area*
 2 *or school for programs that meet the requirements of*
 3 *section 1114 or 1115.*

4 “(e) *OPTIONAL ASSIGNMENT.*—A local educational
 5 *agency with a total enrollment of greater than 900,000 chil-*
 6 *dren may, to the extent feasible, use funds received under*
 7 *this part to serve children from low-income families who*
 8 *reside in school attendance areas having high concentra-*
 9 *tions of children from low-income families, who otherwise*
 10 *meet the eligibility requirements of this part, and who at-*
 11 *tend schools in noneligible attendance areas.*

12 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

13 “(a) *USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.*—

14 “(1) *IN GENERAL.*—A local educational agency
 15 *may use funds under this part, in combination with*
 16 *other Federal, State, and local funds, in order to up-*
 17 *grade the entire educational program in a school de-*
 18 *scribed in subparagraph (A) or (B) if, for the initial*
 19 *year of the schoolwide program, the school meets ei-*
 20 *ther of the following criteria:*

21 “(A) *The school serves an eligible school at-*
 22 *tendance area in which at least 30 percent of the*
 23 *children—*

24 “(i) *are from low-income families; and*

1 “(ii) are eligible for a free or reduced
2 price lunch or show evidence of poverty by
3 other criteria, such as eligibility under the
4 aid to families with dependent children pro-
5 gram under part A of title IV of the Social
6 Security Act.

7 “(B) At least 30 percent of the children en-
8 rolled in the school are from families meeting the
9 requirements of clauses (i) and (ii) of subpara-
10 graph (A).

11 “(2) IDENTIFICATION.—(A) No school participat-
12 ing in a schoolwide program shall be required to
13 identify particular children as eligible to participate
14 in a schoolwide program or to provide supplemental
15 services to such children.

16 “(B) A school participating in a schoolwide pro-
17 gram shall use funds available to carry out this sec-
18 tion only to supplement the amount of funds that
19 would, in the absence of funds under this part, be
20 made available from non-Federal sources for the
21 school, including funds needed to provide services that
22 are required by law for children with disabilities and
23 children with limited-English proficiency.

24 “(3) SPECIAL RULE.—(A) Except as provided in
25 subsection (b), the Secretary may, through publication

1 of a notice in the Federal Register, exempt schoolwide
2 programs under section 1114 from statutory or regu-
3 latory provisions of any other noncompetitive, for-
4 mula grant program administered by the Secretary,
5 or any discretionary grant program administered by
6 the Secretary (other than formula or discretionary
7 grant programs under the Individuals with Disabil-
8 ities Education Act), to support schoolwide programs,
9 if the intent and purposes of such other programs are
10 met. Such notice shall not be subject to the require-
11 ments in section 431 of the General Education Provi-
12 sions Act or section 553 of title 5, United States Code.

13 “(B) A school that chooses to use funds from such
14 other programs shall not be relieved of the require-
15 ments relating to health, safety, civil rights, gender
16 equity, student and parental participation and in-
17 volvement, services to private school children, mainte-
18 nance of effort, comparability of services, uses of Fed-
19 eral funds to supplement, not supplant non-Federal
20 funds, or the distribution of funds to State or local
21 educational agencies that apply to the receipt of funds
22 from such programs.

23 “(4) RESERVATION.—Each school receiving funds
24 under this title for any fiscal year shall use not less
25 than 10 percent of such funds to carry out the activi-

1 *ties described in subsection (b)(1)(D) for such fiscal*
2 *year, except that—*

3 *“(A) a school may enter into a consortium*
4 *with another school to carry out such activities;*
5 *and*

6 *“(B) this paragraph shall not apply to a*
7 *school if 10 percent of the funds such school re-*
8 *ceives under this title for such year is less than*
9 *\$5,000.*

10 *“(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—*

11 *“(1) IN GENERAL.—A schoolwide program shall*
12 *include the following components:*

13 *“(A) A comprehensive needs assessment of*
14 *the entire school that is based on information on*
15 *the performance of children in relation to the*
16 *State content standards and the State student*
17 *performance standards described in section*
18 *1111(b)(1).*

19 *“(B) Schoolwide reform strategies that—*

20 *“(i) provide opportunities for all chil-*
21 *dren to meet the State’s proficient and ad-*
22 *vanced levels of performance described in*
23 *section 1111(b)(1)(A);*

24 *“(ii) are based on effective means of*
25 *improving the achievement of children;*

1 “(iii) use effective instructional strate-
2 gies that—

3 “(I) increase the amount and
4 quality of learning time; and

5 “(II) help provide an enriched
6 and accelerated curriculum;

7 “(iv)(I) address the needs of all chil-
8 dren in the school, but particularly the
9 needs of economically disadvantaged chil-
10 dren, low-achieving children, children with
11 limited-English proficiency, children with
12 disabilities, children from migratory fami-
13 lies, and children who are members of the
14 target population of any program that is
15 included in the schoolwide program, which
16 may include—

17 “(aa) counseling, pupil services,
18 and mentoring services;

19 “(bb) college and career awareness
20 and preparation, such as college and
21 career guidance, enhancement of em-
22 ployability skills, and job placement
23 services;

24 “(cc) services to prepare students
25 for the transition from school to work;

1 “(dd) services to assist preschool
2 children in the transition from early
3 childhood programs to elementary
4 school programs;

5 “(ee) incorporation of gender-eq-
6 uitable methods and practices; and

7 “(ff) after school and summer pro-
8 grams; and

9 “(II) address how the school will deter-
10 mine if such needs have been met; and

11 “(v) are consistent with, and are de-
12 signed to implement, the State and local
13 improvement plans, if any, approved under
14 title III of the Goals 2000: Educate America
15 Act.

16 “(C)(i) Instruction by highly qualified pro-
17 fessional staff.

18 “(ii) If a school uses funds received under
19 this part to employ instructional aides, the
20 school shall ensure that such aides—

21 “(I) possess the knowledge and skills
22 sufficient to assist participating children in
23 meeting the educational goals of this part;

24 “(II) have a secondary school diploma
25 or its recognized equivalent, or earn such

1 *diploma or equivalent within 2 years of*
2 *such employment, except that a school may*
3 *employ an instructional aide that does not*
4 *meet the requirement of this subclause if*
5 *such aide possesses proficiency in a lan-*
6 *guage other than English that is needed to*
7 *enhance the participation of children in*
8 *programs under this part; and*

9 “(III) *are under the direct supervision*
10 *of a teacher who has primary responsibility*
11 *for providing instructional services to eligi-*
12 *ble children.*

13 “(D) *In accordance with subsection (a)(4),*
14 *ongoing professional development for teachers,*
15 *pupil services personnel, parents, principals, and*
16 *other staff to enable all children in the school to*
17 *meet the State’s student performance standards.*
18 *Such activities shall be jointly developed by the*
19 *principal, teachers, and other staff of each school.*

20 “(E) *Parental involvement in accordance*
21 *with section 1116.*

22 “(F) *Development and use of teacher se-*
23 *lected assessments as described in section*
24 *1112(b)(1)(A)(ii) for providing information on*

1 *and improving the performance of individual*
2 *students and the overall instructional program.*

3 “(G) Measures to ensure that students who
4 experience difficulty mastering any of the stand-
5 ards required by section 1111(b) during the
6 course of the school year shall be provided with
7 effective, timely additional assistance, which
8 shall include—

9 “(i) measures to ensure that students’
10 difficulties are identified on a timely basis
11 and to provide sufficient information on
12 which to base effective assistance;

13 “(ii) to the extent the school determines
14 feasible using funds under this part, peri-
15 odic training for teachers in how to identify
16 such difficulties and to provide assistance to
17 individual students; and

18 “(iii) for any student who has not met
19 such standards, teacher-parent conferences,
20 at which time the teacher and parents shall
21 discuss—

22 “(I) what the school will do to
23 help the student meet such standards;

1 “(II) what the parents can do to
2 help the student improve the student’s
3 performance; and

4 “(III) additional assistance which
5 may be available to the student at the
6 school or elsewhere in the community.

7 “(2) PLAN.—(A) Any eligible school that desires
8 to operate a schoolwide program shall first develop (or
9 amend a plan for such a program that was in exist-
10 ence before the date of enactment of the Improving
11 America’s Schools Act of 1994), in consultation with
12 the local educational agency, a comprehensive plan
13 for reforming the total instructional program in the
14 school that—

15 “(i) incorporates the components described
16 in paragraph (1);

17 “(ii) describes how the school will use re-
18 sources under this part and from other sources to
19 implement those components;

20 “(iii) includes a list of State and local edu-
21 cational agency programs and other Federal pro-
22 grams under paragraph (a)(3) that will be in-
23 cluded in the schoolwide program;

24 “(iv) describes how the school will provide
25 valid and reliable individual student assessment

1 *results, including an interpretation of those re-*
2 *sults, to the parents of any child who partici-*
3 *pates in the assessment required by section*
4 *1111(b)(3); and*

5 *“(v) provides for statistically reliable data*
6 *on the achievement and assessment results of eco-*
7 *nomically disadvantaged children disaggregated*
8 *by gender, major ethnic or racial groups, chil-*
9 *dren with disabilities, and, where appropriate,*
10 *limited-English proficient children.*

11 *“(B) Plans developed before a State has adopted*
12 *standards and a set of assessments that meet the cri-*
13 *teria described in paragraphs (1) and (3) of section*
14 *1111(b) shall be based on an analysis of available*
15 *data on the achievement of students in the school and*
16 *effective instructional and school improvement prac-*
17 *tices.*

18 *“(C) The comprehensive plan shall be—*

19 *“(i) developed over a one-year period, un-*
20 *less—*

21 *“(I) the local educational agency deter-*
22 *mines that less time is needed to develop*
23 *and implement the schoolwide program; or*

24 *“(II) the school is operating a*
25 *schoolwide program on the day preceding*

1 the date of enactment of the Improving
2 America's Schools Act of 1994, in which
3 case such school may continue to operate
4 that program, but shall develop a new plan
5 during the first year of assistance under
6 such Act to reflect the provisions of this sec-
7 tion;

8 “(ii) developed by a school-site council com-
9 posed of those individuals who will implement
10 the plan, including teachers, pupil services per-
11 sonnel, parents, principals, and other staff;

12 “(iii) in effect for the duration of the
13 school's participation under this part and re-
14 viewed and revised, as necessary, by the school;
15 and

16 “(iv) available to the local educational
17 agency, parents, and the public, and the infor-
18 mation contained in such plan shall be trans-
19 lated, to the extent feasible, into any language
20 that a significant percentage of the parents of
21 participating children in the school speak as
22 their primary language.

23 **“SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

24 “(a) *IN GENERAL.*—In all schools selected to receive
25 funds under section 1113(c) that are ineligible for a

1 *schoolwide program under section 1114, or that choose not*
2 *to operate such a schoolwide program, a local educational*
3 *agency may use funds received under this part only for pro-*
4 *grams that provide services to economically disadvantaged*
5 *children identified by teachers, in consultation with par-*
6 *ents, administrators, and pupil services personnel, as hav-*
7 *ing the greatest academic need for special assistance.*

8 “(b) *ELIGIBLE CHILDREN.*—

9 “(1) *ELIGIBLE POPULATION.*—A child shall be el-
10 *igible for services under this part if—*

11 “(A) *except as provided in subparagraphs*
12 *(B), (C), and (D), the school serving such child*
13 *determines that such child is economically dis-*
14 *advantaged, and such child—*

15 “(i) *(I) is not older than age 21 and is*
16 *entitled to a free public education through*
17 *grade 12; and*

18 “(II) *is not yet at a grade level where*
19 *the local educational agency provides a free*
20 *public education, yet is of an age at which*
21 *such child can benefit from an organized in-*
22 *structional program provided in a school or*
23 *other educational setting; or*

1 “(ii) is a child with a disability, a
2 limited-English proficient child, or a mi-
3 grant child;

4 “(B) the child, at any time in the two years
5 preceding the year for which the determination
6 is made, received services under the program for
7 neglected and delinquent children under part E
8 (or its predecessor authority);

9 “(C) the child is homeless and attending
10 any school in the local educational agency; and

11 “(D) the child, at any time in the two years
12 preceding the year for which the determination
13 is made, participated in a Head Start or Even
14 Start program.

15 “(2) SPECIAL RULE.—Funds received under this
16 part may not be used to provide services that are oth-
17 erwise required by law to be made available to chil-
18 dren described in subparagraphs (B), (C), and (D) of
19 paragraph (1) but may be used to coordinate or sup-
20 plement such services.

21 “(c) COMPONENTS OF A TARGETED ASSISTANCE
22 SCHOOL PROGRAM.—

23 “(1) IN GENERAL.—To assist targeted assistance
24 schools and local educational agencies to meet their
25 responsibility to provide for all their students served

1 *under this part the opportunity to meet the State’s*
2 *student performance standards in subjects as deter-*
3 *mined by the State, each targeted assistance program*
4 *under this section shall—*

5 *“(A) use such program’s resources under*
6 *this part to help participating children meet*
7 *such State student performance standards ex-*
8 *pected for all children;*

9 *“(B) be based on effective means for improv-*
10 *ing achievement of children;*

11 *“(C) ensure that planning for students*
12 *served under this part is incorporated into exist-*
13 *ing school planning;*

14 *“(D) use effective instructional strategies*
15 *that—*

16 *“(i) increase the amount and quality*
17 *of learning time;*

18 *“(ii) help provide an accelerated, high-*
19 *quality curriculum; and*

20 *“(iii) minimize isolating eligible chil-*
21 *dren from other children in the school dur-*
22 *ing regular school hours;*

23 *“(E) coordinate with and support the regu-*
24 *lar education program, which may include—*

1 “(i) counseling, mentoring and other
2 pupil services;

3 “(ii) college and career awareness and
4 preparation, such as college and career
5 guidance, enhancement of employability
6 skills, and job placement services;

7 “(iii) services to prepare students for
8 the transition from school to work; and

9 “(iv) services to assist preschool chil-
10 dren in the transition from early childhood
11 programs to elementary school programs;

12 “(F) provide instruction by highly qualified
13 staff;

14 “(G) if such program employs instructional
15 aides, ensure that such aides—

16 “(i) possess the knowledge and skills
17 sufficient to assist participating children in
18 meeting the purposes of this title;

19 “(ii) have a secondary school diploma
20 or its recognized equivalent, or earn such
21 diploma or equivalent within 2 years of
22 such employment, except that an instruc-
23 tional aide that does not meet the require-
24 ment of this clause may be employed if such
25 aide possesses a tested proficiency in Eng-

1 lish and a language other than English that
2 is needed to enhance the participation of
3 children in programs under this part; and
4 “(iii) are under the direct supervision
5 of a teacher who has primary responsibility
6 for providing instructional services to eligi-
7 ble children;

8 “(H) in accordance with subsection (d)(2),
9 provide opportunities for ongoing professional
10 development to the extent the school determines
11 feasible with resources provided under this part
12 and from other sources for administrators and
13 for teachers and other school staff who work with
14 participating children in programs under this
15 section or in the regular education program; and

16 “(I) provide opportunities for parental in-
17 volvement in accordance with section 1116.

18 “(2) REQUIREMENTS.—Each school conducting a
19 program under this section shall assist participating
20 children selected in accordance with subsection (b) to
21 meet the State’s proficient and advanced levels of per-
22 formance by—

23 “(A) the coordination of resources provided
24 under this part with other resources to enable the
25 children served to meet the State content stand-

1 *ards and State student performance standards;*
2 *and*

3 *“(B) providing individual student assess-*
4 *ment results, including an explanation of those*
5 *results, to the parents of any child who partici-*
6 *pates in the assessment required by section*
7 *1111(b)(3).*

8 *“(d) SPECIAL RULES.—*

9 *“(1) COMPREHENSIVE SERVICES.—If health, nu-*
10 *trition, and other social services are not otherwise*
11 *available to eligible children in a targeted assistance*
12 *school and such school, if appropriate, has engaged in*
13 *a comprehensive needs assessment and established a*
14 *collaborative partnership with local service providers,*
15 *and if funds are not reasonably available from other*
16 *public or private sources to provide services under*
17 *this part, then funds provided under this part may*
18 *be used as a last resort to provide such services, in-*
19 *cluding—*

20 *“(A) the provision of basic medical equip-*
21 *ment, such as eyeglasses and hearing aids;*

22 *“(B) compensation of a coordinator; and*

23 *“(C) professional development for teachers,*
24 *pupil services personnel, other staff, and parents*

1 *in identifying and meeting the comprehensive*
2 *needs of eligible children.*

3 “(2) *RESERVATION.*—*Each school receiving funds*
4 *under this title for any fiscal year shall use not less*
5 *than 10 percent of such funds to carry out the activi-*
6 *ties described in subsection (c)(1)(H) for such fiscal*
7 *year, except that—*

8 “(A) *a school may enter into a consortium*
9 *with another school to carry out such activities;*
10 *and*

11 “(B) *this paragraph shall not apply to a*
12 *school if 10 percent of the funds such school re-*
13 *ceives under this title for such year is less than*
14 *\$5,000.*

15 “(e) *ASSIGNMENT OF PERSONNEL.*—*To promote the*
16 *integration of staff supported with funds under this part*
17 *and children served under this part into the regular school*
18 *program and overall school planning and improvement ef-*
19 *forts, public school personnel who are paid with funds re-*
20 *ceived under this part may—*

21 “(1) *assume limited duties that are assigned to*
22 *similar personnel who are not so paid, including du-*
23 *ties beyond classroom instruction or that do not bene-*
24 *fit participating children so long as the amount of*
25 *time spent on such duties is the same proportion of*

1 *total work time as prevails with respect to similar*
 2 *personnel at the same school;*

3 “(2) *participate in general professional develop-*
 4 *ment and school planning activities; and*

5 “(3) *collaboratively teach with regular classroom*
 6 *teachers, so long as their efforts directly benefit par-*
 7 *ticipating children.*

8 “(f) *SPECIAL RULE.—Nothing in this section shall be*
 9 *construed to prohibit a school from serving students served*
 10 *under this section simultaneously with students with simi-*
 11 *lar educational needs, in the same educational settings*
 12 *where appropriate.*

13 **“SEC. 1116. PARENTAL INVOLVEMENT.**

14 “(a) *LOCAL EDUCATIONAL AGENCY POLICY.—*

15 “(1) *IN GENERAL.—Each local educational agen-*
 16 *cy that receives funds under this part shall develop*
 17 *jointly with, agree upon with, and distribute to, par-*
 18 *ents of participating children a written parent in-*
 19 *volvement policy that is incorporated into the local*
 20 *educational agency’s plan developed under section*
 21 *1112, establishes the expectations for parent involve-*
 22 *ment, and describes how the local educational agency*
 23 *will—*

24 “(A) *involve parents in the joint develop-*
 25 *ment and approval of the plan described under*

1 *section 1112, and the process of school review*
2 *and improvement described under section 1118;*

3 *“(B) provide the coordination, technical as-*
4 *sistance, and other support necessary to assist*
5 *participating schools in planning and imple-*
6 *menting effective parent involvement;*

7 *“(C) build the schools’ and parents’ capac-*
8 *ity for strong parent involvement as described in*
9 *subsection (e);*

10 *“(D) coordinate and integrate parent in-*
11 *volvement strategies described in this part with*
12 *those under other programs; and*

13 *“(E) ensure that participating schools—*

14 *“(i) review the effectiveness of their*
15 *parent involvement activities on an ongoing*
16 *basis;*

17 *“(ii) identify and take steps to remove*
18 *any barriers to greater parental involve-*
19 *ment, including barriers resulting in lower*
20 *rates of participation in the parent involve-*
21 *ment activities by parents who are economi-*
22 *cally disadvantaged, are disabled, have lim-*
23 *ited literacy, have limited-English pro-*
24 *ficiency, or are from any racial or ethnic*
25 *minority background; and*

1 “(iii) use the findings of such reviews
2 in—

3 “(I) designing strategies for school
4 improvement; and

5 “(II) revising, if necessary, the
6 parent involvement policies described
7 in this subsection and subsection
8 (b)(1).

9 “(2) AMENDMENT.—If the local educational
10 agency has a school district-level parental involve-
11 ment policy that applies to all parents, such agency
12 may amend that policy, if necessary, to meet the re-
13 quirements of this subsection.

14 “(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

15 “(1) IN GENERAL.—Each school served under
16 this part shall jointly develop with, and distribute to,
17 parents of participating children a written parent in-
18 volvement policy, agreed upon by such parents, that
19 shall describe the means for carrying out the require-
20 ments of subsections (c) through (f). Such policy shall
21 be updated periodically to meet the changing needs of
22 parents and the school.

23 “(2) SPECIAL RULE.—If the school has a paren-
24 tal involvement policy that applies to all parents,

1 *such school may amend that policy, if necessary, to*
2 *meet the requirements of this subsection.*

3 *“(c) POLICY INVOLVEMENT.—Each school served under*
4 *this part shall—*

5 *“(1) convene an annual meeting, at a convenient*
6 *time, to which all parents of participating children*
7 *shall be invited and encouraged to attend, to inform*
8 *parents of their school’s participation under this part*
9 *and to explain this part, its requirements, and their*
10 *right to be involved;*

11 *“(2) offer a flexible number of meetings, such as*
12 *meetings in the morning or evening, and may pro-*
13 *vide, with funds provided under this part, transpor-*
14 *tation, child care, or home visits, as such services re-*
15 *late to parental involvement;*

16 *“(3) involve parents, in an organized, ongoing,*
17 *and timely way, in the planning, review, and im-*
18 *provement of programs under this part, including the*
19 *school parental involvement policy and the joint de-*
20 *velopment and approval of the schoolwide program*
21 *plan under section 1114(b), except that if a school has*
22 *in place a process for involving parents in the joint*
23 *planning, design, and approval of its programs, the*
24 *school may use that process, provided that such proc-*

1 *ess includes an adequate representation of parents of*
2 *participating children; and*

3 *“(4) provide parents of participating children—*

4 *“(A) timely information about programs*
5 *under this part;*

6 *“(B) school performance profiles required*
7 *under section 1118(a)(3);*

8 *“(C) a description and explanation of the*
9 *curriculum in use at the school, the forms of as-*
10 *essment used to measure student progress, and*
11 *the proficiency levels students are expected to*
12 *meet;*

13 *“(D) opportunities for regular meetings to*
14 *formulate suggestions, share experiences with*
15 *other parents, and participate as appropriate in*
16 *decisions relating to the education of their chil-*
17 *dren if such parents so desire; and*

18 *“(E) timely responses to the suggestions de-*
19 *scribed in subparagraph (E).*

20 *“(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT*
21 *PERFORMANCE.—As a component of the school-level paren-*
22 *tal involvement policy developed under subsection (b), each*
23 *school served under this part shall jointly develop with par-*
24 *ents for all children served under this part a school-parent*
25 *compact that outlines how parents, the entire school staff,*

1 *and students will share the responsibility for improved stu-*
2 *dent achievement and the means by which the school and*
3 *parents will build and develop a partnership to help chil-*
4 *dren achieve the State's high standards. Such compact*
5 *shall—*

6 “(1) describe the school's responsibility to pro-
7 vide high-quality curriculum and instruction in a
8 supportive and effective learning environment that
9 enables the children served under this part to meet the
10 State's student performance standards, and the ways
11 in which each parent will be responsible for support-
12 ing their children's learning, such as monitoring at-
13 tendance, homework completion, television watching,
14 volunteering in their child's classroom, and partici-
15 pating as appropriate in decisions relating to the
16 education of their children, and positive use of extra-
17 curricular time; and

18 “(2) address the importance of communication
19 between teachers and parents on an ongoing basis
20 through, at a minimum—

21 “(A) parent-teacher conferences in elemen-
22 tary schools, at least annually, during which the
23 compact shall be discussed as the compact relates
24 to the individual child's achievement;

1 “(B) frequent reports to parents on their
2 children’s progress; and

3 “(C) reasonable access to staff, opportunities
4 to volunteer and participate in their child’s
5 class, and observation of classroom activities.

6 “(e) *BUILDING CAPACITY FOR INVOLVEMENT.*—To en-
7 sure effective involvement of parents and to support a part-
8 nership among the school, parents, and the community to
9 improve student achievement, each school and local edu-
10 cational agency shall—

11 “(1) provide assistance to participating parents
12 in such areas as understanding the National Edu-
13 cation Goals, the State’s content standards and State
14 student performance standards, State and local as-
15 sessments, the requirements of this part, and how to
16 monitor their children’s progress and work with edu-
17 cators to improve the performance of their children as
18 well as information on how parents can participate
19 in decisions relating to the education of their chil-
20 dren;

21 “(2) provide materials and training, such as
22 necessary literacy training that is not otherwise
23 available from other sources to help parents work with
24 their children to improve their children’s achievement;

1 “(3) educate teachers, pupil services personnel,
2 principals and other staff, with the assistance of par-
3 ents, in the value and utility of contributions of par-
4 ents, and in how to reach out to, communicate with,
5 and work with parents as equal partners, implement
6 and coordinate parent programs, and build ties be-
7 tween home and school;

8 “(4) coordinate and integrate parent involve-
9 ment programs and activities with Head Start, Even
10 Start, home instruction programs for preschool
11 youngsters and Parents as Teachers, and public pre-
12 school programs, to the extent feasible;

13 “(5) other activities, as appropriate and feasible,
14 such as parent resource centers and providing oppor-
15 tunities for parents to learn about child development
16 and child rearing issues beginning at the birth of a
17 child, designed to help parents become full partners in
18 the education of their children; and

19 “(6) provide such other reasonable support for
20 parental involvement activities under this section as
21 parents may request.

22 “(f) PARENTAL INFORMATION AND RESOURCE CEN-
23 TERS.—In States where parental information and resource
24 centers have been established pursuant to section 401 of the
25 Goals 2000: Educate America Act of 1994 (to providing

1 *training, information, and support to parents and individ-*
 2 *uals who work with parents) local educational agencies and*
 3 *schools receiving assistance under this part shall assist par-*
 4 *ents and parent organizations by informing such parents*
 5 *and organizations of the existence and purpose of such cen-*
 6 *ters, providing such parents and organizations with a de-*
 7 *scription of the services and programs provided by such cen-*
 8 *ters, advising parents on how to use such centers, and help-*
 9 *ing parents to contact such centers.*

10 “(g) *ACCESSIBILITY.*—*In carrying out the parental in-*
 11 *volvement requirements of this part, local educational agen-*
 12 *cies and schools, to the extent practicable, shall provide full*
 13 *opportunities for the participation of parents with limited-*
 14 *English proficiency or with disabilities, including provid-*
 15 *ing information and school profiles in a language and form*
 16 *such parents understand.*

17 **“SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN**
 18 **PRIVATE SCHOOLS.**

19 “(a) *GENERAL REQUIREMENT.*—

20 “(1) *IN GENERAL.*—*To the extent consistent with*
 21 *the number of eligible children identified according to*
 22 *section 1115(b) in a local educational agency who are*
 23 *enrolled in private elementary and secondary schools,*
 24 *a local educational agency shall, after timely and*
 25 *meaningful consultation with appropriate private*

1 *school officials, provide such children, on an equitable*
2 *basis, special educational services or other benefits*
3 *under this part.*

4 “(2) *SECULAR, NEUTRAL, NONIDEOLOGICAL.—*
5 *Such educational services or other benefits, including*
6 *materials and equipment, must be secular, neutral,*
7 *and nonideological.*

8 “(3) *EQUITY.—Educational services and other*
9 *benefits for such private school children shall be equi-*
10 *table in comparison to services and other benefits for*
11 *public school children participating under this part.*

12 “(4) *EXPENDITURES.—Expenditures for edu-*
13 *cational services and other benefits to eligible private*
14 *school children shall be equal to the proportion of*
15 *funds allocated to participating school attendance*
16 *areas based on the number of children from low-in-*
17 *come families who attend private schools.*

18 “(5) *PROVISION OF SERVICES.—The local edu-*
19 *cational agency may provide such services directly or*
20 *through contracts with public and private agencies,*
21 *organizations, and institutions.*

22 “(b) *CONSULTATION.—*

23 “(1) *IN GENERAL.—To ensure timely and mean-*
24 *ingful consultation, a local educational agency shall*
25 *consult with appropriate private school officials dur-*

1 *ing the design and development of the agency's pro-*
2 *grams under this part, on issues such as—*

3 *“(A) how the children's needs will be identi-*
4 *fied;*

5 *“(B) what services will be offered;*

6 *“(C) how and where the services will be pro-*
7 *vided; and*

8 *“(D) how the services will be assessed.*

9 *“(2) TIMING.— Such consultation shall occur be-*
10 *fore the local educational agency makes any decision*
11 *that affects the opportunities of eligible private school*
12 *children to participate in programs under this part.*

13 *“(3) DISCUSSION.—Such consultation shall in-*
14 *clude a discussion of service delivery mechanisms a*
15 *local educational agency can use to provide equitable*
16 *services to eligible private school children.*

17 *“(c) PUBLIC CONTROL OF FUNDS.—*

18 *“(1) IN GENERAL.—The control of funds pro-*
19 *vided under this part, and title to materials, equip-*
20 *ment, and property purchased with those funds, shall*
21 *be in a public agency, and a public agency shall ad-*
22 *minister such funds and property.*

23 *“(2) PROVISION OF SERVICES.—(A) The provi-*
24 *sion of services under this section shall be provided—*

25 *“(i) by employees of a public agency; or*

1 “(ii) through contract by such public agency
2 with an individual, association, agency, or orga-
3 nization.

4 “(B) In the provision of such services, such em-
5 ployee, person, association, agency, or organization
6 shall be independent of such private school and of any
7 religious organization, and such employment or con-
8 tract shall be under the control and supervision of
9 such public agency.

10 “(3) VERIFIABLE DOCUMENTATION.—An official
11 of each private school assisted under this part shall
12 provide to the local educational agency the verifiable
13 documentation necessary to determine the propor-
14 tionate allocation amount under subsection (a)(4) on
15 which the provision of equitable services under this
16 section will be based.

17 “(d) STANDARDS FOR A BYPASS.—If a local edu-
18 cational agency is prohibited by law from providing for the
19 participation on an equitable basis of eligible children en-
20 rolled in private elementary and secondary schools or if the
21 Secretary determines that a local educational agency has
22 substantially failed or is unwilling to provide for such par-
23 ticipation, as required by this section, the Secretary shall—

24 “(1) waive the requirements of this section for
25 such local educational agency; and

1 “(2) arrange for the provision of services to such
2 children through arrangements that shall be subject to
3 the requirements of this section and sections 10505
4 and 10506.

5 “(e) CAPITAL EXPENSES.—

6 “(1) IN GENERAL.—(A) From the amount appro-
7 priated for this subsection under section 1002(e) for
8 any fiscal year, each State is eligible to receive an
9 amount that bears the same ratio to the amount so
10 appropriated as the number of private school children
11 who received services under this part in the State in
12 the most recent year for which data satisfactory to the
13 Secretary are available bears to the number of such
14 children in all States in that same year.

15 “(B) The Secretary shall reallocate any amounts
16 allocated under subparagraph (A) that are not used
17 by a State for the purpose of this subsection to other
18 States on the basis of their respective needs, as deter-
19 mined by the Secretary.

20 “(2) CAPITAL EXPENSES.—(A) A local edu-
21 cational agency may apply to the State educational
22 agency for payments for capital expenses consistent
23 with this subsection.

24 “(B) State educational agencies shall distribute
25 such funds under this subsection to local educational

1 *agencies based on the degree of need set forth in their*
 2 *respective applications for assistance under this sub-*
 3 *section.*

4 *“(3) USES OF FUNDS.—Any funds appropriated*
 5 *to carry out this subsection shall be used only for cap-*
 6 *ital expenses incurred to provide equitable services for*
 7 *private school children under this section.*

8 *“(4) DEFINITION.—For the purpose of this sub-*
 9 *section, the term ‘capital expenses’ means—*

10 *“(A) expenditures for noninstructional*
 11 *goods and services, such as the purchase, lease, or*
 12 *renovation of real and personal property, includ-*
 13 *ing mobile educational units and leasing of neu-*
 14 *tral sites or spaces;*

15 *“(B) insurance and maintenance costs;*

16 *“(C) transportation; and*

17 *“(D) other comparable goods and services.*

18 **“SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGEN-**
 19 **CY AND SCHOOL IMPROVEMENT.**

20 *“(a) LOCAL REVIEW.—Each local educational agency*
 21 *receiving funds under this part shall—*

22 *“(1) use the State assessments described in the*
 23 *State plan;*

24 *“(2) use any additional measures or indicators*
 25 *described in the local educational agency’s plan to re-*

1 *view annually the progress of each school served under*
2 *this part to determine whether the school is meeting,*
3 *or making adequate progress as defined in section*
4 *1111(b)(2)(A)(i) toward enabling its students to meet*
5 *the State's student performance standards described*
6 *in the State plan;*

7 *“(3) publicize and disseminate to teachers and*
8 *other staff, parents, students, and the community the*
9 *results of the annual review under paragraph (1) of*
10 *all schools served under this part in individual school*
11 *performance profiles that include disaggregated re-*
12 *sults as required by section 1111(b)(3)(I); and*

13 *“(4) provide the results of the local annual re-*
14 *view to schools so that the local educational agency*
15 *can continually refine the program of instruction to*
16 *help all children served under this part in those*
17 *schools meet the State's student performance stand-*
18 *ards.*

19 *“(b) SCHOOL IMPROVEMENT.—*

20 *“(1) IN GENERAL.—(A) A local educational*
21 *agency shall identify for school improvement any*
22 *school served under this part that—*

23 *“(i) has been in program improvement*
24 *under section 1020 of the Elementary and Sec-*
25 *ondary Education Act of 1965 (as such section*

1 *was in effect on the day preceding the date of en-*
2 *actment of the Improving America's Schools Act*
3 *of 1994), for at least two consecutive school years*
4 *prior to such day;*

5 *“(ii) has not made adequate progress as de-*
6 *finied in the State's plan under section*
7 *1111(b)(2)(A)(i) for two consecutive school years,*
8 *except that—*

9 *“(I) this subparagraph shall not apply*
10 *to a school if almost every student in such*
11 *school is meeting the State's advanced level*
12 *of performance; or*

13 *“(II) in the case of a school that is not*
14 *operating a schoolwide program such school*
15 *may be reviewed on the progress of only*
16 *those students that have been, are, or will*
17 *be, served under this part; or*

18 *“(iii) has failed to meet the criteria estab-*
19 *lished by the State through the State's transi-*
20 *tional procedure under section 1111(b)(5)(C) for*
21 *two consecutive years.*

22 *“(B) Before identifying a school for school im-*
23 *provement under paragraph (1), the local educational*
24 *agency shall provide the school with an opportunity*
25 *to review the school-level data, including assessment*

1 *data, on which such identification is based. If the*
2 *school believes that such identification for school im-*
3 *provement is in error, such school may provide evi-*
4 *dence to the local educational agency to support such*
5 *belief.*

6 “(2) *REQUIREMENT.—(A) Each school identified*
7 *under paragraph (1) shall—*

8 “(i) *in consultation with parents, the local*
9 *educational agency, and the school support team,*
10 *develop or revise a school plan in ways that have*
11 *the greatest likelihood of improving the perform-*
12 *ance of participating children in meeting the*
13 *State’s student performance standards; and*

14 “(ii) *submit the plan to the local edu-*
15 *cational agency for approval.*

16 “(B) *During the first year immediately following*
17 *identification under paragraph (1), the school shall*
18 *implement such school’s plan.*

19 “(3) *TECHNICAL ASSISTANCE.—For each school*
20 *identified under paragraph (1), the local educational*
21 *agency shall provide technical assistance as the school*
22 *develops and implements such school’s plan.*

23 “(4) *CORRECTIVE ACTION.—(A) The local edu-*
24 *cational agency may take corrective action at any*
25 *time against a school that has been identified under*

1 *paragraph (1), but, during the third year following*
2 *identification under paragraph (1), shall take such*
3 *action against any school that still fails to make ade-*
4 *quate progress.*

5 *“(B)(i) Corrective actions are those, consistent*
6 *with State and local law, determined and made pub-*
7 *lic and disseminated by the local educational agency,*
8 *which may include—*

9 *“(I) withholding funds;*

10 *“(II) an aggressive joint plan between the*
11 *local educational agency and the school that ad-*
12 *dresses specific elements of student performance*
13 *problems and that specifies school and local re-*
14 *sponsibilities under the plan;*

15 *“(III) interagency collaborative agreements*
16 *between the school and other public agencies to*
17 *provide health, counseling, and other social serv-*
18 *ices needed to remove barriers to learning;*

19 *“(IV) waivers or modifications of require-*
20 *ments of local educational agency policy or regu-*
21 *lation that impede the ability of the school to*
22 *educate students;*

23 *“(V) revoking authority for a school to oper-*
24 *ate a schoolwide program;*

1 “(VI) decreasing decisionmaking authority
2 at the school level;

3 “(VII) making alternative governance ar-
4 rangements such as the creation of a public char-
5 ter school;

6 “(VIII) reconstituting the school staff; and

7 “(IX) authorizing students to transfer, in-
8 cluding transportation costs, to other public
9 schools served by the local educational agency.

10 “(ii) Notwithstanding clause (i), corrective ac-
11 tions taken pursuant to this part shall not include the
12 actions described in subclauses (I), (V), (VI), (VIII),
13 (IX) of clause (i) until the State has developed assess-
14 ments that meet the requirements of paragraph (3)(E)
15 of section 1111(b).

16 “(C) Prior to implementing any corrective ac-
17 tion, the local educational agency may refrain from
18 such corrective action to the extent that the failure to
19 make progress can be attributed to extenuating cir-
20 cumstances, such as sudden and significant reductions
21 in Federal funding in a single year, as determined by
22 the Secretary.

23 “(5) STATE EDUCATIONAL AGENCY RESPONSIBIL-
24 ITIES.—The State educational agency shall—

1 “(A) make assistance from school support
2 teams and distinguished educators under section
3 1119 available to the schools farthest from meet-
4 ing the State’s student performance standards, if
5 requested by the local educational agency or
6 school; and

7 “(B) if such agency determines that a local
8 educational agency failed to carry out the local
9 educational agency’s responsibilities under para-
10 graphs (3) and (4), take such corrective actions
11 that the State educational agency deems appro-
12 priate.

13 “(6) *SPECIAL RULE.*—Schools that for at least
14 two of the three years following identification under
15 paragraph (1) make adequate progress toward meet-
16 ing the State’s proficient and advanced levels of per-
17 formance shall no longer need to be identified for
18 school improvement.

19 “(c) *STATE REVIEW AND LOCAL EDUCATIONAL AGEN-*
20 *CY IMPROVEMENT.*—

21 “(1) *IN GENERAL.*—A State educational agency
22 shall—

23 “(A) annually review the progress of each
24 local educational agency receiving funds under
25 this part to determine whether the local edu-

1 *cational agency is making adequate progress as*
2 *defined in section 1111(b)(2)(A)(ii) toward meet-*
3 *ing the State's student performance standards;*
4 *and*

5 *“(B) publicize and disseminate to local edu-*
6 *cational agencies, teachers and other staff, par-*
7 *ents, students, and the community the results of*
8 *the State review, including disaggregated results,*
9 *as required by section 1111(b)(3)(F).*

10 *“(2) REWARDS.—In the case of a local edu-*
11 *cational agency that for three consecutive years has*
12 *met or exceeded the State's definition of adequate*
13 *progress as defined in section 1111(b)(2)(A)(ii), the*
14 *State may make institutional and individual rewards*
15 *of the kinds described for individual schools in para-*
16 *graphs (2) and (3) of section 1119(b).*

17 *“(3) IDENTIFICATION.—(A) A State educational*
18 *agency shall identify for improvement any local edu-*
19 *cational agency that—*

20 *“(i) for two consecutive years, is not mak-*
21 *ing adequate progress as defined in section*
22 *1111(b)(2)(A)(ii) in schools served under this*
23 *part toward meeting the State's student perform-*
24 *ance standards, except that schools served by the*
25 *local educational agency that are not operating*

1 *schoolwide programs may be reviewed on the*
2 *basis of the progress of only those students served*
3 *under this part; or*

4 *“(ii) has failed to meet the criteria estab-*
5 *lished by the State through its transitional pro-*
6 *cedure under section 1111(b)(5)(C) for two con-*
7 *secutive years.*

8 *“(B) Before identifying a local educational agen-*
9 *cy for improvement under paragraph (1), the State*
10 *educational agency shall provide the local educational*
11 *agency with an opportunity to review the school-level*
12 *data, including assessment data, on which such iden-*
13 *tification is based. If the local educational agency be-*
14 *lieves that such identification for improvement is in*
15 *error, such local educational agency may provide evi-*
16 *dence to the State educational agency to support such*
17 *belief.*

18 *“(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—*
19 *Each local educational agency identified under para-*
20 *graph (3) shall, in consultation with schools, parents,*
21 *and educational experts, revise its local educational*
22 *agency plan under section 1112 in ways that have the*
23 *greatest likelihood of improving the performance of*
24 *schools served by the local educational agency in*
25 *meeting the State’s student performance standards.*

1 “(5) *STATE EDUCATIONAL AGENCY RESPONSIBIL-*
2 *ITIES.*—For each local educational agency identified
3 under paragraph (3), the State educational agency
4 shall—

5 “(A) provide technical assistance to better
6 enable the local educational agency to develop
7 and implement the local educational agency’s re-
8 vised plan and work with schools needing im-
9 provement; and

10 “(B) make available to the local educational
11 agencies farthest from meeting the State’s stand-
12 ards, if requested, assistance from school support
13 teams and distinguished educators under section
14 1119.

15 “(6) *CORRECTIVE ACTION.*—(A) The State edu-
16 cational agency may take corrective action at any
17 time against a local educational agency that has been
18 identified under paragraph (3), but, during the fourth
19 year following identification under paragraph (3),
20 shall take such action against any local educational
21 agency that still fails to make adequate progress.

22 “(B)(i) Corrective actions are those, consistent
23 with State law, determined and made public and dis-
24 seminated by the State educational agency, which
25 may include—

1 “(I) the withholding of funds;

2 “(II) an aggressive joint plan between the
3 State and local educational agency that address-
4 es specific elements of student performance prob-
5 lems and that specifies State and local respon-
6 sibilities under the plan;

7 “(III) interagency collaborative agreements
8 between the local educational agency and other
9 public agencies to provide health, pupil services,
10 and other social services needed to remove bar-
11 riers to learning;

12 “(IV) waivers or modification of require-
13 ments of State law or regulation (in States in
14 which such waivers are permitted) that impede
15 the ability of a local educational agency to edu-
16 cate students;

17 “(V) reconstitution of school district person-
18 nel;

19 “(VI) appointment by the State educational
20 agency of a representative to implement, in con-
21 junction with the local educational agency, a
22 program improvement plan;

23 “(VII) removal of particular schools from
24 the jurisdiction of the local educational agency
25 and establishment of alternative arrangements

1 *for the public governance and supervision of such*
2 *schools, including contracts with private man-*
3 *agement companies;*

4 *“(VIII) authorizing students to transfer to*
5 *another public school, including the cost of trans-*
6 *portation; and*

7 *“(IX) contracting out the management of*
8 *troubled schools to private management firms.*

9 *“(ii) Notwithstanding clause (i), corrective ac-*
10 *tions taken pursuant to this part shall not include the*
11 *actions described in subclauses (I), (V), and (VII) of*
12 *clause (i) until the State has developed assessments*
13 *that meet the requirements of paragraph (3)(E) of*
14 *section 1111(b).*

15 *“(C) Prior to implementing any corrective ac-*
16 *tion, the State educational agency shall provide due*
17 *process, including a hearing, to any local educational*
18 *agency identified under paragraph (3) and may re-*
19 *frain from such corrective action to the extent that the*
20 *failure to make progress can be attributed to such ex-*
21 *tenuating circumstances as determined by the Sec-*
22 *retary.*

23 *“(7) SPECIAL RULE.—Local educational agencies*
24 *that for at least two of the three years following iden-*
25 *tification under paragraph (3) make adequate*

1 *progress toward meeting the State's standards no*
 2 *longer need to be identified for local educational agen-*
 3 *cy improvement.*

4 “(d) *OTHER ACCOUNTABILITY SYSTEMS.—If a State*
 5 *has developed an accountability system for all children that,*
 6 *in the Secretary's judgment, is as rigorous as the system*
 7 *required by this section and can serve as basis for the ac-*
 8 *countability of programs under this part, then the Sec-*
 9 *retary may deem such system as meeting the requirements*
 10 *of this section.*

11 “(e) *CONSTRUCTION.—Nothing in this section shall be*
 12 *construed to alter or otherwise affect the rights, remedies,*
 13 *and procedures afforded school or school district employees*
 14 *under Federal, State, or local laws (including applicable*
 15 *regulations or court orders) or under the terms of collective*
 16 *bargaining agreements, memoranda of understanding, or*
 17 *other agreements between such employees and their employ-*
 18 *ers.*

19 **“SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT**
 20 **AND IMPROVEMENT.**

21 “(a) *SYSTEM FOR SUPPORT.—Each State educational*
 22 *agency shall establish a statewide system of intensive and*
 23 *sustained support and improvement for schools receiving*
 24 *funds under this title, including schoolwide programs and*
 25 *schools in need of program improvement.*

1 “(b) *COMPONENTS.*—*The system, at a minimum, shall*
2 *include the following:*

3 “(1) *SCHOOL SUPPORT TEAMS.*—

4 “(A) *Each State, in consultation with local*
5 *educational agencies and schools, shall establish*
6 *a system of school support teams to provide in-*
7 *formation and assistance to schoolwide pro-*
8 *grams, or a school in which the number of stu-*
9 *dents in poverty is equal to or greater than 75*
10 *percent of the total number of students enrolled*
11 *in such school and such school is identified as in*
12 *need of improvement under section 1118(b)(1).*

13 “(B) *Each such team shall be composed of*
14 *persons, including teachers, pupil services per-*
15 *sonnel, representatives of organizations knowl-*
16 *edgeable about successful schoolwide projects or*
17 *comprehensive school reform, and other persons*
18 *who are knowledgeable about research and prac-*
19 *tice on teaching and learning, particularly about*
20 *strategies for improving the educational opportu-*
21 *nities for eligible children, such as representa-*
22 *tives of institutions of higher education, regional*
23 *educational laboratories or research centers, and*
24 *outside consultant groups.*

1 “(C) A school support team shall work coop-
2 eratively with each school and make rec-
3 ommendations as the school develops its
4 schoolwide program plan or school improvement
5 plan, review each plan, and make recommenda-
6 tions to the school and the local educational
7 agency.

8 “(D) During the operation of the schoolwide
9 program or during school improvement activi-
10 ties, a school support team shall—

11 “(i) periodically review the progress of
12 the school in enabling children in the school
13 to meet the State’s performance standards
14 under this part;

15 “(ii) identify problems in the design
16 and operation of the instructional program;
17 and

18 “(iii) make recommendations for im-
19 provement to the school and the local edu-
20 cational agency.

21 “(E) Funds made available for State ad-
22 ministration and, at the discretion of the local
23 educational agency, funds available to local edu-
24 cational agencies under this part may be used to
25 pay the costs of the school support teams.

1 “(2) *DISTINGUISHED SCHOOLS.*—(A) *Each State*
2 *shall designate as a distinguished school—*

3 “(i) *any school served under this part that,*
4 *for three consecutive years, has exceeded the*
5 *State’s definition of adequate progress as defined*
6 *in section 1111(b)(2)(A)(i); and*

7 “(ii) *any school in which almost every stu-*
8 *dent has met the State’s advanced level of per-*
9 *formance.*

10 “(B)(i) *A State shall use funds available under*
11 *section 1701(c) to recognize distinguished schools, in-*
12 *cluding making monetary awards.*

13 “(ii) *Funds awarded to a distinguished school*
14 *may be used by the school to further the school’s edu-*
15 *cational program under this part, provide additional*
16 *incentives for continued success, and reward individ-*
17 *uals or groups in the school for past performance.*

18 “(C) *A local educational agency may also recog-*
19 *nize the success of a distinguished school by providing*
20 *additional institutional and individual rewards, such*
21 *as greater decisionmaking authority at the school*
22 *building level, increased access to resources or supple-*
23 *mental services such as summer programs that may*
24 *be used to sustain or increase success, additional pro-*
25 *fessional development opportunities, opportunities to*

1 *participate in special projects, and individual finan-*
2 *cial bonuses.*

3 *“(D) Schools designated as distinguished schools*
4 *under such subparagraph (A) may serve as models*
5 *and provide additional assistance to other schools*
6 *served under this part, especially schoolwide pro-*
7 *grams and schools in school improvement, that are*
8 *not making adequate progress.*

9 *“(3) DISTINGUISHED EDUCATORS.—*

10 *“(A) In order to provide assistance to*
11 *schools and local educational agencies identified*
12 *as needing improvement and schools participat-*
13 *ing in schoolwide programs, each State, in con-*
14 *sultation with local educational agencies and*
15 *using funds available under section 1701(c),*
16 *shall establish a corps of distinguished educators.*

17 *“(B) When possible, distinguished educators*
18 *shall be chosen from schools served under this*
19 *part that have been especially successful in ena-*
20 *bling children to meet or make outstanding*
21 *progress toward meeting the State’s student per-*
22 *formance standards, such as the schools described*
23 *in paragraph (2).*

24 *“(C) Distinguished educators shall provide,*
25 *as part of the statewide system, intensive and*

1 *sustained assistance to the schools and local edu-*
2 *cational agencies furthest from meeting the*
3 *State's student performance standards and to*
4 *schoolwide programs as such programs develop*
5 *and implement their plans, including participa-*
6 *tion in the support teams described in para-*
7 *graph (1).*

8 “(c) *IMPLEMENTATION.*—*In order to implement this*
9 *section, funds made available under section 1701(c) may*
10 *be used by a State for release time for teachers and adminis-*
11 *trators, travel, training, and other related costs.*

12 “(d) *ALTERNATIVES.*—

13 “(1) *IN GENERAL.*—*The State may devise alter-*
14 *native or additional approaches to providing the as-*
15 *sistance described in paragraphs (1) and (3) of sub-*
16 *section (b), such as providing assistance through in-*
17 *stitutions of higher education and educational service*
18 *agencies or other local consortia and may use funds*
19 *authorized in section 1701(c) for such approaches.*

20 “(2) *INAPPLICABILITY.*—*Paragraphs (1) and (3)*
21 *of subsection (b) shall not apply to a State edu-*
22 *cational agency if such agency determines that a local*
23 *educational agency or school is receiving adequate*
24 *technical assistance from a source other than the*
25 *State educational agency.*

1 ***“SEC. 1120. FISCAL REQUIREMENTS.***

2 “(a) *MAINTENANCE OF EFFORT.*—A local educational
3 agency may receive funds under this part for any fiscal
4 year only if the State educational agency finds that the
5 local educational agency has maintained its fiscal effort in
6 accordance with section 10501 of this Act.

7 “(b) *FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-*
8 *PLANT, NON-FEDERAL FUNDS.*—

9 “(1) *IN GENERAL.*—(A) *Except as provided in*
10 *subparagraph (B), a State or local educational agen-*
11 *cy shall use funds received under this part only to*
12 *supplement the amount of funds that would, in the*
13 *absence of such Federal funds, be made available from*
14 *non-Federal sources for the education of pupils par-*
15 *ticipating in programs assisted under this part, and*
16 *not to supplant such funds.*

17 “(B) *For the purpose of complying with sub-*
18 *paragraph (A), a State or local educational agency*
19 *may exclude supplemental State and local funds ex-*
20 *pended in any eligible school attendance area or*
21 *school for programs that meet the requirements of sec-*
22 *tion 1114 or 1115.*

23 “(2) *SPECIAL RULE.*—No local educational agen-
24 cy shall be required to provide services under this
25 part through a particular instructional method or in
26 a particular instructional setting in order to dem-

1 *onstrate such agency's compliance with paragraph*
2 *(1).*

3 *“(c) COMPARABILITY OF SERVICES.—*

4 *“(1) IN GENERAL.—(A) Except as provided in*
5 *paragraphs (4) and (5), a local educational agency*
6 *may receive funds under this part only if State and*
7 *local funds will be used in schools served under this*
8 *part to provide services that, taken as a whole, are at*
9 *least comparable to services in schools that are not re-*
10 *ceiving funds under this part.*

11 *“(B) If the local educational agency is serving*
12 *all of such agency's schools under this part, such*
13 *agency may receive funds under this part only if such*
14 *agency will use State and local funds to provide serv-*
15 *ices that, taken as a whole, are substantially com-*
16 *parable in each school.*

17 *“(C) A local educational agency may meet the*
18 *requirements of subparagraphs (A) and (B) on a*
19 *grade-span by grade-span basis or a school-by-school*
20 *basis.*

21 *“(2) WRITTEN ASSURANCE.—(A) A local edu-*
22 *cational agency shall be considered to have met the re-*
23 *quirements of paragraph (1) if such agency has filed*
24 *with the State educational agency a written assur-*

1 *ance that such agency has established and imple-*
2 *mented—*

3 *“(i) a local educational agency-wide salary*
4 *schedule;*

5 *“(ii) a policy to ensure equivalence among*
6 *schools in teachers, administrators, and other*
7 *staff; and*

8 *“(iii) a policy to ensure equivalence among*
9 *schools in the provision of curriculum materials*
10 *and instructional supplies.*

11 *“(B) Unpredictable changes in student enroll-*
12 *ment or personnel assignments which occur after the*
13 *beginning of a school year shall not be included as a*
14 *factor in determining comparability of services.*

15 *“(C) A local educational agency need not include*
16 *unpredictable changes in student enrollment or per-*
17 *sonnel assignments that occur after the beginning of*
18 *a school year in determining comparability of services*
19 *under this subsection.*

20 *“(3) PROCEDURES AND RECORDS.—Each local*
21 *educational agency shall—*

22 *“(A) develop procedures for compliance with*
23 *this subsection; and*

1 “(B) maintain records that are updated bi-
 2 ennially documenting such agency’s compliance
 3 with this subsection.

4 “(4) *INAPPLICABILITY.*—This subsection shall
 5 not apply to a local educational agency that does not
 6 have more than one building for each grade span.

7 “(5) *COMPLIANCE.*—For the purpose of deter-
 8 mining compliance with paragraph (1), a local edu-
 9 cational agency may exclude State and local funds
 10 expended for—

11 “(A) bilingual education for children of
 12 limited-English proficiency; and

13 “(B) excessive costs of providing services to
 14 children with disabilities as determined by the
 15 local educational agency.

16 **“Subpart 2—Allocations**

17 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
 18 **SECRETARY OF THE INTERIOR.**

19 “(a) *RESERVATION OF FUNDS.*—From the amount ap-
 20 propriated for payments to States for any fiscal year under
 21 section 1002(a), the Secretary shall reserve a total of 1 per-
 22 cent to provide assistance to—

23 “(1) the outlying areas on the basis of their re-
 24 spective need for such assistance according to such

1 *criteria as the Secretary determines will best carry*
2 *out the purpose of this part; and*

3 “(2) *the Secretary of the Interior in the amount*
4 *necessary to make payments pursuant to subsection*
5 *(c).*

6 “(b) *ASSISTANCE TO THE OUTLYING AREAS.—*

7 “(1) *IN GENERAL.—From amounts made avail-*
8 *able under subsection (a)(1) in each fiscal year the*
9 *Secretary shall make grants to local educational agen-*
10 *cies in the outlying areas in accordance with rec-*
11 *ommendations from the Pacific Regional Educational*
12 *Laboratory which shall conduct a competition for*
13 *such grants.*

14 “(2) *ADMINISTRATIVE COSTS.—The Secretary*
15 *shall provide 5 percent of amounts made available for*
16 *grants under this paragraph in each fiscal year to the*
17 *Pacific Regional Educational Laboratory to pay the*
18 *administrative costs of such laboratory with respect to*
19 *the activities under this subsection.*

20 “(c) *ALLOTMENT TO THE SECRETARY OF THE INTE-*
21 *RIOR.—*

22 “(1) *IN GENERAL.—The amount allotted for pay-*
23 *ments to the Secretary of the Interior under sub-*
24 *section (a)(2) for any fiscal year shall be, as deter-*
25 *mined pursuant to criteria established by the Sec-*

1 retary, the amount necessary to meet the special edu-
2 cational needs of—

3 “(A) Indian children on reservations served
4 by elementary and secondary schools for Indian
5 children operated or supported by the Depart-
6 ment of the Interior; and

7 “(B) out-of-State Indian children in ele-
8 mentary and secondary schools in local edu-
9 cational agencies under special contracts with
10 the Department of the Interior.

11 “(2) PAYMENTS.—From the amount allotted for
12 payments to the Secretary of the Interior under sub-
13 section (a)(2), the Secretary of the Interior shall make
14 payments to local educational agencies, upon such
15 terms as the Secretary determines will best carry out
16 the purposes of this part, with respect to out-of-State
17 Indian children described in paragraph (1). The
18 amount of such payment may not exceed, for each
19 such child, the greater of—

20 “(A) 40 percent of the average per pupil ex-
21 penditure in the State in which the agency is lo-
22 cated; or

23 “(B) 46 percent of such expenditure in the
24 United States.

1 ***“SEC. 1122. ALLOCATIONS TO STATES.***

2 *“(a) ADJUSTMENTS WHERE NECESSITATED BY AP-*
3 *PROPRIATIONS.—*

4 *“(1) IN GENERAL.—If the sums made available*
5 *under this part for any fiscal year are insufficient to*
6 *pay the full amounts that all local educational agen-*
7 *cies in all States are eligible to receive under section*
8 *1123 for such year, the Secretary first shall ratably*
9 *reduce the allocations to such local educational agen-*
10 *cies for such year.*

11 *“(2) ADDITIONAL FUNDS.—If additional funds*
12 *become available for making payments under section*
13 *1123 for such fiscal year, allocations that were re-*
14 *duced under paragraph (1) shall be increased on the*
15 *same basis as such allocations were reduced.*

16 *“(b) HOLD-HARMLESS AMOUNTS.—*

17 *“(1) IN GENERAL.—Except as provided in para-*
18 *graph (2), the total amount made available to each*
19 *State under section 1123—*

20 *“(A) for fiscal year 1995, shall not be less*
21 *than 100 percent of the total amount such State*
22 *received under sections 1005 and 1006 (as such*
23 *sections were in existence on the day preceding*
24 *the date of enactment of the Improving Ameri-*
25 *ca’s Schools Act of 1994) for fiscal year 1994;*

1 “(B) for fiscal year 1996, shall not be less
2 than 90 percent of the total amount such State
3 received under section 1123 for fiscal year 1995;
4 and

5 “(C) for fiscal year 1997 and each succeed-
6 ing fiscal year, shall not be less than 85 percent
7 of the total amount such State received in the fis-
8 cal year preceding the fiscal year for which the
9 determination is made.

10 “(2) *RATABLE REDUCTIONS.*—(A) If the sums
11 made available under this part for any fiscal year are
12 insufficient to pay the full amounts that all States
13 are eligible to receive under paragraph (1) for such
14 year, the Secretary shall ratably reduce such amounts
15 for such year.

16 “(B) If additional funds become available for
17 making payments under paragraph (1) for such fiscal
18 year, amounts that were reduced under subparagraph
19 (A) shall be increased on the same basis as such
20 amounts reduced.

21 “(c) *DEFINITION.*—For the purpose of this section and
22 section 1123, the term State means each of the 50 States,
23 the District of Columbia, and the Commonwealth of Puerto
24 Rico.

1 **“SEC. 1123. GRANTS TO STATES.**

2 “(a) AMOUNT OF GRANTS.—

3 “(1) IN GENERAL.—(A) In any case in which the
4 Secretary determines that satisfactory data for local
5 educational agencies are available to carry out deter-
6 minations under paragraph (2), the grant which a
7 State is eligible to receive under this subpart for a fis-
8 cal year shall be the aggregate amount of grants for
9 all local educational agencies in that State, as deter-
10 mined under paragraph (2).

11 “(B) In any case in which the Secretary deter-
12 mines that satisfactory data for local educational
13 agencies are not available to carry out determinations
14 under paragraph (2), the grant which a State is eligi-
15 ble to receive for a fiscal year shall be the aggregate
16 amounts of grants for all counties in that State, as
17 determined under paragraph (2).

18 “(2) GRANTS FOR STATES.—(A)(i) The grant for
19 a local educational agency shall be determined by
20 multiplying the number of children determined under
21 subsection (c)(2) by 40 percent of the amount deter-
22 mined under the next sentence, multiplying such
23 product by the effort factor described in clause (ii)
24 and multiplying such product by the equity factor de-
25 scribed in clause (iii). The amount determined under
26 this sentence shall be the average per pupil expendi-

1 *ture in the State except that (I) if the average per*
2 *pupil expenditure in the State is less than 85 percent*
3 *of the average per pupil expenditure in the United*
4 *States, such amount shall be 85 percent of the average*
5 *per pupil expenditure in the United States, or (II) if*
6 *the average per pupil expenditure in the State is*
7 *more than 115 percent of the average per pupil ex-*
8 *penditure in the United States, such amount shall be*
9 *115 percent of the average per pupil expenditure in*
10 *the United States.*

11 *“(ii)(I) Except as provided in subclause (II), the*
12 *effort factor for a local educational agency shall be de-*
13 *termined in accordance with the succeeding sentence,*
14 *except that such factor shall not be less than .95 nor*
15 *more than 1.05. The effort factor determined under*
16 *this sentence shall be a fraction the numerator of*
17 *which is the product of the average per pupil expendi-*
18 *ture for kindergarten through 12th grade education in*
19 *the State served by the local educational agency mul-*
20 *tiplied by the per capita income in the United States*
21 *and the denominator of which is the product of the*
22 *per capita income in such State multiplied by the av-*
23 *erage per pupil expenditure for kindergarten through*
24 *12th grade education in the United States.*

1 “(II) The effort factor for the Commonwealth of
2 Puerto Rico shall be equal to the lowest effort factor
3 calculated under subclause (I) for any State.

4 “(iii)(I) Except as provided in subclause (II),
5 the equalization factor for a local educational agency
6 shall be determined in accordance with the succeeding
7 sentence. The equalization factor determined under
8 this sentence shall be calculated as follows: First, cal-
9 culate the difference (expressed as a positive amount)
10 between the average per pupil expenditure in the
11 State served by the local educational agency and the
12 average per pupil expenditure in each local edu-
13 cational agency in the State and multiply such dif-
14 ference by the total student enrollment for such agen-
15 cy, except that children from low-income families
16 shall be multiplied by a factor of 1.4 to calculate such
17 enrollment. Second, add the products under the pre-
18 ceding sentence for each local educational agency in
19 such State and divide such sum by the total student
20 enrollment of such State, except that children from
21 low-income families shall be multiplied by a factor of
22 1.4 to calculate such enrollment. Third, divide the
23 quotient under the preceding sentence by the average
24 per pupil expenditure in such State. The equalization

1 *factor shall be equal to 1 minus the amount deter-*
2 *mined in the previous sentence.*

3 “(II) *The equalization factor for a local edu-*
4 *cational agency serving a State that meets the dispar-*
5 *ity standard described in section 222.63 of title 34,*
6 *Code of Federal Regulations (as such section was in*
7 *effect on the day preceding the date of enactment of*
8 *the Improving America’s Schools Act of 1994) shall*
9 *have a maximum coefficient of variation of .10.*

10 “(iv) *SPECIAL RULE.—Notwithstanding the pro-*
11 *visions of section 1122(b)—*

12 “(I) *For fiscal year 1995, no State’s alloca-*
13 *tion shall be increased by an amount greater*
14 *than 2 percent or reduced by an amount greater*
15 *than 2 percent of the amount to which it would*
16 *otherwise be entitled when the provisions of*
17 *clause (iii) are multiplied according to the pro-*
18 *visions of paragraph (2) of this section.*

19 “(II) *For fiscal year 1996, no State’s allo-*
20 *cation shall be increased by an amount greater*
21 *than 4 percent or reduced by an amount greater*
22 *than 4 percent of the amount to which it would*
23 *otherwise be entitled when the provisions of*
24 *clause (iii) are multiplied according to the pro-*
25 *visions of paragraph (2) of this section.*

1 “(III) For fiscal year 1997, no State’s allo-
2 cation shall be increased by an amount greater
3 than 6 percent or reduced by an amount greater
4 than 6 percent of the amount to which it would
5 otherwise be entitled when the provisions of
6 clause (iii) are multiplied according to the pro-
7 visions of paragraph (2) of this section.

8 “(B) For each fiscal year, the Secretary shall de-
9 termine the percentage which the average per pupil
10 expenditure in the Commonwealth of Puerto Rico is
11 of the lowest average per pupil expenditure of any of
12 the 50 States. The grant which the Commonwealth of
13 Puerto Rico shall be eligible to receive under this sub-
14 part for a fiscal year shall be determined by mul-
15 tiplying the product of the effort factor for the Com-
16 monwealth of Puerto Rico under subparagraph
17 (A)(ii)(II) for such year multiplied by the equity fac-
18 tor for the Commonwealth of Puerto Rico under sub-
19 paragraph (A)(iii)(II)(aa) for such year by the
20 amount arrived at by multiplying the number of chil-
21 dren counted under subsection (c) for the Common-
22 wealth of Puerto Rico by the product of—

23 “(i) the percentage determined under the
24 preceding sentence for such year; and

1 “(ii) 34 percent of the average per pupil ex-
2 penditure in the United States for such year.

3 “(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—
4 The children served by a local educational agency shall be
5 counted for a fiscal year under this subpart only if such
6 agency meets the following requirements with respect to the
7 number of children counted under subsection (c)(1):

8 “(1) In any case (except as provided in para-
9 graph (3)) in which the Secretary determines that
10 satisfactory data for the purpose of this subsection as
11 to the number of such children are available on a
12 school district basis, the number of such children in
13 the school district of such local educational agency
14 shall be at least 10.

15 “(2) In any other case, except as provided in
16 paragraph (3), the number of such children in the
17 county which includes such local educational agency’s
18 school district shall be at least 10.

19 “(3) In any case in which a county includes a
20 part of the school district of the local educational
21 agency concerned and the Secretary has not deter-
22 mined that satisfactory data for the purpose of this
23 subsection are available on a school district basis for
24 all the local educational agencies or all the counties
25 into which the school district of the local educational

1 *agency concerned extends, the eligibility requirement*
 2 *with respect to the number of such children for such*
 3 *local educational agency shall be determined in ac-*
 4 *cordance with regulations prescribed by the Secretary*
 5 *for the purposes of this subsection.*

6 “(c) DETERMINATION OF WEIGHTED NUMBER OF
 7 CHILDREN.—

8 “(1) CHILDREN TO BE COUNTED.—(A) The num-
 9 *ber of children to be counted for purposes of this sec-*
 10 *tion is the aggregate of—*

11 “(i) *the number of children aged 5 to 17,*
 12 *inclusive, in the school district of the local edu-*
 13 *cational agency from families below the poverty*
 14 *level; and*

15 “(ii) *the number of children aged 5 to 17,*
 16 *inclusive, in the school district of such agency*
 17 *living in institutions for neglected or delinquent*
 18 *children (other than such institutions operated*
 19 *by the United States) but not counted pursuant*
 20 *to subpart 3 of part E for the purposes of a*
 21 *grant to a State agency, or being supported in*
 22 *foster homes with public funds.*

23 “(B) *For the purposes of this section, the Sec-*
 24 *retary shall determine the number of children counted*
 25 *under subparagraph (A) on the basis of the most re-*

1 *cent satisfactory data available from the Department*
2 *of Commerce for local educational agencies (or, if*
3 *such data are not available for such agencies, for*
4 *counties); and in determining the families which are*
5 *below the poverty level, the Secretary shall utilize the*
6 *criteria of poverty used by the Bureau of the Census*
7 *in compiling the most recent decennial census.*

8 “(2) DETERMINATION OF NUMBER OF CHIL-
9 *DREN.—(A) The number of children to be determined*
10 *for purposes of this paragraph shall be the number of*
11 *children counted under paragraph (1) multiplied by*
12 *the weighting factor for the local educational agency.*
13 *The weighting factor shall be established on the basis*
14 *of the percentage that the number of children counted*
15 *under paragraph (1) represents of the total popu-*
16 *lation aged 5 to 17, inclusive, in the local educational*
17 *agency or the number of such children. Weighted*
18 *pupil counts shall be calculated based upon both per-*
19 *centage and number and the larger of the two counts*
20 *shall be used in calculating grants for each local edu-*
21 *cational agency. Except as provided in subparagraph*
22 *(B), weighting factors shall be assigned according to*
23 *the following scale: if the percentage is greater than*
24 *0 but less than 12.20, the weighting factor shall be*
25 *1.00 for all children counted under paragraph (1); if*

1 *the percentage is greater than 12.20 but less than*
2 *17.70, the weighting factor shall be 1.00 for a number*
3 *of children counted under paragraph (1) equal to*
4 *12.20 percent of the total school age population and*
5 *1.10 for children counted under paragraph (1) in ex-*
6 *cess of 12.20 percent of the total school age popu-*
7 *lation; if the percentage is greater than 17.70 percent*
8 *but less than 22.80 percent, then the weighting factor*
9 *shall be 1.00 for a number of children counted under*
10 *paragraph (1) equal to 12.20 percent of the total*
11 *school age population, 1.10 for a number of children*
12 *counted under paragraph (1) equal to 5.50 percent of*
13 *the total school age population, and 1.20 for children*
14 *counted under paragraph (1) in excess of 17.70 per-*
15 *cent of the total school age population; if the percent-*
16 *age is greater than 22.80 percent but less than 29.70*
17 *percent, then the weighting factor shall be 1.00 for a*
18 *number of children counted under paragraph (1)*
19 *equal to 12.20 percent of the total school age popu-*
20 *lation, 1.10 for a number of children counted under*
21 *paragraph (1) equal to 5.50 percent of the total school*
22 *age population, 1.20 for a number of children counted*
23 *under paragraph (1) equal to 5.10 percent of the total*
24 *school age population, and 1.30 for children counted*
25 *under paragraph (1) in excess of 22.80 percent of the*

1 *total school age population; and if the percentage is*
2 *greater than 29.70, then the weighting factor shall be*
3 *1.00 for a number of children counted under para-*
4 *graph (1) equal to 12.20 percent of the total school*
5 *age population, 1.10 for a number of children counted*
6 *under paragraph (1) equal to 5.50 percent of the total*
7 *school age population, 1.20 for a number of children*
8 *counted under paragraph (1) equal to 5.10 percent of*
9 *the total school age population, 1.30 for a number of*
10 *children counted under paragraph (1) equal to 6.90*
11 *percent of the total school age population, and 1.40*
12 *for children counted under paragraph (1) in excess of*
13 *29.70 percent of the total school age population. Sepa-*
14 *rately, if the number of children counted under para-*
15 *graph (1) is greater than 0 but less than 1917, the*
16 *weighting factor shall be 1.00 for all children counted*
17 *under paragraph (1); if the number is greater than*
18 *1917 but less than 5,938, the weighting factor shall be*
19 *1.00 for a number of children counted under para-*
20 *graph (1) equal to 1917, and 1.075 for children*
21 *counted under paragraph (1) in excess of 1917; if the*
22 *number is greater than 5,938 but less than 20,199,*
23 *then the weighting factor shall be 1.00 for a number*
24 *of children counted under paragraph (1) equal to*
25 *1917, 1.075 for a number of children counted under*

1 paragraph (1) equal to 4,021, and 1.150 for children
2 counted under paragraph (1) in excess of 5,938; if the
3 number is greater than 20,199 but less than 77,999
4 then the weighting factor shall be 1.00 for a number
5 of children counted under paragraph (1) equal to
6 1917, 1.075 for a number of children counted under
7 paragraph (1) equal to 4,021, 1.150 for a number of
8 children counted under paragraph (1) equal to
9 14,261, and 1.225 for children counted under para-
10 graph (1) in excess of 20,199; and if the number is
11 greater than 77,999, then the weighting factor shall be
12 1.00 for a number of children counted under para-
13 graph (1) equal to 1917, 1.075 for a number of chil-
14 dren counted under paragraph (1) equal to 4,021,
15 1.150 for a number of children counted under para-
16 graph (1) equal to 14,261, 1.225 for a number of chil-
17 dren counted under paragraph (1) equal to 57,800
18 and 1.30 for children counted under paragraph (1) in
19 excess of 77,999. For the Commonwealth of Puerto
20 Rico, the weighting factor shall be not greater than
21 1.15.

22 “(B) If the Secretary determines that satisfac-
23 tory data for local educational agencies are available
24 to carry out determinations under section 1123(a)(2),
25 then the Secretary shall substitute the percentages,

1 *numbers, and quintiles described in section*
2 *1124(b)(3) for the percentages, numbers, and quintiles*
3 *described in subparagraph (A).*

4 “(d) *STATE MINIMUM.*—

5 “(1) *MINIMUM.*—Notwithstanding subsections
6 *(a)(2)(A)(iv) and (e), for any fiscal year the aggre-*
7 *gate amount allotted for all local educational agencies*
8 *within a State may not be less than one-quarter of 1*
9 *percent of the total amount available for such fiscal*
10 *year under this section.*

11 “(2) *SPECIAL RULE.*—Notwithstanding sub-
12 sections *(a)(2)(A)(iv) and (e), a State shall not be al-*
13 *lotted in any fiscal year less than 125 percent of the*
14 *amount that the State would have received under this*
15 *section in such fiscal year if the provisions of para-*
16 *graph (1) were not applied.*

17 “(e) *SPECIAL RULE.*—No State shall receive a grant
18 *under this section for fiscal year 1995 in an amount that*
19 *exceeds 115 percent of the amount that would have been al-*
20 *located to such State for such fiscal year under subpart 1*
21 *of part A of chapter 1 of title I (as such subpart was in*
22 *effect on the day preceding the date of enactment of the Im-*
23 *proving America’s Schools Act of 1994).*

24 **“SEC. 1124. WITHIN STATE ALLOCATIONS.**

25 “(a) *IN GENERAL.*—

1 “(1) *ELIGIBILITY.*—No local educational agency
2 shall be eligible for funds under this part unless the
3 number of children counted under subsection (b)(1)
4 for such agency is at least 10 and equal to 5 percent
5 or greater of the number of all children served by such
6 agency.

7 “(2) *HOLD HARMLESS.*—(A) Except as provided
8 in subparagraph (B), each local educational agency
9 shall receive an amount under this part for fiscal
10 years 1995 and 1996 that is at least equal to 85 per-
11 cent of the amount such agency received under this
12 part (or for fiscal year 1994 only, such part’s prede-
13 cessor authority) in the preceding fiscal year, except
14 that if such agency is not eligible for assistance under
15 paragraph (1) such agency shall only receive the
16 amount provided for under this paragraph for fiscal
17 year 1995.

18 “(B)(i) If the sums made available under this
19 part for any fiscal year are insufficient to pay the
20 full amounts that all local educational agencies in all
21 States are eligible to receive under subparagraph (A)
22 for such year, the State educational agency shall rat-
23 ably reduce the allocations to such local educational
24 agencies for such year.

1 “(ii) If additional funds become available for
2 making payments under subparagraph (A) for such
3 fiscal year, allocations that were reduced under sub-
4 paragraph (A) shall be increased on the same basis as
5 such allocations were reduced.

6 “(3) STATE RESERVE.—(A) For each fiscal year
7 each State may reserve not more than 2 percent of the
8 funds such State receives to carry out this part to
9 award grants to local educational agencies that—

10 “(i) are not eligible for assistance under
11 paragraph (1); and

12 “(ii) serve a school attendance area for
13 which the percentage of children counted under
14 subsection (b)(1) that are enrolled in the schools
15 in such area exceeds—

16 “(I) the percentage of such children in
17 the State; or

18 “(II) 25 percent.

19 “(B) The total amount of funds awarded to each
20 local educational agency receiving a grant under this
21 paragraph when added to funds made available under
22 paragraph (2) shall not exceed—

23 “(i) for fiscal year 1995, the amount such
24 agency received under this part’s predecessor au-
25 thority in the preceding fiscal year; and

1 “(ii) for fiscal year 1996 and each succeed-
2 ing fiscal year, the average amount received per
3 child under this part in the State multiplied by
4 the number of children counted under subsection
5 (b)(1) in such agency’s school attendance areas
6 described in subparagraph (A)(ii).

7 “(C) Each State awarding grants under this
8 paragraph shall distribute such grants to local edu-
9 cational agencies in rank order based on the percent-
10 age of children from low-income families in each local
11 educational agency’s school attendance area described
12 in subparagraph (A)(ii).

13 “(D) Each local educational agency receiving a
14 grant under this paragraph only shall use such grants
15 funds to serve school attendance areas described in
16 subparagraph (A)(ii).

17 “(E) In order to receive a grant under this para-
18 graph a local educational agency shall provide an as-
19 surance to the State educational agency serving such
20 local educational agency that such local educational
21 agency has not modified the student assignment prac-
22 tices of such local educational agency so as to increase
23 the percentage of children from low-income families
24 in each school for which assistance is sought under
25 this paragraph.

1 “(b) *LOCAL EDUCATIONAL AGENCY ALLOCATIONS.*—

2 “(1) *CHILDREN TO BE COUNTED.*—(A) *The num-*
3 *ber of children counted for purposes of this section is*
4 *the aggregate of—*

5 “(i) *the number of children aged 5 to 17,*
6 *inclusive, in the school district of the local edu-*
7 *cational agency from families below the poverty*
8 *level; and*

9 “(ii) *the number of children aged 5 to 17,*
10 *inclusive, in the school district of such agency*
11 *living in institutions for neglected or delinquent*
12 *children (other than such institutions operated*
13 *by the United States) but not counted pursuant*
14 *to subpart 3 of part E for the purposes of a*
15 *grant to a State agency, or being supported in*
16 *foster homes with public funds.*

17 “(B) *In determining the number of children eli-*
18 *gible to be counted under subparagraph (A), a State*
19 *educational agency shall use for each local edu-*
20 *cational agency served by such State educational*
21 *agency—*

22 “(i) *data from the Bureau of the Census re-*
23 *garding the number of children determined in*
24 *accordance with section 1123(c)(1)(B);*

25 “(ii) *data based on the sum of—*

1 “(I) the number of children from fami-
2 lies receiving aid to families with dependent
3 children under part A of title IV of the So-
4 cial Security Act; and

5 “(II) the number of children with lim-
6 ited-English proficiency served by such
7 agency divided by three; or

8 “(iii) data based on other poverty criteria,
9 including combinations of the data described in
10 clauses (i) and (ii) and combinations of the data
11 described in either such clause and other data,
12 that the State educational agency deems appro-
13 priate and the Secretary approves, adjusted to be
14 equivalent in proportion to the number of chil-
15 dren determined in accordance with section
16 1123(c)(1)(B) in the State, except that the State
17 educational agency may submit to the Secretary
18 for approval alternative data that more accu-
19 rately target poverty.

20 “(2) ABSORPTION.—In determining the number
21 of children to be counted under this paragraph for
22 each local educational agency, the State educational
23 agency shall subtract 1 percent of the total number of
24 children aged 5 to 17, inclusive, served by such local
25 educational agency from the number of children

1 *counted under paragraph (1) for such local edu-*
2 *cational agency.*

3 “(3) *WEIGHTED CHILDREN.*—*From funds made*
4 *available under section 1123, each State educational*
5 *agency shall allocate such funds to local educational*
6 *agencies in the State on the basis of the number of*
7 *children counted under paragraph (2) for a local edu-*
8 *cational agency multiplied by the weighting factor for*
9 *the local educational agency. The weighting factor*
10 *shall be established on the basis of the percentage that*
11 *the number of children counted under paragraph (2)*
12 *represents of the total population aged 5 to 17, inclu-*
13 *sive, in the local educational agency or the number of*
14 *such children. Weighted pupil counts shall be cal-*
15 *culated based upon both percentage and number and*
16 *the larger of the two counts shall be used in calculat-*
17 *ing grants for each local educational agency.*
18 *Weighting factors shall be assigned according to the*
19 *following scale, except that a State educational agen-*
20 *cy may submit to the Secretary for approval State-*
21 *specific quintiles for use in the following percentages*
22 *or numbers for the State if the use of such quintiles*
23 *more accurately targets poverty: if the percentage is*
24 *greater than 0 but less than 14.265, the weighting fac-*
25 *tor shall be 1.00 for all children counted under para-*

1 *graph (2); if the percentage is greater than 14.265 but*
2 *less than 21.553, the weighting factor shall be 1.00 for*
3 *a number of children counted under paragraph (2)*
4 *equal to 14.265 percent of the total school age popu-*
5 *lation and 1.150 for children counted under para-*
6 *graph (2) in excess of 14.265 percent of the total*
7 *school age population; if the percentage is greater*
8 *than 21.553 percent but less than 29.223 percent, then*
9 *the weighting factor shall be 1.00 for a number of*
10 *children counted under paragraph (2) equal to 14.265*
11 *percent of the total school age population, 1.150 for*
12 *a number of children counted under paragraph (2)*
13 *equal to 7.288 percent of the total school age popu-*
14 *lation, and 1.300 for children counted under para-*
15 *graph (2) in excess of 21.553 percent of the total*
16 *school age population; if the percentage is greater*
17 *than 29.223 percent but less than 36.538 percent, then*
18 *the weighting factor shall be 1.00 for a number of*
19 *children counted under paragraph (2) equal to 14.265*
20 *percent of the total school age population, 1.150 for*
21 *a number of children counted under paragraph (2)*
22 *equal to 7.288 percent of the total school age popu-*
23 *lation, 1.30 for a number of children counted under*
24 *paragraph (2) equal to 7.67 percent of the total school*
25 *age population, and 1.450 for children counted under*

1 paragraph (2) in excess of 29.223 percent of the total
2 school age population; and if the percentage is greater
3 than 36.538, then the weighting factor shall be 1.00
4 for a number of children counted under paragraph
5 (2) equal to 14.265 percent of the total school age pop-
6 ulation, 1.150 for a number of children counted under
7 paragraph (2) equal to 7.288 percent of the total
8 school age population, 1.300 for a number of children
9 counted under paragraph (2) equal to 7.67 percent of
10 the total school age population, 1.450 for a number of
11 children counted under paragraph (2) equal to 7.315
12 percent of the total school age population, and 1.600
13 for children counted under paragraph (2) in excess of
14 36.538 percent of the total school age population. Sep-
15 arately, if the number of children counted under
16 paragraph (2) is greater than 0 but less than 575, the
17 weighting factor shall be 1.00 for all children counted
18 under paragraph (2); if the number is greater than
19 575 but less than 1,870, the weighting factor shall be
20 1.00 for a number of children counted under para-
21 graph (2) equal to 575, and 1.10 for children counted
22 under paragraph (2) in excess of 575; if the number
23 is greater than 1,870 but less than 6,910, then the
24 weighting factor shall be 1.00 for a number of chil-
25 dren counted under paragraph (2) equal to 575, 1.10

1 *for a number of children counted under paragraph*
2 *(2) equal to 1,295, and 1.20 for children counted*
3 *under paragraph (2) in excess of 1,870; if the number*
4 *is greater than 6,910 but less than 42,000 then the*
5 *weighting factor shall be 1.00 for a number of chil-*
6 *dren counted under paragraph (2) equal to 575, 1.10*
7 *for a number of children counted under paragraph*
8 *(2) equal to 1,295, 1.20 for a number of children*
9 *counted under paragraph (2) equal to 5,040, and 1.30*
10 *for children counted under paragraph (2) in excess of*
11 *6,910; and if the number is greater than 42,000, then*
12 *the weighting factor shall be 1.00 for a number of*
13 *children counted under paragraph (2) equal to 575,*
14 *1.10 for a number of children counted under para-*
15 *graph (2) equal to 1,295, 1.20 for a number of chil-*
16 *dren counted under paragraph (2) equal to 5,040,*
17 *1.30 for a number of children counted under para-*
18 *graph (2) equal to 35,090 and 1.40 for children*
19 *counted under paragraph (2) in excess of 42,000.*

20 “(4) *GEOGRAPHIC CIRCUMSTANCES.*—*In the case*
21 *of local educational agencies which serve in whole or*
22 *in part the same geographical area, and in the case*
23 *of a local educational agency which provides free pub-*
24 *lic education for a substantial number of children*
25 *who reside in the school district of another local edu-*

1 *cational agency, the State educational agency may al-*
2 *locate the amount of the grants for those local edu-*
3 *cational agencies among those local educational agen-*
4 *cies in such manner as the State educational agency*
5 *determines will best carry out the purposes of this*
6 *part.*

7 *“(5) SPECIAL ALLOCATION PROCEDURES.—Upon*
8 *determination by the State educational agency that a*
9 *local educational agency in the State is unable or un-*
10 *willing to provide for the special educational needs of*
11 *children described in clause (ii) of section*
12 *1123(c)(1)(A), who are living in institutions for ne-*
13 *glected or delinquent children, the State educational*
14 *agency shall, if the State educational agency assumes*
15 *responsibility for the special educational needs of such*
16 *children, be eligible to receive the portion of the allo-*
17 *cation to such local educational agency which is at-*
18 *tributable to such neglected or delinquent children,*
19 *but if the State educational agency does not assume*
20 *such responsibility, any other State or local public*
21 *agency, as determined by regulations established by*
22 *the Secretary, which does assume such responsibility,*
23 *shall be eligible to receive such portion of the alloca-*
24 *tion.*

1 “(6) *SPECIAL RULE.*—A local educational agency
 2 may reserve not more than 2 percent of the funds such
 3 agency receives under this part for each fiscal year to
 4 provide services at the discretion of the highest ad-
 5 ministrative official (superintendent) of such agency
 6 and consistent with the purposes of this title to a
 7 school, if the school is within two rank orders de-
 8 scribed in section 1113(c) of the lowest such rank or-
 9 dered school served under this part.

10 **“PART B—TRANSITION TO SUCCESS**

11 **“SEC. 1201. TRANSITION TO SUCCESS.**

12 “(a) *SHORT TITLE.*—This part may be cited as the
 13 ‘Transitions to Success Act of 1994’.

14 “(b) *TRANSITION TO SUCCESS CHALLENGE GRANTS.*—

15 “(1) *FUNDING.*—(A) Notwithstanding any other
 16 provision of law, from amounts appropriated to carry
 17 out part A for each fiscal year the Secretary shall re-
 18 serve 1 percent of the total amount made available to
 19 all States under such part for such fiscal year, to
 20 carry out this part for such year.

21 “(B) From amounts reserved under subpara-
 22 graph (A) the Secretary shall make available to each
 23 State 1 percent of the amount made available to each
 24 State under part A, to carry out this part.

1 “(2) *STATE INCENTIVE REQUIREMENTS.*—(A) *In*
2 *order for a State to use the funds made available*
3 *under paragraph (1), the State shall submit a transi-*
4 *tion coordinated services proposal to the Secretary as*
5 *part of the plan submitted under section 1111.*

6 “(B) *If a State fails to submit an acceptable pro-*
7 *posal described in subparagraph (A)(i), local edu-*
8 *cational agencies within the State may apply to the*
9 *Secretary directly for funds to carry out this part*
10 *under such terms and conditions as the Secretary de-*
11 *termines will best carry out the activities assisted*
12 *under this part.*

13 “(3) *IN GENERAL.*—*From amounts made avail-*
14 *able under paragraph (1), each State educational*
15 *agency shall make challenge grants to local edu-*
16 *cational agencies that have formed consortia with*
17 *early childhood development programs including,*
18 *where available, Head Start, to develop and operate*
19 *programs that assist low-income elementary school*
20 *students in kindergarten through third grade (giving*
21 *priority to students entering their first year of ele-*
22 *mentary school) and their families in—*

23 “(A) *obtaining supportive services that*
24 *build on the strength of families, including*
25 *health, immunization, mental health, nutrition,*

1 *parenting education, literacy, and social services*
2 *(including substance abuse treatment, education,*
3 *and prevention services); and*

4 *“(B) supporting the active involvement of*
5 *parents in the education of their children.*

6 *“(4) SPECIAL RULE.—In awarding grants and*
7 *administering the program assisted under this sec-*
8 *tion, the State educational agency shall consult with*
9 *the State liaison for the Head Start collaboration*
10 *grant program under section 640(a)(5) of the Head*
11 *Start Act and State agencies that administer early*
12 *childhood development programs, including programs*
13 *under the Child Care and Development Block Grant*
14 *Act of 1990.*

15 *“(5) TERM OF GRANT.—Each grant awarded*
16 *under this part shall be for a period of not more than*
17 *3 years.*

18 *“(c) CONSULTATION.—The Secretary shall consult*
19 *with the Secretary of Health and Human Services to de-*
20 *velop regulations and promote coordination of activities as-*
21 *sisted under this part with the projects funded under the*
22 *Head Start Transition Project Act, including a process*
23 *to—*

24 *“(1) collect information on program activities*
25 *and outcomes; and*

1 “(2) disseminate information on model pro-
2 grams.

3 “(d) *ELIGIBILITY.*—

4 “(1) *LOCAL EDUCATIONAL AGENCY CONSOR-*
5 *TIUM.*—A local educational agency shall be eligible for
6 a grant under this part if such agency—

7 “(A) receives funds under part A;

8 “(B) has formed a consortium with one or
9 more early childhood development programs that
10 serve children who will enroll in any elementary
11 school located within the school district of such
12 local educational agency, including, where avail-
13 able, Head Start programs; and

14 “(C) agrees to contribute an amount equal
15 to \$1 of matching funds for every \$1 made avail-
16 able to the local educational agency to carry out
17 this part, which matching funds may include
18 Federal funds, including funds made available
19 under this Act, and State or local funds (includ-
20 ing in-kind contributions, fairly evaluated).

21 “(2) *COOPERATING AGENCY.*—A nonprofit agen-
22 cy or institution of higher education with experience
23 in early childhood development may participate in a
24 consortium formed under paragraph (1)(B) in devel-
25 oping, operating, and evaluating programs assisted

1 under this part, including developing or implement-
2 ing model approaches to developmentally appropriate
3 curricula.

4 “(e) *FOLLOW THROUGH GRANTEES.*—A local edu-
5 cational agency that is receiving assistance through a pro-
6 gram under the Follow Through Act shall also be eligible
7 for a grant under this part to complete their Follow
8 Through grant cycle if such agency meets the requirements
9 of subsection (d)(1).

10 “(f) *REQUIREMENTS.*—

11 “(1) *IN GENERAL.*—To the extent practicable, the
12 State educational agency shall award grants under
13 this part to consortia in both rural and urban areas.

14 “(2) *CRITERIA.*—In awarding grants under this
15 part, the State educational agency shall consider—

16 “(A) the commitment of the members of the
17 consortium to the program for which assistance
18 under this part is requested;

19 “(B) the proportion of low-income children
20 in the school attendance area where the program
21 assisted under this part will be located; and

22 “(C) the quality of information and plans
23 in the application.

1 “(3) *PRIORITY.*—*In awarding grants under this*
2 *part, the State educational agency shall give priority*
3 *to applicants that—*

4 “(A) *will operate a program under this*
5 *part at a school designated for a schoolwide pro-*
6 *gram under section 1114;*

7 “(B) *serve local educational agencies that*
8 *have the highest number or percentage of poor*
9 *children; and*

10 “(C) *demonstrate a significant commitment*
11 *by the community to the proposed program, as*
12 *evidenced by the level of resources, both cash and*
13 *in-kind, from other public and private sources*
14 *available to the consortium.*

15 “(g) *APPLICATION.*—

16 “(1) *IN GENERAL.*—*Each local educational agen-*
17 *cy consortium seeking a grant under this part shall*
18 *submit an application to the State educational agen-*
19 *cy according to guidelines established by the Sec-*
20 *retary. Each such application shall include—*

21 “(A) *a description of the activities and serv-*
22 *ices for which assistance is sought;*

23 “(B) *a description of members of the consor-*
24 *tium formed under subsection (d)(1)(B), includ-*
25 *ing any cooperating agency;*

1 “(C) a self-assessment of the programs of the
2 individual consortium members to address the
3 health, immunization, mental health, nutrition,
4 parenting education, literacy, social service (in-
5 cluding substance abuse treatment, education,
6 and prevention), and educational needs of low-
7 income students and their families, including the
8 use of a developmentally appropriate curricula,
9 such as a model approach developed under the
10 Follow Through Act;

11 “(D) a plan for the development of a sup-
12 portive services team of family service coordina-
13 tors to—

14 “(i) assist families, administrators,
15 and teachers to respond to health, immuni-
16 zation, mental health, nutrition, social serv-
17 ice, and educational needs of students;

18 “(ii) conduct home visits and help stu-
19 dents and their families to obtain health,
20 immunization, mental health, nutrition,
21 parenting education, literacy, education
22 (including tutoring and remedial services),
23 and social services (including substance
24 abuse treatment, education, and preven-

tion), for which such students and their families are eligible;

“(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

“(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

“(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—

“(I) a meeting of the early childhood development program teacher

1 *with the kindergarten teacher and the*
2 *child's parents to discuss the transition*
3 *of each child and to address any par-*
4 *ticular educational needs of such child;*
5 *and*

6 *“(II) the transfer of knowledge*
7 *about the child, including the transfer*
8 *(with parental consent) of written*
9 *records from the early childhood devel-*
10 *opment program teacher to the kinder-*
11 *garten teacher to become part of the*
12 *school record of the child;*

13 *“(E) the designation of a member of the*
14 *supportive services team described in subpara-*
15 *graph (D) who will serve as the supervisor of*
16 *such supportive services team;*

17 *“(F) assurances that State agencies, local*
18 *agencies, and community-based organizations*
19 *that provide supportive services to low-income*
20 *students served by the local educational agency*
21 *consortium have been consulted in the prepara-*
22 *tion of the plan described in subparagraph (D);*

23 *“(G) assurances that State agencies, local*
24 *agencies, and community-based organizations*
25 *that provide supportive services to low-income*

1 *students served by the local educational agency*
2 *consortium will designate an individual who*
3 *will act as a liaison to the supportive services*
4 *team described in subparagraph (D);*

5 *“(H) a description of the target population*
6 *to be served by the supportive services team de-*
7 *scribed in subparagraph (D), including families*
8 *previously served under part C, the Head Start*
9 *Act, or other comparable early childhood develop-*
10 *ment program;*

11 *“(I) a description of the supportive services*
12 *to be provided, directly or through referral;*

13 *“(J) a plan to ensure the smooth transition*
14 *of children served under part C, the Head Start*
15 *Act, the Individuals with Disabilities Education*
16 *Act, and other comparable early childhood devel-*
17 *opment programs, to elementary schools;*

18 *“(K) assurances that, and a plan describing*
19 *how, families will be involved in the design and*
20 *operation of the program assisted under this*
21 *part;*

22 *“(L) a description of the Federal and non-*
23 *Federal resources that will be used to carry out*
24 *the program;*

1 “(M) if the applicant is receiving assistance
2 through a program under the Follow Through
3 Act—

4 “(i) a description of the activities that
5 will be funded under this part and the ac-
6 tivities that are funded with assistance pro-
7 vided under the Follow Through Act; and

8 “(ii) a description of the manner in
9 which activities funded under this part and
10 activities funded with assistance provided
11 under the Follow Through Act will be co-
12 ordinated within the elementary school;

13 “(N) assurances that the supportive services
14 described in subparagraph (D) will be equipped
15 to assist children and families with limited-Eng-
16 lish proficiency and disabilities, if appropriate;

17 “(O) a plan describing how the program as-
18 sisted under this part will be sustained, with
19 funding received under part A or other Federal
20 and non-Federal funding sources, after the grant
21 has expired;

22 “(P) program goals and a methodology to
23 measure progress toward achieving such goals;
24 and

1 “(Q) *such other information as the Sec-*
2 *retary may reasonably require.*

3 “(2) *SPECIAL RULE.—Each supportive services*
4 *team developed pursuant to paragraph (1)(D) shall*
5 *include at least 1 family service coordinator for every*
6 *35 children to be served.*

7 “(h) *EVALUATION AND REPORT.—*

8 “(1) *EVALUATION.—The Secretary, in coopera-*
9 *tion with the Secretary of Health and Human Serv-*
10 *ices shall, through grants, contracts, or cooperative*
11 *agreements, provide for the evaluation of the pro-*
12 *grams assisted under this part. To the extent prac-*
13 *ticable, such evaluation shall be conducted jointly*
14 *with evaluations of the Head Start Transition*
15 *Projects.*

16 “(2) *INFORMATION.—Each State educational*
17 *agency shall furnish to the Secretary such informa-*
18 *tion as the Secretary shall request to carry out the*
19 *evaluation described in paragraph (1).*

20 **“SEC. 1202. COORDINATION REQUIREMENTS.**

21 “(a) *IN GENERAL.—Each local educational agency re-*
22 *ceiving assistance under section 1113 may use such assist-*
23 *ance to carry out the activities described in subsection (b)*
24 *to the extent feasible and appropriate to the circumstances,*
25 *including the extent to which such local educational agency*

1 *is able to secure the cooperation of parents and local Head*
2 *Start agencies and, if feasible, other early childhood devel-*
3 *opment programs.*

4 “(b) *ACTIVITIES.—The activities referred to in sub-*
5 *section (a) are activities that increase coordination between*
6 *the local educational agency and a Head Start agency, and,*
7 *if feasible, other early childhood development programs,*
8 *serving children who will attend the schools of such agency,*
9 *including—*

10 “(1) *developing and implementing a systematic*
11 *procedure for receiving records regarding such chil-*
12 *dren transferred with parental consent from a Head*
13 *Start program or, where applicable, other early child-*
14 *hood development programs;*

15 “(2) *establishing channels of communication be-*
16 *tween school staff and their counterparts in such*
17 *Head Start agencies (including teachers, social work-*
18 *ers, and health staff) or other early childhood develop-*
19 *ment programs, as appropriate, to facilitate coordina-*
20 *tion of programs;*

21 “(3) *conducting meetings involving parents, kin-*
22 *dergarten or elementary school teachers, and Head*
23 *Start teachers or, if appropriate, teachers from other*
24 *early childhood development programs, to discuss the*

1 *developmental and other needs of individual children;*
2 *and*

3 “(4) *organizing and participating in joint tran-*
4 *sition related training of school staff, Head Start*
5 *staff, and, where appropriate, other early childhood*
6 *staff.*

7 “(c) *COORDINATION OF REGULATIONS.—The Secretary*
8 *shall work with the Secretary of Health and Human Serv-*
9 *ices to coordinate regulations promulgated under this part*
10 *with regulations promulgated under the Head Start Act*
11 *Amendments of 1994.*

12 **“SEC. 1203. DEFINITIONS.**

13 *“As used in this part:*

14 “(1) *DEVELOPMENTALLY APPROPRIATE CURRICU-*
15 *LUM.—The term ‘developmentally appropriate cur-*
16 *riculum’ means a curriculum that is appropriate for*
17 *the age and all areas of individual development of a*
18 *child, including educational, physical, emotional, so-*
19 *cial, and cognitive development, and communication.*

20 “(2) *FAMILY SERVICES COORDINATOR.—The*
21 *term ‘family services coordinator’ means an individ-*
22 *ual who is trained to assist families in obtaining sup-*
23 *portive services. Such individual may be an existing*
24 *employee of a local educational agency or Head Start*
25 *agency.*

11 ***“PART C—EVEN START FAMILY LITERACY***
12 ***PROGRAMS***

14 *“It is the purpose of this part to help break the cycle*
15 *of poverty and illiteracy by improving the educational op-*
16 *portunities of the Nation’s low-income families by integrat-*
17 *ing early childhood education, adult literacy or adult basic*
18 *education, and parenting education into a unified family*
19 *literacy program, to be referred to as ‘Even Start’. The pro-*
20 *gram shall—*

24 “(2) promote achievement of the National Edu-
25 cation Goals; and

1 “(3) assist children and adults from low-income
2 families to achieve to challenging State content stand-
3 ards and challenging State student performance
4 standards.

5 **“SEC. 1302. PROGRAM AUTHORIZED.**

6 “(a) *RESERVATION FOR MIGRANT PROGRAMS, OUTLY-*
7 *ING AREAS, AND INDIAN TRIBES.*—In each fiscal year, the
8 Secretary shall reserve not more than 5 percent of the
9 amount appropriated under section 1002(b) for programs,
10 under such terms and conditions as the Secretary shall es-
11 tablish, that are consistent with the purpose of this part,
12 and according to their relative needs, for—

13 “(1) children of migratory workers;

14 “(2) the outlying areas; and

15 “(3) Indian tribes and tribal organizations.

16 “(b) *RESERVATION FOR FEDERAL ACTIVITIES.*—From
17 amounts appropriated under section 1002(b), the Secretary
18 may reserve not more than 3 percent of such amounts or
19 the amount reserved to carry out the activities described in
20 paragraphs (1) and (2) for the fiscal year 1994, whichever
21 is greater, for purposes of—

22 “(1) carrying out the evaluation required by sec-
23 tion 1309; and

1 “(2) providing, through grants or contracts with
2 eligible organizations, technical assistance, program
3 improvement, and replication activities.

4 “(c) *RESERVATION FOR GRANTS.*—

5 “(1) *GRANTS AUTHORIZED.*—In any fiscal year
6 in which the amount appropriated to carry out this
7 part exceeds the amount appropriated to carry out
8 this part for the preceding fiscal year, the Secretary
9 may reserve such funds in excess of the amount ap-
10 propriated for such preceding fiscal years as do not
11 exceed \$1,000,000 to award grants, on a competitive
12 basis, to States to enable such States to plan and im-
13 plement, through literacy resource centers assisted
14 under subpart 7 of part B of the Adult Education
15 Act, statewide family literacy initiatives to coordinate
16 and integrate existing Federal, State, and local lit-
17 eracy resources consistent with the purposes of this
18 part.

19 “(2) *MATCHING REQUIREMENT.*—The Secretary
20 shall not make a grant to a State under paragraph
21 (1) unless the State agrees that, with respect to the
22 costs to be incurred by the eligible consortium in car-
23 rying out the activities for which the grant was
24 awarded, the State will make available non-Federal

1 *contributions in an amount equal to not less than the*
2 *Federal funds provided under the grant.*

3 “(d) *STATE ALLOCATION.*—

4 “(1) *IN GENERAL.*—*From amounts appropriated*
5 *under section 1002(b) and not reserved under sub-*
6 *sections (a), (b), and (c), the Secretary shall make*
7 *grants to States from allocations under paragraph*
8 *(2).*

9 “(2) *ALLOCATIONS.*—*Except as provided in*
10 *paragraph (3), from the total amount available for*
11 *allocation to States in any fiscal year, each State*
12 *shall be eligible to receive a grant under paragraph*
13 *(1) in an amount that bears the same ratio to such*
14 *total amount as the amount allocated under section*
15 *1122 to that State bears to the total amount allocated*
16 *under that section to all the States.*

17 “(3) *MINIMUM.*—*No State shall receive a grant*
18 *under paragraph (1) in any fiscal year in an amount*
19 *which is less than \$250,000, or one-half of 1 percent*
20 *of the amount appropriated under section 1002(b)*
21 *and not reserved under subsections (a), (b), and (c)*
22 *for such year, whichever is greater.*

23 “(e) *DEFINITIONS.*—*For the purpose of this part—*

24 “(1) *the term ‘eligible entity’ means a partner-*
25 *ship composed of both—*

1 “(A) a local educational agency; and

2 “(B) a nonprofit community-based organi-
3 zation, a public agency, an institution of higher
4 education, or a public or private nonprofit orga-
5 nization of demonstrated quality;

6 “(2) the term ‘eligible organization’ means any
7 public or private nonprofit organization with a
8 record of providing effective services to family literacy
9 providers, such as the National Center for Family
10 Literacy, Parents as Teachers, Inc., the Home In-
11 struction Program for Preschool Youngsters, and the
12 Home and School Institute, Inc.;

13 “(3) the terms ‘Indian tribe’ and ‘tribal organi-
14 zation’ have the meanings given such terms in section
15 4 of the Indian Self-Determination and Education
16 Assistance Act; and

17 “(4) the term ‘State’ includes each of the 50
18 States, the District of Columbia, and the Common-
19 wealth of Puerto Rico.

20 **“SEC. 1303. STATE PROGRAMS.**

21 “(a) *STATE LEVEL ACTIVITIES.*—Each State that re-
22 ceives a grant under section 1302(d)(1) may use not more
23 than 5 percent of the grant funds for the costs of—

24 “(1) administration; and

1 “(2) providing, through one or more subgrants or
2 contracts, technical assistance for program improve-
3 ment and replication, to eligible entities that receive
4 subgrants under subsection (b).

5 “(b) *SUBGRANTS FOR LOCAL PROGRAMS.*—

6 “(1) *IN GENERAL.*—Each State shall use the
7 grant funds received under section 1302(d)(1) and not
8 reserved under subsection (a) to award subgrants to
9 eligible entities to carry out Even Start programs.

10 “(2) *MINIMUM.*—No State shall award a
11 subgrant under paragraph (1) in an amount less
12 than \$75,000, except that a State may award one
13 subgrant in each fiscal year of sufficient size, scope,
14 and quality to be effective in an amount less than
15 \$75,000 if, after awarding subgrants under para-
16 graph (1) for such fiscal year in amounts of \$75,000
17 or greater, less than \$75,000 is available to the State
18 to award such subgrants.

19 **“SEC. 1304. USES OF FUNDS.**

20 “(a) *IN GENERAL.*—In carrying out a program under
21 this part, a recipient of funds under this part shall use such
22 funds to pay the Federal share of the cost of providing fam-
23 ily-centered education programs that involve parents and
24 children in a cooperative effort to help parents obtain edu-
25 cational skills and become full partners in the education

1 *of their children and to assist children in reaching their*
2 *full potential as learners.*

3 *“(b) FEDERAL SHARE LIMITATION.—*

4 *“(1) IN GENERAL.—(A) Except as provided in*
5 *paragraph (2), the Federal share under this part may*
6 *not exceed—*

7 *“(i) 90 percent of the total cost of the pro-*
8 *gram in the first year that such program receives*
9 *assistance under this part or its predecessor au-*
10 *thority;*

11 *“(ii) 80 percent in the second such year;*

12 *“(iii) 70 percent in the third such year;*

13 *“(iv) 60 percent in the fourth such year;*

14 *and*

15 *“(v) 50 percent in any subsequent such*
16 *year.*

17 *“(B) The remaining cost of a program assisted*
18 *under this part may be provided in cash or in kind,*
19 *fairly evaluated.*

20 *“(2) WAIVER.—The State educational agency*
21 *may waive, in whole or in part, the cost-sharing re-*
22 *quirement described in paragraph (1) for an eligible*
23 *entity if such entity—*

1 “(A) demonstrates that such entity other-
2 wise would not be able to participate in the pro-
3 gram assisted under this part; and

4 “(B) negotiates an agreement with the State
5 educational agency with respect to the amount of
6 the remaining cost to which the waiver will be
7 applicable.

8 “(3) *PROHIBITION.*—Federal funds provided
9 under this part may not be used for the indirect costs
10 of a program assisted under this part, except that the
11 Secretary may waive this paragraph if an eligible re-
12 cipient of funds reserved under section 1302(a)(3)
13 demonstrates to the Secretary’s satisfaction that such
14 recipient otherwise would not be able to participate in
15 the program assisted under this part.

16 **“SEC. 1305. PROGRAM ELEMENTS.**

17 “Each program assisted under this part shall—

18 “(1) include the identification and recruitment
19 of those families most in need of services provided
20 under this part, as indicated by a low level of income,
21 a low level of adult literacy or English language pro-
22 ficiency of a parent who is an eligible participant,
23 and other need-related indicators;

24 “(2) include screening and preparation of par-
25 ents, including teenage parents, and children to en-

1 *able such parents and children to participate fully in*
2 *the activities and services provided under this part,*
3 *including testing, referral to necessary pupil services,*
4 *and other developmental and support services;*

5 *“(3) be designed to accommodate the partici-*
6 *pants’ work and other responsibilities, including the*
7 *provision of pupil services (when such pupil services*
8 *are unavailable from other sources) necessary for par-*
9 *ticipation in the activities assisted under this part,*
10 *such as—*

11 *“(A) scheduling and location of services to*
12 *allow joint participation by parents and chil-*
13 *dren;*

14 *“(B) child care for the period that parents*
15 *are involved in the program provided under this*
16 *part; and*

17 *“(C) transportation for the purpose of ena-*
18 *bling parents and their children to participate*
19 *in programs authorized by this part;*

20 *“(4) include high-quality instructional programs*
21 *that promote adult literacy, training of parents to*
22 *support the educational growth of their children, de-*
23 *velopmentally appropriate early childhood edu-*
24 *cational services, and preparation of children for suc-*
25 *cess in regular school programs;*

1 “(5) include qualified personnel to develop, ad-
2 minister, and implement the program assisted under
3 this part;

4 “(6) include special training of staff, including
5 child care staff, to develop the skills necessary to work
6 with parents and young children in the full range of
7 instructional services offered through this part;

8 “(7) provide and monitor integrated instruc-
9 tional services to participating parents and children
10 through home-based programs;

11 “(8) operate on a year-round basis, including the
12 provision of some instructional or enrichment services
13 during the summer months;

14 “(9) be coordinated with—

15 “(A) other programs assisted under this
16 title and Act;

17 “(B) any relevant programs under the
18 Adult Education Act, the Individuals with Dis-
19 abilities Education Act, and the Job Training
20 Partnership Act; and

21 “(C) the Head Start program, volunteer lit-
22 eracy programs, and other relevant programs;

23 “(10) ensure that the programs will serve those
24 families most in need of the activities and services
25 provided by this part;

1 “(11) provide services under this part to individ-
2 uals with special needs, such as individuals with lim-
3 ited-English proficiency and individuals with disabil-
4 ities;

5 “(12) encourage eligible participants to remain
6 in the program for a time sufficient to meet the pro-
7 gram’s purpose; and

8 “(13) provide for an independent evaluation of
9 the program.

10 **“SEC. 1306. ELIGIBLE PARTICIPANTS.**

11 “(a) *IN GENERAL.*—Except as provided in subsection
12 (b), eligible participants in an Even Start program are—

13 “(1) a parent or parents—

14 “(A) who are eligible for participation in
15 an adult basic education program under the
16 Adult Education Act; or

17 “(B) who are within the State’s compulsory
18 school attendance age range, so long as a local
19 educational agency provides (or ensures the
20 availability of) the basic education component
21 required under this part; and

22 “(2) the child or children, from birth through age
23 seven, of any individual described in paragraph (1).

24 “(b) *ELIGIBILITY FOR CERTAIN OTHER PARTICI-*
25 *PANTS.*—

1 “(1) *IN GENERAL.*—Family members of eligible
2 participants described in subsection (a) may partici-
3 pate in activities and services provided under this
4 part, when appropriate to serve the purpose of this
5 part.

6 “(2) *SPECIAL RULE.*—Any family participating
7 in a program assisted under this part that becomes
8 ineligible for such participation as a result of one or
9 more members of the family becoming ineligible for
10 such participation may continue to participate in the
11 program until all members of the family become ineli-
12 gible for such participation, which—

13 “(A) *in the case of a family in which ineli-*
14 gibility was due to the child or children of such
15 family attaining the age of eight, shall be in two
16 years or when the parent or parents become in-
17 eligible due to educational advancement, which-
18 ever occurs first; and

19 “(B) *in the case of a family in which ineli-*
20 gibility was due to the educational advancement
21 of the parent or parents of such family, shall be
22 when all children in the family attain the age of
23 eight.

1 **“SEC. 1307. APPLICATIONS.**

2 “(a) *SUBMISSION.*—*To be eligible to receive a subgrant*
3 *under this part, an eligible entity shall submit an applica-*
4 *tion to the State educational agency in such form and con-*
5 *taining or accompanied by such information as the State*
6 *educational agency shall require.*

7 “(b) *PLAN.*—

8 “(1) *IN GENERAL.*—*Each such application shall*
9 *include—*

10 “(A) *a description of the program goals;*

11 “(B) *a description of the activities and*
12 *services that will be provided under the program,*
13 *including a description of how the program will*
14 *incorporate the program elements required by*
15 *section 1305;*

16 “(C) *a description of the population to be*
17 *served and an estimate of the number of partici-*
18 *pants to be served;*

19 “(D) *as appropriate, a description of the*
20 *applicant’s collaborative efforts with institutions*
21 *of higher education, community-based organiza-*
22 *tions, the State educational agency, private ele-*
23 *mentary schools, or eligible organizations in car-*
24 *rying out the program for which assistance is*
25 *sought; and*

1 “(E) a statement of the methods that will be
2 used—

3 “(i) to ensure that the programs will
4 serve those families most in need of the ac-
5 tivities and services provided by this part;

6 “(ii) to provide services under this
7 part to individuals with special needs, such
8 as individuals with limited-English pro-
9 ficiency and individuals with disabilities;
10 and

11 “(iii) to encourage participants to re-
12 main in the program for a time sufficient
13 to meet the program’s purpose.

14 “(2) DURATION OF THE PLAN.—Each plan sub-
15 mitted under paragraph (1)(A) shall—

16 “(A) remain in effect for the duration of the
17 eligible entity’s participation under this part;
18 and

19 “(B) be periodically reviewed and revised
20 by the eligible entity as necessary.

21 **“SEC. 1308. AWARD OF SUBGRANTS.**

22 “(a) SELECTION PROCESS.—

23 “(1) IN GENERAL.—The State educational agen-
24 cy shall establish a review panel in accordance with
25 subsection (b) that will approve applications that—

1 “(A) are most likely to be successful in—

2 “(i) meeting the purpose of this part;

3 and

4 “(ii) effectively implementing the pro-
5 gram elements required under section 1305;

6 “(B) demonstrate that the area to be served
7 by such program has a high percentage or a
8 large number of children and families who are in
9 need of such services as indicated by high levels
10 of poverty, illiteracy, unemployment, limited-
11 English proficiency, or other need-related indica-
12 tors, including a high percentage of children to
13 be served by the program who reside in a school
14 attendance area eligible for participation in pro-
15 grams under part A of this title;

16 “(C) provide services for at least a three-
17 year age range;

18 “(D) demonstrate the greatest possible co-
19 operation and coordination between a variety of
20 relevant service providers in all phases of the
21 program;

22 “(E) include cost-effective budgets, given the
23 scope of the application;

1 “(F) demonstrate the applicant’s ability to
2 provide the remaining cost required by section
3 1304(b);

4 “(G) are representative of urban and rural
5 regions of the State; and

6 “(H) show the greatest promise for provid-
7 ing models that may be adopted by other local
8 educational agencies.

9 “(2) REVIEW PANEL.—A review panel shall con-
10 sist of at least three members, including one early
11 childhood professional, one adult education profes-
12 sional, and one of the following individuals:

13 “(A) A representative of a parent-child edu-
14 cation organization.

15 “(B) A representative of a community-based
16 literacy organization.

17 “(C) A member of a local board of edu-
18 cation.

19 “(D) A representative of business and in-
20 dustry with a commitment to education.

21 “(E) An individual who has been involved
22 in the implementation of programs under this
23 title in the State.

1 “(3) *PRIORITY.*—*The State educational agency*
2 *shall give priority to awarding subgrants under this*
3 *subsection to applications describing programs that—*

4 “(A) *target services primarily to families*
5 *whose children reside in attendance areas of*
6 *schools eligible for schoolwide programs under*
7 *section 1114; or*

8 “(B) *are located in areas designated as*
9 *empowerment zones or enterprise communities.*

10 “(b) *DURATION.*—

11 “(1) *IN GENERAL.*—*Subgrants under this part*
12 *may be awarded for a period not to exceed four years.*

13 “(2) *STARTUP PERIOD.*—*The State educational*
14 *agency may provide an eligible recipient, at such re-*
15 *cipient’s request, a 3- to 6-month startup period dur-*
16 *ing the first year of the 4-year grant period, which*
17 *may include staff recruitment and training, and the*
18 *coordination of services, before requiring full imple-*
19 *mentation of the program.*

20 “(3) *CONTINUING ELIGIBILITY.*—*In awarding*
21 *subgrant funds to continue a program under this part*
22 *for the second, third, or fourth year, the State edu-*
23 *cational agency shall review the progress being made*
24 *toward meeting the objectives of the program after the*
25 *conclusion of the startup period, if any.*

1 “(4) *GRANT RENEWAL.*—(A) *An eligible entity*
2 *that has previously received a subgrant under this*
3 *part may reapply under this part for additional*
4 *subgrants. A subgrantee may receive funds under this*
5 *part for a period not to exceed eight years.*

6 “(B) *The Federal share of any subgrant renewed*
7 *under subparagraph (A) shall not exceed 50 percent*
8 *in any fiscal year.*

9 “(5) *INSUFFICIENT PROGRESS.*—*The State edu-*
10 *cational agency may refuse to award subgrant funds*
11 *if such agency finds that sufficient progress has not*
12 *been made toward meeting such objectives, but only*
13 *after affording the applicant notice and an oppor-*
14 *tunity for a hearing.*

15 **“SEC. 1309. EVALUATION.**

16 *“From funds reserved under section 1302(b)(1), the*
17 *Secretary shall provide for an independent evaluation of*
18 *programs assisted under this part—*

19 *“(1) to determine the performance and effective-*
20 *ness of programs assisted under this part; and*

21 *“(2) to identify effective programs assisted under*
22 *this part that can be duplicated and used in provid-*
23 *ing technical assistance to Federal, State, and local*
24 *programs.*

1 ***“SEC. 1310. CONSTRUCTION.***

2 *“Nothing in this part shall be construed to prohibit*
3 *a recipient of funds under this part from serving students*
4 *participating in Even Start simultaneously with students*
5 *with similar educational needs, in the same educational set-*
6 *tings where appropriate.*

7 ***“PART D—EDUCATION OF MIGRATORY CHILDREN***

8 ***“SEC. 1401. PROGRAM PURPOSE.***

9 *“It is the purpose of this part to assist States to—*

10 *“(1) support high-quality and comprehensive*
11 *educational programs for migratory children to help*
12 *reduce the educational disruptions and other problems*
13 *that result from repeated moves;*

14 *“(2) ensure that migratory children are provided*
15 *with appropriate educational services (including sup-*
16 *portive services) that address their special needs in a*
17 *coordinated and efficient manner;*

18 *“(3) ensure that migratory children have the op-*
19 *portunity to meet the same challenging State content*
20 *standards and challenging State student performance*
21 *standards that all children are expected to meet;*

22 *“(4) design programs to help migratory children*
23 *overcome educational disruption, cultural and lan-*
24 *guage barriers, social isolation, various health-related*
25 *problems, and other factors that inhibit the ability of*
26 *such children to do well in school, and to prepare*

1 *such children to make a successful transition to post-*
2 *secondary education or employment; and*

3 *“(5) ensure that migratory children benefit from*
4 *State and local systemic reforms.*

5 **“SEC. 1402. PROGRAM AUTHORIZED.**

6 *“(a) IN GENERAL.—In order to carry out the purpose*
7 *of this part, the Secretary shall make grants to State edu-*
8 *cational agencies, or combinations of such agencies, to es-*
9 *tablish or improve, directly or through local operating agen-*
10 *cies, programs of education for migratory children in ac-*
11 *cordance with this part.*

12 *“(b) DEFINITIONS.—As used in this part—*

13 *“(1) the term ‘local operating agency’ means—*

14 *“(A) a local educational agency to which a*
15 *State educational agency makes a subgrant*
16 *under this part;*

17 *“(B) a public or private nonprofit agency*
18 *with which a State educational agency or the*
19 *Secretary makes an arrangement to carry out a*
20 *program or project under this part; or*

21 *“(C) a State educational agency, if the*
22 *State educational agency operates the State’s mi-*
23 *grant education program or projects directly;*
24 *and*

1 “(2) the term ‘migratory child’ means a child
2 who is, or whose parent or guardian is, a migratory
3 agricultural worker, including a migratory dairy
4 worker, or a migratory fisher, and who, in the preced-
5 ing 48 months, in order to obtain, or accompany such
6 parent or guardian in order to obtain, temporary or
7 seasonal employment in agricultural or fishing
8 work—

9 “(A) has moved from one school district to
10 another;

11 “(B) in a State that is comprised of a sin-
12 gle school district, has moved from one adminis-
13 trative area to another within such district; or

14 “(C) resides in a school district of more
15 than 15,000 square miles, and migrates a dis-
16 tance of 20 miles or more to a temporary resi-
17 dence to engage in a fishing activity.

18 “(3) the term ‘stop-over center’ means a migrant
19 project site which provides educational services ap-
20 proved by the State educational agency, advance noti-
21 fication to States where migrant children are travel-
22 ing, and coordination with providers of other services
23 to migrant children, to eligible migrant children who
24 intend to stay 5 days or less while they or others in
25 their family are moving from one location to another

1 *seeking migratory agricultural work, including mi-*
 2 *gratory dairy work, or migratory fishing work.*

3 “(4) The term ‘fishing activity’ means any activ-
 4 *ity directly related to the catching or processing of*
 5 *fish or shellfish—*

6 “(A) *for initial commercial sale, whether a*
 7 *fisher is self-employed or employed by others, or*

8 “(B) *as a principal means of personal sub-*
 9 *sistence.*

10 **“SEC. 1403. STATE ALLOCATIONS.**

11 “(a) *STATE ALLOCATIONS.—Each State (other than*
 12 *the Commonwealth of Puerto Rico) is eligible to receive an*
 13 *allocation under this part, for each fiscal year, in an*
 14 *amount equal to—*

15 “(1) *the sum of the estimated number of migra-*
 16 *tory children aged three through 21 who reside in the*
 17 *State full time and the full-time equivalent of the esti-*
 18 *mated number of migratory children aged three*
 19 *through 21 who reside in the State part time, as de-*
 20 *termined in accordance with subsection (e); multi-*
 21 *plied by*

22 “(2) *40 percent of the average per-pupil expendi-*
 23 *ture in the State, except that the amount determined*
 24 *under this paragraph shall not be less than 32 per-*

1 *cent, or more than 48 percent, of the average per-*
2 *pupil expenditure in the United States.*

3 *“(b) ALLOCATION TO PUERTO RICO.—For each fiscal*
4 *year, the amount for which the Commonwealth of Puerto*
5 *Rico is eligible under this section shall be equal to—*

6 *“(1) the number of migratory children in Puerto*
7 *Rico, determined under subsection (a)(1); multiplied*
8 *by*

9 *“(2) the product of—*

10 *“(A) the percentage that the average per-*
11 *pupil expenditure in Puerto Rico is of the lowest*
12 *average per-pupil expenditure of any of the 50*
13 *States; and*

14 *“(B) 32 percent of the average per-pupil ex-*
15 *penditure in the United States.*

16 *“(c) RATABLE REDUCTIONS; REALLOCATIONS.—*

17 *“(1) IN GENERAL.—(A) If, after the Secretary re-*
18 *serves funds under section 1408(c), the amount appro-*
19 *priated to carry out this part for any fiscal year is*
20 *insufficient to pay in full the amounts for which all*
21 *States are eligible, the Secretary shall ratably reduce*
22 *each such amount.*

23 *“(B) If additional funds become available for*
24 *making such payments for any fiscal year, the Sec-*
25 *retary shall allocate such funds to States in amounts*

1 *that the Secretary determines will best carry out the*
2 *purpose of this part.*

3 “(2) *SPECIAL RULE.—(A) The Secretary shall*
4 *further reduce the amount of any grant to a State*
5 *under this part for any fiscal year if the Secretary*
6 *determines, based on available information on the*
7 *numbers and needs of migratory children in the State*
8 *and the program proposed by the State to address*
9 *those needs, that such amount is not needed by the*
10 *State.*

11 “(B) *The Secretary shall reallocate such excess*
12 *funds to other States whose grants under this part*
13 *would otherwise be insufficient to provide an appro-*
14 *priate level of services to migratory children, in such*
15 *amounts as the Secretary determines are appropriate.*

16 “(d) *CONSORTIUM ARRANGEMENTS.—*

17 “(1) *IN GENERAL.—In the case of any State that*
18 *receives a grant of \$500,000 or less under this section,*
19 *the Secretary shall consult with the State educational*
20 *agency to determine whether consortium arrange-*
21 *ments with another State or another appropriate en-*
22 *tity would result in delivery of services in a more ef-*
23 *fective and efficient manner.*

1 “(2) *PROPOSALS.*—Any State, regardless of the
2 amount of such State’s allocation, may submit a con-
3 sortium arrangement to the Secretary for approval.

4 “(3) *APPROVAL.*—The Secretary shall approve a
5 consortium arrangement under paragraph (1) or (2)
6 if the proposal demonstrates that the arrangement
7 will—

8 “(A) reduce administrative costs or pro-
9 gram function costs for State programs; and

10 “(B) make more funds available for direct
11 services to add substantially to the welfare or
12 educational attainment of children to be served
13 under this part.

14 “(e) *DETERMINING NUMBERS OF ELIGIBLE CHIL-*
15 *DREN.*—In order to determine the estimated number of mi-
16 *gratory children residing in each State for purposes of this*
17 *section, the Secretary shall—*

18 “(1) use such information as the Secretary finds
19 most accurately reflects the actual number of migra-
20 tory children; and

21 “(2) adjust the full-time equivalent number of
22 migratory children who reside in each State to take
23 into account—

24 “(A) the special needs of those children par-
25 ticipating in special programs provided under

1 *this part that operate during the summer or*
2 *other intersession periods or special programs*
3 *that operate at or through stop-over centers; and*
4 *“(B) the additional costs of operating such*
5 *programs.*

6 **“SEC. 1404. STATE APPLICATIONS; SERVICES.**

7 *“(a) APPLICATION REQUIRED.—Any State wishing to*
8 *receive a grant under this part for any fiscal year shall*
9 *submit an application to the Secretary at such time and*
10 *in such manner as the Secretary may require.*

11 *“(b) PROGRAM INFORMATION.—Each such application*
12 *shall include—*

13 *“(1) a description of how, in planning, imple-*
14 *menting, and evaluating programs and projects as-*
15 *sisted under this part, the State and its local operat-*
16 *ing agencies will ensure that the special educational*
17 *needs of migratory children, including preschool mi-*
18 *gratory children, are identified and addressed through*
19 *a comprehensive plan for needs assessment and service*
20 *delivery that meets the requirements of section 1406;*

21 *“(2) a description of the steps the State is taking*
22 *to provide all migratory students with the oppor-*
23 *tunity to meet the same challenging State content*
24 *standards and challenging State student performance*
25 *standards that all children are expected to meet;*

1 “(3) a description of how the State will use its
2 funds to promote interstate and intrastate coordina-
3 tion of services for migratory children, including how,
4 consistent with procedures the Secretary may require,
5 the State will provide for educational continuity
6 through the timely transfer of pertinent school
7 records, including information on health, when chil-
8 dren move from one school to another, whether or not
9 such move occurs during the regular school year;

10 “(4) a description of the State’s priorities for the
11 use of funds received under this part, and how such
12 priorities relate to the State’s assessment of needs for
13 services in the State; and

14 “(5) a description of how the State will deter-
15 mine the amount of any subgrants the State will
16 award to local operating agencies and the amount of
17 funds that such agencies will provide to individual
18 schools, taking into account the requirements of para-
19 graph (1).

20 “(c) ASSURANCES.—Each such application shall also
21 include assurances, satisfactory to the Secretary, that—

22 “(1) such programs and projects will be carried
23 out in a manner consistent with the objectives of sec-
24 tions 1114, 1115(b), 1115(e), 1117, 1120(b), and
25 1120(c), and part G;

1 “(2) in the planning and operation of such pro-
2 grams and projects at both the State and local operat-
3 ing agency level, there is appropriate consultation
4 with parent advisory councils for programs of one
5 school year in duration, and that all such programs
6 and projects are carried out, to the extent feasible, in
7 a manner consistent with section 1116;

8 “(3) the effectiveness of such programs and
9 projects will be determined, where feasible, using the
10 same approaches and standards that will be used to
11 assess the performance of students, schools, and local
12 educational agencies under part A; and

13 “(4) to the extent feasible, such programs and
14 projects will provide for—

15 “(A) advocacy and outreach activities for
16 migratory children and their families, including
17 informing such children and families of, or help-
18 ing such children and families gain access to,
19 other education, health, nutrition, and social
20 services;

21 “(B) professional development programs, in-
22 cluding mentoring, for teachers and other pro-
23 gram personnel;

1 “(C) family literacy programs, including
2 such programs that use models developed under
3 Even Start;

4 “(D) the integration of information tech-
5 nology into educational and related programs;
6 and

7 “(E) programs to facilitate the transition of
8 secondary school students to postsecondary edu-
9 cation or employment; and

10 “(5) the State will assist the Secretary in deter-
11 mining the number of migratory children under sec-
12 tion 1403(e), through such procedures as the Secretary
13 may require.

14 “(d) *PRIORITY FOR SERVICES.*—In providing services
15 with funds received under this part, each recipient of such
16 funds shall give priority to migratory children who are fail-
17 ing, or most at risk of failing, to meet the State’s challeng-
18 ing State content standards and challenging State student
19 performance standards, and whose education has been in-
20 terrupted during the regular school year.

21 “(e) *CONTINUATION OF SERVICES.*—Notwithstanding
22 any other provision of this part—

23 “(1) a child who ceases to be a migratory child
24 during a school term shall be eligible for services until
25 the end of such term; and

1 “(2) a child who is no longer a migratory child
2 may continue to receive services for one additional
3 school year, but only if comparable services are not
4 available through other programs.

5 **“SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.**

6 “(a) *SECRETARIAL APPROVAL.*—The Secretary shall
7 approve each application under this part that meets the re-
8 quirements of this part.

9 “(b) *PEER REVIEW.*—The Secretary may review any
10 application under this part with the assistance and advice
11 of State officials and other individuals with relevant exper-
12 tise.

13 **“SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND**
14 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
15 **TIVITIES.**

16 “(a) *COMPREHENSIVE PLAN.*—

17 “(1) *IN GENERAL.*—Each State that receives as-
18 sistance under this part shall ensure that the State
19 and its local operating agencies identify and address
20 the special educational needs of migratory children in
21 accordance with a comprehensive State plan that—

22 “(A) provides that migratory children will
23 have an opportunity to meet the same challeng-
24 ing State content standards and challenging
25 State student performance standards, set out in

1 *such plans, that all children are expected to*
2 *meet;*

3 *“(B) specifies measurable program goals*
4 *and outcomes;*

5 *“(C) encompasses the full range of services*
6 *that are available for migratory children from*
7 *appropriate local, State and Federal educational*
8 *programs;*

9 *“(D) is the product of joint planning among*
10 *such local, State, and Federal programs, includ-*
11 *ing programs under part A, early childhood pro-*
12 *grams, and bilingual education programs under*
13 *part A of title VII; and*

14 *“(E) provides for the integration of services*
15 *available under this part with services provided*
16 *by such other programs.*

17 *“(2) DURATION OF THE PLAN.—Each such com-*
18 *prehensive State plan shall—*

19 *“(A) remain in effect for the duration of the*
20 *State’s participation under this part; and*

21 *“(B) be periodically reviewed and revised*
22 *by the State, as necessary, to reflect changes in*
23 *the State’s strategies and programs under this*
24 *part.*

25 *“(b) AUTHORIZED ACTIVITIES.—*

1 “(1) *IN GENERAL.*—In implementing the com-
2 prehensive plan described in subsection (a), each local
3 operating agency shall have the flexibility to deter-
4 mine the activities to be provided with funds made
5 available under this part, except that—

6 “(A) before funds under this part are used
7 to provide services described in subparagraph
8 (B), such funds shall be used to meet the identi-
9 fied needs of migratory children that—

10 “(i) result from the effects of their mi-
11 gratory lifestyle, or are needed to permit
12 migratory children to participate effectively
13 in school; and

14 “(ii) are not addressed by services pro-
15 vided under other programs, including pro-
16 grams under part A;

17 “(B) all migratory children who are eligible
18 to receive services under part A shall receive such
19 services with funds provided under this part or
20 under part A; and

21 “(C) funds received under this part shall be
22 used only—

23 “(i) for programs and projects, includ-
24 ing the acquisition of equipment, in accord-
25 ance with section 1406(b)(1); and

1 “(ii) to coordinate such programs and
2 projects with similar programs and projects
3 within the State and in other States, as
4 well as with other Federal programs that
5 can benefit migratory children and their
6 families.

7 “(2) *CONSTRUCTION*.—Nothing in this part shall
8 be construed to prohibit a local operating agency from
9 serving migrant students simultaneously with stu-
10 dents with similar educational needs, in the same
11 educational settings where appropriate.

12 “(3) *SPECIAL RULE*.—Notwithstanding section
13 1114, a school that receives funds under this part
14 shall continue to address the identified needs de-
15 scribed in subparagraph (1)(A).

16 **“SEC. 1407. BYPASS.**

17 “The Secretary may use all or part of any State’s allo-
18 cation under this part to make arrangements with any pub-
19 lic or nonprofit agency to carry out the purpose of this part
20 in such State if the Secretary determines that—

21 “(1) the State is unable or unwilling to conduct
22 educational programs for migratory children;

23 “(2) such arrangements would result in more ef-
24 ficient and economic administration of such pro-
25 grams; or

1 “(3) such arrangements would add substantially
2 to the welfare or educational attainment of such chil-
3 dren.

4 **“SEC. 1408. COORDINATION OF MIGRANT EDUCATION AC-**
5 **TIVITIES.**

6 “(a) *IMPROVEMENT OF COORDINATION.*—

7 “(1) *IN GENERAL.*—The Secretary, in consulta-
8 tion with the States, may make grants to, or enter
9 into contracts with, State educational agencies, local
10 educational agencies, institutions of higher education,
11 and other public and private entities to improve the
12 interstate and intrastate coordination among such
13 agencies’ educational programs, including the estab-
14 lishment or improvement of programs for credit ac-
15 crual and exchange, available to migratory students.

16 “(2) *EXTENSION.*—The Secretary may extend
17 until January 1, 1996 the contract for the operation
18 of the migrant student record transfer system under
19 section 1203(a)(2)(A) of this Act (as such section was
20 in existence on the day preceding the date of enact-
21 ment of the Improving America’s Schools Act of
22 1994).

23 “(b) *REPORT.*—Not later than October 1, 1995, the
24 Secretary shall submit a report to the Congress regarding

1 *the effectiveness of methods used by States to transfer migra-*
 2 *tory students' educational and health records.*

3 “(c) *AVAILABILITY OF FUNDS.*—For the purpose of
 4 *carrying out this section in any fiscal year, the Secretary*
 5 *shall reserve not more than \$6,000,000 of the amount ap-*
 6 *propriated to carry out this part for such year.*

7 “(d) *INCENTIVE GRANTS.*—From the amounts made
 8 *available to carry out this section, the Secretary may re-*
 9 *serve not more than \$1,500,000 to award grants in amounts*
 10 *of not more than \$100,000 to each State educational agency*
 11 *entering into a consortium agreement described in section*
 12 *1403(d).*

13 **“PART E—EDUCATION FOR NEGLECTED AND**
 14 **DELINQUENT YOUTH**

15 **“SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.**

16 “(a) *PURPOSE.*—It is the purpose of this part to—

17 “(1) *improve educational services to children in*
 18 *institutions for neglected or delinquent children so*
 19 *that such children have the opportunity to meet the*
 20 *same challenging State content standards and chal-*
 21 *lenging State student performance standards that all*
 22 *children in the State will be expected to meet; and*

23 “(2) *provide such children the services such chil-*
 24 *dren need to make a successful transition from insti-*
 25 *tutionalization to further schooling or employment.*

1 “(b) *PROGRAM AUTHORIZED.*—In order to carry out
2 the purpose of this part, the Secretary shall make grants
3 to State educational agencies to enable such State edu-
4 cational agencies to award subgrants to State agencies to
5 establish or improve programs of education for neglected or
6 delinquent children in accordance with this part.

7 **“SEC. 1502. ELIGIBILITY.**

8 “A State agency is eligible for assistance under this
9 part if such State agency is responsible for providing free
10 public education for children—

11 “(1) in institutions for neglected or delinquent
12 children;

13 “(2) attending community day programs for ne-
14 glected or delinquent children; or

15 “(3) in adult correctional institutions.

16 **“SEC. 1503. ALLOCATION OF FUNDS.**

17 “(a) *SUBGRANTS TO STATE AGENCIES.*—

18 “(1) *IN GENERAL.*—Each State agency described
19 in section 1502 (other than an agency in the Com-
20 monwealth of Puerto Rico) is eligible to receive a
21 subgrant under this part, for each fiscal year, an
22 amount equal to the product of—

23 “(A) the number of neglected or delinquent
24 children described in section 1502 who—

1 “(i) are enrolled for at least 15 hours
2 per week in education programs in adult
3 correctional institutions; and

4 “(ii) are enrolled for at least 20 hours
5 per week—

6 “(I) in education programs in in-
7 stitutions for neglected or delinquent
8 children; or

9 “(II) in community day programs
10 for neglected or delinquent children;
11 and

12 “(B) 40 percent of the average per-pupil ex-
13 penditure in the State, except that the amount
14 determined under this paragraph shall not be
15 less than 32 percent, or more than 48 percent, of
16 the average per-pupil expenditure in the United
17 States.

18 “(2) *SPECIAL RULE.*—The number of neglected
19 or delinquent children determined under paragraph
20 (1) shall—

21 “(A) be determined by the State agency by
22 a date or dates set by the Secretary, except that
23 no State agency shall be required to determine
24 the number of such children on a specific date set
25 by the Secretary; and

1 “(B) be adjusted, as the Secretary deter-
 2 mines is appropriate, to reflect the relative
 3 length of such agency’s annual programs.

4 “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*
 5 *RICO*.—For each fiscal year, the amount of the subgrant
 6 for which a State agency in the Commonwealth of Puerto
 7 Rico is eligible under this part shall be equal to—

8 “(1) the number of children counted under sub-
 9 section (a)(1) for Puerto Rico; multiplied by

10 “(2) the product of—

11 “(A) the percentage that the average per-
 12 pupil expenditure in Puerto Rico is of the lowest
 13 average per-pupil expenditure of any of the 50
 14 States; and

15 “(B) 32 percent of the average per-pupil ex-
 16 penditure in the United States.

17 “(c) *RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
 18 *APPROPRIATIONS*.—If the amount appropriated for any fis-
 19 cal year for subgrants under subsections (a) and (b) is in-
 20 sufficient to pay the full amount for which all agencies are
 21 eligible under such subsections, the Secretary shall ratably
 22 reduce each such amount.

23 “(d) *PAYMENTS TO STATE EDUCATIONAL AGENCIES*.—

24 “(1) *IN GENERAL*.—The Secretary shall pay to
 25 each State educational agency the total amount need-

1 *ed to make subgrants to State agencies in that State,*
2 *as determined under this section.*

3 “(2) *ADMINISTRATIVE EXPENSES.*—*Each State*
4 *educational agency may retain a portion of such total*
5 *amount for State administration of, in accordance*
6 *with section 1702(b).*

7 **“SEC. 1504. STATE REALLOCATION OF FUNDS.**

8 “*If a State educational agency determines that a State*
9 *agency does not need the full amount of the subgrant for*
10 *which such State agency is eligible under this part for any*
11 *fiscal year, the State educational agency may reallocate the*
12 *amount that will not be needed to other State agencies that*
13 *need additional funds to carry out the purpose of this part,*
14 *in such amounts as the State educational agency shall de-*
15 *termine.*

16 **“SEC. 1505. STATE PLAN AND STATE AGENCY APPLICA-**
17 **TIONS.**

18 “(a) *STATE PLAN.*—

19 “(1) *IN GENERAL.*—*Each State educational*
20 *agency that desires to receive payments under this*
21 *part shall submit, for approval by the Secretary, a*
22 *plan for meeting the needs of neglected and delinquent*
23 *children, which shall be revised and updated as need-*
24 *ed to satisfy the requirements of this section.*

25 “(2) *CONTENTS.*—*Each such State plan shall—*

1 “(A) describe the program goals, objectives,
2 and performance measures established by the
3 State that will be used to assess the effectiveness
4 of the program in improving academic and voca-
5 tional skills of children in the program;

6 “(B) provide that, to the extent feasible,
7 such children will have the same opportunities to
8 learn as such children would have if such chil-
9 dren were in the schools of local educational
10 agencies in the State; and

11 “(C) contain assurances that the State edu-
12 cational agency will—

13 “(i) ensure that programs assisted
14 under this part will be carried out in ac-
15 cordance with the State plan described in
16 this subsection; and

17 “(ii) carry out the evaluation require-
18 ments of section 1509 of this part.

19 “(3) DURATION OF THE PLAN.—Each such State
20 plan shall—

21 “(A) remain in effect for the duration of the
22 State’s participation under this part; and

23 “(B) be periodically reviewed and revised
24 by the State, as necessary, to reflect changes in

1 *the State's strategies and programs under this*
2 *part.*

3 “(b) *SECRETARIAL APPROVAL; PEER REVIEW.*—

4 “(1) *IN GENERAL.*—*The Secretary shall approve*
5 *each State plan that meets the requirements of this*
6 *part.*

7 “(2) *PEER REVIEW.*—*The Secretary may review*
8 *any State plan with the assistance and advice of in-*
9 *dividuals with relevant expertise.*

10 “(c) *STATE AGENCY APPLICATIONS.*—*Any State agen-*
11 *cy that desires to receive funds to carry out a program*
12 *under this part shall submit an application to the State*
13 *educational agency that—*

14 “(1) *describes the procedures to be used, consist-*
15 *ent with the State plan under part A, to assess the*
16 *educational needs of the children to be served;*

17 “(2) *describes the program, including a budget*
18 *for the first year of the program, with annual updates*
19 *to be provided to the State educational agency;*

20 “(3) *describes how the program will meet the*
21 *goals and objectives of the State plan under this part;*

22 “(4) *describes how the State agency will consult*
23 *with experts and provide the necessary training for*
24 *appropriate staff, to ensure that the planning and op-*

1 *eration of institution-wide projects under section 1507*
2 *are of high quality;*

3 *“(5) describes how the agency will carry out the*
4 *evaluation requirements of section 1509 and how the*
5 *results of the most recent evaluation were used to plan*
6 *and improve the program;*

7 *“(6) includes data showing that the State agency*
8 *has maintained fiscal effort as if such agency were a*
9 *local educational agency, in accordance with section*
10 *10501;*

11 *“(7) describes how the programs will be coordi-*
12 *nated with other State and Federal programs admin-*
13 *istered by the State agency;*

14 *“(8) describes how appropriate professional de-*
15 *velopment will be provided to teachers and other staff;*
16 *and*

17 *“(9) designates an individual in each affected*
18 *institution to be responsible for issues relating to the*
19 *transition of children from the institution to locally*
20 *operated programs.*

21 ***“SEC. 1506. USE OF FUNDS.***

22 *“(a) IN GENERAL.—*

23 *“(1) IN GENERAL.—A State agency shall use*
24 *funds received under this part only for programs and*
25 *projects that—*

1 “(A) are consistent with the State plan de-
2 scribed in section 1505(a); and

3 “(B) concentrate on providing participants
4 with the knowledge and skills needed to make a
5 successful transition to further education or em-
6 ployment.

7 “(2) USES.—Such programs and projects—

8 “(A) may include the acquisition of equip-
9 ment;

10 “(B) shall be designed to support edu-
11 cational services that—

12 “(i) except for institution-wide projects
13 under section 1507, are provided to children
14 identified by the State agency as failing, or
15 most at risk of failing, to meet the State’s
16 challenging State content standards and
17 challenging State student performance
18 standards;

19 “(ii) supplement and improve the
20 quality of the educational services provided
21 to such children by the State agency; and

22 “(iii) afford such children an oppor-
23 tunity to learn such standards;

24 “(C) shall be carried out in a manner con-
25 sistent with section 1120(b) and part G; and

1 “(D) may include the costs of meeting the
2 evaluation requirements of section 1509.

3 “(b) *SUPPLEMENT, NOT SUPPLANT*.—A program
4 under this part that supplements the number of hours of
5 instruction students receive from State and local sources
6 shall be considered to comply with the ‘supplement, not sup-
7 plant’ requirement of section 1120(b) without regard to the
8 subject areas in which instruction is given during those
9 hours.

10 **“SEC. 1507. INSTITUTION-WIDE PROJECTS.**

11 “(a) *PROJECTS AUTHORIZED*.—A State agency that
12 provides free public education for children in an institution
13 for neglected or delinquent children (other than an adult
14 correctional institution) or attending a community-day
15 program for such children may use funds received under
16 this part to serve all children in, and upgrade the entire
17 educational effort of, that institution or program if the
18 State agency has developed, and the State educational agen-
19 cy has approved, a comprehensive plan for that institution
20 or program that—

21 “(1) provides for a comprehensive assessment of
22 the educational needs of all individuals under the age
23 of 21 in the institution or program;

24 “(2) describes the steps the State agency has
25 taken, or will take, to provide all children under age

1 21 with the opportunity to meet challenging State
2 content standards and challenging State student per-
3 formance standards in order to improve the likelihood
4 that such children will complete secondary school and
5 find employment after leaving the institution;

6 “(3) describes the instructional program, pupil
7 services, and procedures that will be used to meet the
8 needs described in paragraph (1), including, to the
9 extent feasible, the provision of mentors for students;

10 “(4) specifically describes how such funds will be
11 used;

12 “(5) describes the measures and procedures that
13 will be used to assess student progress;

14 “(6) describes how the agency has planned, and
15 will implement and evaluate, the institution-wide or
16 program-wide project in consultation with personnel
17 providing direct instructional services and support
18 services in institutions or community-day programs
19 for neglected or delinquent children and personnel
20 from the State educational agency; and

21 “(7) includes an assurance that the State agency
22 has provided for appropriate training to teachers and
23 other instructional and administrative personnel to
24 enable such teachers and personnel to carry out the
25 project effectively.

1 “(b) *PROJECTS REQUIRED.*—Beginning with school
2 year 1996–1997, a State agency described in subsection (a)
3 shall use funds received under this part only for institution-
4 wide projects described in that subsection, except as pro-
5 vided in section 1510.

6 **“SEC. 1508. THREE-YEAR PROJECTS.**

7 “If a State agency operates a program or project under
8 this part in which individual children are likely to partici-
9 pate for more than one year, the State educational agency
10 may approve the State agency’s application for a subgrant
11 under this part for a period of not more than three years.

12 **“SEC. 1509. PROGRAM EVALUATIONS.**

13 “(a) *SCOPE OF EVALUATION.*—Each State agency that
14 conducts a program or project under this part shall evalu-
15 ate the program or project at least once every three years,
16 disaggregating data on participants by sex, and if feasible,
17 race, ethnicity or age, to determine the program or project’s
18 impact on the ability of participants to—

19 “(1) maintain and improve educational achieve-
20 ment;

21 “(2) accrue school credits that meet State re-
22 quirements for grade promotion and secondary school
23 graduation;

1 “(3) make the transition to a regular program or
2 other education program operated by a local edu-
3 cational agency; and

4 “(4) complete secondary school and obtain em-
5 ployment after participants leave the institution.

6 “(b) *EVALUATION MEASURES.*—In conducting each
7 such evaluation with respect to subsection (a)(1), a State
8 agency shall use multiple and appropriate measures of stu-
9 dent progress.

10 “(c) *EVALUATION RESULTS.*—Each State agency
11 shall—

12 “(1) submit the results of each evaluation under
13 this section to the State educational agency; and

14 “(2) use the results of evaluations under this sec-
15 tion to plan and improve subsequent programs for
16 participating children.

17 **“SEC. 1510. TRANSITION SERVICES.**

18 “(a) *TRANSITION SERVICES.*—Each State agency may
19 reserve not more than 10 percent of the amount such agency
20 receives under this part for any fiscal year to support
21 projects that facilitate the transition of children from State-
22 operated institutions for neglected and delinquent children
23 into locally operated programs.

24 “(b) *CONDUCT OF PROJECTS.*—A project supported
25 under this section may be conducted directly by the State

1 *agency, or through a contract or other arrangement with*
2 *one or more local educational agencies, other public agen-*
3 *cies, or private nonprofit organizations.*

4 “(c) *LIMITATION.*—Any funds reserved under sub-
5 *section (a) shall be used only to provide special educational*
6 *services, which may include pupil services and mentoring,*
7 *to neglected and delinquent children in schools other than*
8 *State-operated institutions.*

9 “(d) *CONSTRUCTION.*—Nothing in this section shall be
10 *construed to prohibit a school that receives funds under sub-*
11 *section (a) from serving neglected and delinquent children*
12 *simultaneously with students with similar educational*
13 *needs, in the same educational settings where appropriate.*

14 **“SEC. 1511. DEFINITIONS.**

15 *“For the purpose of this part—*

16 “(1) *the term ‘adult correctional institution’*
17 *means a facility in which persons are confined as a*
18 *result of a conviction for a criminal offense, including*
19 *persons under 21 years of age;*

20 “(2) *the term ‘community day program’ means*
21 *a regular program of instruction provided by a State*
22 *agency at a community day school operated specifi-*
23 *cally for neglected or delinquent children;*

24 “(3) *the term ‘institution for delinquent children’*
25 *means a public or private residential facility for the*

1 *care of children who have been adjudicated to be de-*
 2 *linquent or in need of supervision; and*

3 “(4) the term ‘institution for neglected children’
 4 *means a public or private residential facility, other*
 5 *than a foster home, that is operated for the care of*
 6 *children who have been committed to the institution*
 7 *or voluntarily placed in the institution under appli-*
 8 *cable State law, due to abandonment, neglect, or*
 9 *death of their parents or guardians.*

10 **“PART F—FEDERAL EVALUATIONS AND**
 11 **DEMONSTRATIONS**

12 **“SEC. 1601. EVALUATIONS.**

13 “(a) NATIONAL ASSESSMENT.—

14 “(1) IN GENERAL.—*The Secretary shall conduct*
 15 *a national assessment of programs assisted under this*
 16 *title, in coordination with the ongoing Chapter 1*
 17 *Longitudinal Study under subsection (c) of this sec-*
 18 *tion, that shall be planned, reviewed, and conducted*
 19 *in consultation with an independent panel of re-*
 20 *searchers, State practitioners, local practitioners, and*
 21 *other appropriate individuals.*

22 “(2) EXAMINATION.—*The assessment shall exam-*
 23 *ine how well schools, local educational agencies, and*
 24 *States—*

1 “(A) are progressing toward the goal of all
2 children served under this title reaching the
3 State’s challenging State content standards and
4 challenging State student performance standards;
5 and

6 “(B) are accomplishing the purpose set forth
7 in section 1001(d) to achieve the goal described
8 in paragraph (1), including—

9 “(i) ensuring challenging State content
10 standards and challenging State student
11 performance standards for all children
12 served under this title and aligning the ef-
13 forts of States, local educational agencies,
14 and schools to help such children reach such
15 standards;

16 “(ii) providing children served under
17 this title an enriched and accelerated edu-
18 cational program through schoolwide pro-
19 grams or through additional services that
20 increase the amount and quality of instruc-
21 tional time that such children receive;

22 “(iii) promoting schoolwide reform and
23 access for all children served under this title
24 to effective instructional strategies and chal-
25 lenging academic content;

1 “(iv) significantly upgrading the qual-
2 ity of the curriculum and instruction by
3 providing staff in participating schools
4 with substantial opportunities for profes-
5 sional development;

6 “(v) coordinating services provided
7 under all parts of this title with each other,
8 with other educational and pupil services,
9 including preschool services, and, to the ex-
10 tent feasible, with health and social service
11 programs funded from other sources;

12 “(vi) affording parents of children
13 served under this title meaningful opportu-
14 nities to participate in the education of
15 their children at home and at school;

16 “(vii) distributing resources to areas
17 where needs are greatest;

18 “(viii) improving accountability, as
19 well as teaching and learning, by making
20 assessments under this title congruent with
21 State assessment systems; and

22 “(ix) providing greater decisionmaking
23 authority and flexibility to schools in ex-
24 change for greater responsibility for student
25 performance.

1 “(3) *NAEP INFORMATION.*—Where feasible, the
2 Secretary shall use information gathered by the Na-
3 tional Assessment of Educational Progress in carry-
4 ing out this subsection.

5 “(4) *INTERIM AND FINAL REPORTS.*—The Sec-
6 retary shall submit an interim report summarizing
7 the preliminary findings of the assessment to the
8 President and the appropriate committees of the Con-
9 gress and a final report of the findings of the assess-
10 ment by January 1, 1998.

11 “(b) *STUDIES AND DATA COLLECTION.*—

12 “(1) *IN GENERAL.*—The Secretary may collect
13 such data, as necessary, at the State, local, and school
14 levels and conduct studies and evaluations, including
15 national studies and evaluations, to assess on an on-
16 going basis the effectiveness of programs under this
17 title and to report on such effectiveness on a periodic
18 basis.

19 “(2) *MINIMUM INFORMATION.*—At a minimum,
20 the Secretary shall collect trend information on the ef-
21 fect of programs under this title. Such data shall com-
22 plement the data collected and reported under sub-
23 sections (a) and (c).

24 “(c) *NATIONAL LONGITUDINAL STUDY.*—

1 “(1) *IN GENERAL.*—*The Secretary shall carry*
2 *out an ongoing evaluation of the program assisted*
3 *under part A of title I in order to provide the public,*
4 *the Congress, and educators involved in such pro-*
5 *gram, an accurate description of the short- and long-*
6 *term effectiveness of such program and to provide in-*
7 *formation that can be used to improve such program’s*
8 *effectiveness in enabling students to meet high State*
9 *content standards and State student performance*
10 *standards, graduate from secondary school, and make*
11 *successful transitions to postsecondary education and*
12 *work. Such evaluation shall—*

13 “(A) *have a longitudinal design that tracks*
14 *cohorts of students within schools of differing*
15 *poverty concentrations for at least 3 years which,*
16 *when the cohorts are taken as a whole, provides*
17 *a picture of such program’s effectiveness over the*
18 *elementary and secondary grades;*

19 “(B) *be separate and independent from*
20 *State and local assessments and evaluations re-*
21 *quired under this part and consistent with meas-*
22 *uring the achievement of students to relative to*
23 *high State content standards and State student*
24 *performance standards;*

1 “(C) utilize the highest available content
2 standards that are generally accepted as na-
3 tional in scope;

4 “(D) provide information on all students,
5 students served under this part, and, if funds are
6 sufficient, information on students from low-in-
7 come families, limited-English proficient stu-
8 dents, and students with disabilities; and

9 “(E) when feasible, collect, cross-tabulate,
10 and report data by sex within race or ethnicity
11 and socioeconomic status.

12 “(2) USE.—The Secretary shall use the results of
13 the evaluation described in paragraph (1) as part of
14 the national assessment required by subsection (a)
15 and shall report the data from such evaluation to the
16 Congress and the public at least as frequently as re-
17 ports are made under subsection (a)(4).

18 “(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—
19 In conducting the national assessment under subsection (a)
20 and the national longitudinal study under subsection (b),
21 the Secretary shall use developmentally appropriate meas-
22 ures to assess student performance and progress.

23 “(e) STUDY ON ESTIMATING STATE CHILD POVERTY
24 COUNTS.—The Secretary shall—

1 “(1) conduct a study to determine whether a fea-
2 sible method exists for producing reliable estimates,
3 between decennial census counts, of the number of
4 school-aged children living in poverty by State in
5 each of the 50 States, the District of Columbia, and
6 the Commonwealth of Puerto Rico; and

7 “(2) use such a method, if one exists, to provide
8 the Congress with such estimates.

9 **“SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

10 “(a) DEMONSTRATION PROGRAMS TO IMPROVE
11 ACHIEVEMENT.—

12 “(1) IN GENERAL.—From the funds appro-
13 priated for any fiscal year under section 1002(g)(2),
14 the Secretary may make grants to State educational
15 agencies, local educational agencies, other public
16 agencies, nonprofit organizations, and consortia of
17 such entities to carry out demonstration projects that
18 show the most promise of enabling children served
19 under this title to meet challenging State content
20 standards and challenging State student performance
21 standards. Such projects shall include promising
22 strategies such as—

23 “(A) accelerated curricula, the application
24 of new technologies to improve teaching and
25 learning, extended learning time, and a safe and

1 *enriched full-day environment for children to*
2 *provide children the opportunity to reach such*
3 *standards;*

4 *“(B) coordinated pupil services programs;*

5 *“(C) integration of education services with*
6 *each other and with health, family, and other so-*
7 *cial services, particularly in empowerment zones*
8 *and enterprise communities;*

9 *“(D) effective approaches to whole school re-*
10 *form;*

11 *“(E) programs that have been especially ef-*
12 *fective with limited-English proficient children,*
13 *migratory children and other highly mobile stu-*
14 *dents, children leaving institutions for neglected*
15 *or delinquent children and returning to school,*
16 *and homeless children and youth;*

17 *“(F) programs which are especially effective*
18 *in recruiting, inducting and retaining highly*
19 *qualified teachers for service in schools with low*
20 *student achievement; and*

21 *“(G) programs that are built upon partner-*
22 *ships developed between elementary and middle*
23 *schools, employers, and the community which*
24 *emphasize the integration of high quality aca-*
25 *demic and vocational learning, stress excellence*

1 *and high expectations for success in core aca-*
2 *demic subjects, instill responsibility, decision-*
3 *making, problem solving, interpersonal skills,*
4 *and other competencies in students, and make*
5 *school relevant to the workplace and the commu-*
6 *nity, through applied and interactive teaching*
7 *methodologies, team teaching strategies, learning*
8 *opportunities connecting school, the workplace,*
9 *and the community, and career exploration,*
10 *awareness, and career guidance opportunities.*

11 “(2) *EVALUATION.*—*The Secretary shall evaluate*
12 *the demonstration projects supported under this title,*
13 *using rigorous methodological designs and techniques,*
14 *including control groups and random assignment, to*
15 *the extent feasible, to produce reliable evidence of ef-*
16 *fectiveness.*

17 “(b) *PARTNERSHIPS.*—*From funds appropriated*
18 *under section 1002(g)(2) for any fiscal year, the Secretary*
19 *may, directly or through grants or contracts, work in part-*
20 *nership with State educational agencies, local educational*
21 *agencies, other public agencies, and nonprofit organizations*
22 *to disseminate and use the highest quality research and*
23 *knowledge about effective practices to improve the quality*
24 *of teaching and learning in schools assisted under this title.*

1 **“PART G—GENERAL PROVISIONS**

2 **“SEC. 1701. FEDERAL REGULATIONS.**

3 “(a) *IN GENERAL.*—The Secretary is authorized to
4 issue such regulations as are considered necessary to reason-
5 ably ensure that there is compliance with the specific re-
6 quirements and assurances required by this title.

7 “(b) *PROCEDURE.*—

8 “(1) *IN GENERAL.*—Prior to publishing proposed
9 regulations pursuant to this title, the Secretary shall
10 convene regional meetings which shall provide input
11 to the Secretary on the content of proposed regula-
12 tions. Such meetings shall include representatives of
13 Federal, State, and local administrators, parents,
14 teachers, and members of local boards of education in-
15 volved with implementation of programs under this
16 title.

17 “(2) *PROPOSED REGULATIONS.*—Subsequent to
18 regional meetings and prior to publishing proposed
19 regulations in the Federal Register, the Secretary
20 shall prepare draft regulations and submit regula-
21 tions on a minimum of 4 key issues to a modified ne-
22 gotiated rulemaking process as a demonstration of
23 such process. The modified process shall waive appli-
24 cation of the Federal Advisory Committee Act, but
25 shall otherwise follow the guidance provided in the
26 Administrative Conference of the United States in

1 *Recommendation 82–4, “Procedures for Negotiating*
2 *Proposed Regulations” (47 Fed. Reg. 30708, June 18,*
3 *1982) and any successor regulation. Participants in*
4 *the demonstration shall be chosen by the Secretary*
5 *from among participants in the regional meetings,*
6 *representing the groups described in paragraph (1)*
7 *and all geographic regions. The demonstration shall*
8 *be conducted in a timely manner.*

9 “(3) *EMERGENCY SITUATION.*—*In an emergency*
10 *situation in which regulations pursuant to this title*
11 *must be issued within a very limited time to assist*
12 *State and local educational agencies with the oper-*
13 *ation of the program, the Secretary may issue a regu-*
14 *lation without such prior consultation, but shall im-*
15 *mediately thereafter convene regional meetings to re-*
16 *view the emergency regulation prior to issuance in*
17 *final form.*

18 “(c) *LIMITATION.*—*Programs under this title may not*
19 *be required to follow any 1 instructional model, such as*
20 *the provision of services outside the regular classroom or*
21 *school program.*

22 **“SEC. 1702. STATE ADMINISTRATION.**

23 “(a) *RULEMAKING.*—

24 “(1) *IN GENERAL.*—*Each State that receives*
25 *funds under this title shall—*

1 “(A) ensure that any State rules, regula-
2 tions, and policies relating to this title conform
3 to the purposes of this title;

4 “(B) minimize such rules, regulations, and
5 policies to which their local educational agencies
6 and schools are subject; and

7 “(C) identify any such rule, regulation, or
8 policy as a State-imposed requirement.

9 “(2) *SPECIAL RULE.*—State rules, regulations,
10 and policies under this title shall support and facili-
11 tate local educational agency and school-level systemic
12 reform designed to enable all children to meet the
13 State’s challenging State content standards and chal-
14 lenging State student performance standards.

15 “(b) *PAYMENT FOR STATE ADMINISTRATION.*—Each
16 State may reserve for the proper and efficient performance
17 of such State’s duties under this title, the greater of—

18 “(1)(A) 1.00 percent of the funds appropriated to
19 carry out subsections (a), (c), (d), and (e) of section
20 1002 for fiscal year 1995 and each succeeding fiscal
21 year not described in subparagraph (B); or

22 “(B) not more than 1.5 percent and not less than
23 1 percent of the funds appropriated to carry out such
24 subsection for fiscal year 1997 and each succeeding
25 fiscal year if the Secretary, based on the State reports

1 *required by subsection (d) and the studies required by*
2 *section 14010(b), authorizes such reservation;*

3 “(2) *except as provided in paragraph (3)—*

4 “(A) *\$425,000 for fiscal year 1995 and each*
5 *succeeding fiscal year not described in subpara-*
6 *graph (B); or*

7 “(B) *not more than \$565,000 and not less*
8 *than \$425,000 for fiscal year 1997 and each suc-*
9 *ceeding fiscal year if the Secretary, based on the*
10 *State reports required by subsection (d) and the*
11 *studies required by section 14010(b), authorizes*
12 *such reservation; or*

13 “(3) *in the case of an outlying area—*

14 “(A) *\$50,000 for fiscal year 1995 and each*
15 *succeeding fiscal year not described in subpara-*
16 *graph (B); or*

17 “(B) *not more than \$80,000 and not less*
18 *than \$50,000 for fiscal year 1997 and each suc-*
19 *ceeding fiscal year if the Secretary, based on the*
20 *State reports required by subsection (d) and the*
21 *studies required by section 14010(b), authorizes*
22 *such reservation.*

23 “(c) *PAYMENT FOR SCHOOL IMPROVEMENT.—Each*
24 *State may reserve for the proper and efficient performance*

1 *of its duties under subsections (b)(5) and (c) of section 1118,*
2 *and section 1119, the greater of—*

3 “(1)(A) .65 percent of the funds appropriated to
4 *carry out subsections (a), (c), (d), and (e) of section*
5 *1002 for fiscal year 1995 and each succeeding fiscal*
6 *year not described in subparagraph (B); or*

7 “(B) not more than .75 percent and not less than
8 .65 percent of the funds appropriated to carry out
9 such subsections for fiscal year 1997 and each suc-
10 ceeding fiscal year if the Secretary, based on the State
11 reports required by subsection (d) and the studies re-
12 quired by section 14010(b), authorizes such reserva-
13 tion; or

14 “(2) except as provided in paragraph (3)—

15 “(A) \$210,000 for fiscal year 1995 and each
16 succeeding fiscal year not described in subpara-
17 graph (B); or

18 “(B) not more than \$245,000 for fiscal year
19 1997 and each succeeding fiscal year if the Sec-
20 retary, based on the State reports required by
21 subsection (d) and the studies required by section
22 14010(b), authorizes such reservation; or

23 “(3) in the case of an outlying area—

1 “(A) \$35,000 for fiscal year 1995 and each
2 succeeding fiscal year not described in subpara-
3 graph (B); or

4 “(B) not more than \$40,000 for fiscal year
5 1997 and each succeeding fiscal year if the Sec-
6 retary, based on the State reports required by
7 subsection (d) and the studies required by section
8 14010(b), authorizes such reservation.

9 “(d) *REPORT.*—Beginning in fiscal year 1995 and
10 each succeeding fiscal year thereafter, each State edu-
11 cational agency which receives funds under this title shall
12 submit to the Secretary a report on the use of funds for
13 the State administration of activities assisted under this
14 title. Such report shall include the proportion of State ad-
15 ministrative funds provided under this section that are ex-
16 pended for—

17 “(1) basic program operation and compliance
18 monitoring;

19 “(2) statewide program services, such as develop-
20 ment of standards and assessments, curriculum devel-
21 opment, and program evaluation; and

22 “(3) technical assistance and other direct sup-
23 port to local educational agencies and schools.

24 “(e) *FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-*
25 *PLANT, NON-FEDERAL FUNDS.*—

1 “(1) *IN GENERAL.*—(A) *Except as provided in*
2 *subparagraph (B), a State or local educational agen-*
3 *cy shall use funds received under this part only to*
4 *supplement the amount of funds that would, in the*
5 *absence of such Federal funds, be made available from*
6 *non-Federal sources for the education of pupils par-*
7 *ticipating in programs assisted under this part, and*
8 *not to supplant such funds.*

9 “(B) *For the purpose of complying with sub-*
10 *paragraph (A), a State or local educational agency*
11 *may exclude supplemental State and local funds ex-*
12 *pended in any eligible school attendance area or*
13 *school for programs that meet the requirements of sec-*
14 *tion 1114 or 1115.*

15 “(2) *SPECIAL RULE.*—*No local educational agen-*
16 *cy shall be required to provide services under this*
17 *part through a particular instructional method or in*
18 *a particular instructional setting in order to dem-*
19 *onstrate its compliance with paragraph (1).*

20 **“SEC. 1703. CONSTRUCTION.**

21 “(a) *PROHIBITION OF FEDERAL MANDATES, DIREC-*
22 *TION OR CONTROL.*—*Nothing in this title shall be construed*
23 *to authorize an officer or employee of the Federal Govern-*
24 *ment to mandate, direct, or control a State, local edu-*
25 *cational agency, or school’s specific instructional content or*

1 *pupil performance standards and assessments, curriculum,*
 2 *or program of instruction as a condition of eligibility to*
 3 *receive funds under this title.*

4 “(b) *EQUALIZED SPENDING.*—Nothing in this title
 5 *shall be construed to mandate equalized spending per pupil*
 6 *for a State, local educational agency, or school.*

7 “(c) *BUILDING STANDARDS.*—Nothing in this title
 8 *shall be construed to mandate national school building*
 9 *standards for a State, local educational agency, or school.*

10 **“SEC. 1704. RESERVATION OF FUNDS FOR TERRITORIES.**

11 “*There is authorized to be appropriated for each fiscal*
 12 *year for purposes of each of parts D and E of this title*
 13 *an amount equal to not more than 1 percent of the amount*
 14 *appropriated for such year for such parts, for payments to*
 15 *the outlying areas under each such part. The amounts ap-*
 16 *propriated for each such part shall be allotted among the*
 17 *outlying areas according to the outlying areas’ respective*
 18 *need for such grants, based on such criteria as the Secretary*
 19 *determines will best carry out the purposes of this title.*

20 **“PART H—EDUCATIONAL OPPORTUNITY**

21 ***DEMONSTRATION PROGRAM***

22 **“SEC. 1801. FINDINGS AND PURPOSES.**

23 “(a) *FINDINGS.*—The Congress finds that—

24 “(1) *while low-income students have made sig-*
 25 *nificant gains with respect to educational achieve-*

1 *ment and attainment, considerable gaps still persist*
2 *for these students in comparison to those from more*
3 *affluent socio-economic backgrounds;*

4 *“(2) our Nation has a compelling interest in as-*
5 *suming that all children receive a high quality edu-*
6 *cation;*

7 *“(3) new methods and experiments to revitalize*
8 *educational achievement and opportunities of low-in-*
9 *come individuals must be a part of any comprehen-*
10 *sive solution to the problems in our Nation’s edu-*
11 *cational system;*

12 *“(4) preliminary research shows that same gen-*
13 *der classes and schools may produce promising aca-*
14 *demic and behavioral improvements in both sexes for*
15 *low-income, educationally disadvantaged students;*

16 *“(5) extensive data on same gender classes and*
17 *schools are needed to determine whether same gender*
18 *classes and schools are closely tailored to achieving*
19 *the compelling government interest in assuring that*
20 *all children are educated to the best of their ability;*

21 *“(6) in recent years efforts to experiment with*
22 *same gender classes and schools have been inhibited*
23 *by lawsuits and threats of lawsuits by private groups*
24 *as well as governmental entities; and*

1 “(7) there is a compelling government interest in
2 granting the Secretary authority to insulate a limited
3 number of local educational agencies and schools
4 which are experimenting with same gender classes for
5 a limited period of time from certain law suits under
6 title IX of the Education Amendments of 1972, sec-
7 tion 204 of the Education Amendments of 1974, sec-
8 tion 1979 of the Revised Statutes (42 U.S.C. 1983),
9 or any other law prohibiting discrimination on the
10 basis of sex, in order to collect data on the effective-
11 ness of such classes in educating children from low-
12 income, educationally disadvantaged backgrounds.

13 “(b) *PURPOSES.*—It is the purpose of this part—

14 “(1) to give the Secretary discretion to allow ex-
15 perimentation with same gender classes for low-in-
16 come, educationally disadvantaged students;

17 “(2) to determine whether same gender classes
18 make a difference in the educational achievement and
19 opportunities of low-income, educationally disadvan-
20 taged individuals; and

21 “(3) to involve parents in the educational op-
22 tions and choices of their children.

23 **“SEC. 1802. DEFINITIONS.**

24 “As used in this part—

1 “(1) the term ‘educational opportunity school’
2 means a public elementary, middle, or secondary
3 school, or a consortium of such schools all of which re-
4 ceive a waiver under this title, that—

5 “(A) establishes a plan for voluntary, same
6 gender classes at one or more than one school in
7 the community;

8 “(B) provides same gender classes for both
9 boys and girls, as well as a co-educational option
10 for any parent that chooses that option;

11 “(C) gives parents the option of choosing to
12 send their child to a same gender class or to a
13 co-educational class;

14 “(D) admits students on the basis of a lot-
15 tery, if more students apply for admission to the
16 same gender classes than can be accommodated;

17 “(E) has a program in which a member of
18 the community is asked to volunteer such mem-
19 ber’s time in classes of children of the same gen-
20 der as the member; and

21 “(F) operates in pursuit of improving
22 achievement among all children based on a spe-
23 cific set of educational objectives determined by
24 the local educational agency applying for a
25 grant under this part, in conjunction with the

1 *educational opportunity advisory board estab-*
2 *lished under section 1803(c) and agreed to by the*
3 *Secretary; and*

4 “(2) the term ‘educational opportunity advisory
5 board’ means an advisory board established in ac-
6 cordance with section 1803(c).

7 **“SEC. 1803. PROGRAM AUTHORIZED.**

8 “(a) *WAIVERS.*—The Secretary may grant waivers to
9 *ten local educational agencies for the design and operation*
10 *of one or more educational opportunity schools.*

11 “(b) *INAPPLICABILITY.*—Title IX of the Education
12 *Amendments of 1972, section 204 of the Education Amend-*
13 *ments of 1974, section 1979 of the Revised Statutes (42*
14 *U.S.C. 1983), and any other law prohibiting discrimina-*
15 *tion on the basis of sex, shall not apply to a local edu-*
16 *cational agency or an educational opportunity school for*
17 *a five-year period following the Secretary’s grant of the*
18 *waiver only to the extent the Secretary determines necessary*
19 *to ensure the development and operation of same gender*
20 *classes in accordance with this part.*

21 “(c) *EDUCATIONAL OPPORTUNITY ADVISORY*
22 *BOARD.*—Each local educational agency receiving a waiver
23 *under this part shall establish an educational opportunity*
24 *advisory board. Such advisory board shall be composed of*
25 *school administrators, parents, teachers, local government*

1 *officials and volunteers involved with an educational oppor-*
 2 *tunity school. Such advisory board shall assist the local edu-*
 3 *cational agency in developing the application for assistance*
 4 *under section 1804 and serve as an advisory board in the*
 5 *functioning of the educational opportunity school.*

6 ***“SEC. 1804. APPLICATIONS.***

7 “(a) *APPLICATIONS REQUIRED.—Each local edu-*
 8 *cational agency desiring a waiver under this part shall sub-*
 9 *mit, within 180 days of the date of enactment of the Im-*
 10 *proving America’s Schools Act of 1994, an application to*
 11 *the Secretary at such time, in such manner and accom-*
 12 *panied by such information as the Secretary may reason-*
 13 *ably require.*

14 “(b) *SCOPE OF APPLICATION.—Each application de-*
 15 *scribed in subsection (a) may request a waiver for a single*
 16 *educational opportunity school or for a consortium of such*
 17 *schools.*

18 “(c) *APPLICATION CONTENTS.—Each application de-*
 19 *scribed in subsection (a) shall include—*

20 “(1) *a description of the educational program to*
 21 *be implemented by the proposed educational oppor-*
 22 *tunity school, including—*

23 “(A) *the grade levels or ages of children to*
 24 *be served; and*

1 “(B) the curriculum and instructional prac-
2 tices to be used;

3 “(2) a description of the objectives of the local
4 educational agency and a description of how such
5 agency intends to monitor and study the progress of
6 children participating in the educational opportunity
7 school;

8 “(3) a description of how the local educational
9 agency intends to include in the educational oppor-
10 tunity school administrators, teaching personnel, and
11 role models from the private sector;

12 “(4) a description of how school administrators,
13 parents, teachers, local government and volunteers
14 will be involved in the design and implementation of
15 the educational opportunity school;

16 “(5) a description of how the local educational
17 agency or the State, as appropriate, will provide for
18 continued operation of the educational opportunity
19 school once the Federal waiver has expired, if such
20 agency determines that such school is successful;

21 “(6) a justification for the waiver or inapplica-
22 bility of any Federal statutory or regulatory require-
23 ments that the local educational agency believes are
24 necessary for the successful operation of the edu-
25 cational opportunity school and a description of any

1 *State or local statutory or regulatory requirements,*
2 *that will be waived for, or will not apply to, the edu-*
3 *cational opportunity school, if necessary;*

4 *“(7) a description of how students in attendance*
5 *at the educational opportunity school, or in the com-*
6 *munity, will be—*

7 *“(A) informed about such school; and*

8 *“(B) informed about the fact that admission*
9 *to same gender classes is completely voluntary;*

10 *“(8) an assurance that the local educational*
11 *agency will annually provide the Secretary such in-*
12 *formation as the Secretary may require to determine*
13 *if the educational opportunity school is making satis-*
14 *factory progress toward achieving the objectives de-*
15 *scribed in paragraph (2);*

16 *“(9) an assurance that the local educational*
17 *agency will cooperate with the Secretary in evaluat-*
18 *ing the program authorized by this part;*

19 *“(10) assurances that resources shall be used*
20 *equally for same gender classes for boys and for girls;*

21 *“(11) assurances that the activities assisted*
22 *under this part will not have an adverse affect, on ei-*
23 *ther sex, that is caused by—*

24 *“(A) the distribution of teachers between*
25 *same gender classes for boys and for girls;*

1 “(B) the quality of facilities for boys and
2 for girls;

3 “(C) the nature of the curriculum for boys
4 and for girls;

5 “(D) program activities for boys and for
6 girls; and

7 “(E) instruction for boys and for girls;

8 “(12) an assurance that the local educational
9 agency will comply with the research and evaluation
10 protocol developed by the Secretary of Education as
11 required by section 1806; and

12 “(13) such other information and assurances
13 that the Secretary may require.

14 **“SEC. 1805. SELECTION OF GRANTEES.**

15 “The Secretary shall award waivers under this part
16 on the basis of the quality of the applications submitted
17 under section 1804, taking into consideration such factors
18 as—

19 “(1) the quality of the proposed curriculum and
20 instructional practices;

21 “(2) organizational structure and management
22 of the school;

23 “(3) the quality of the plan for assessing the
24 progress made by children in same gender classes over
25 the period of the grant;

1 “(4) the extent of community support for the ap-
2 plication; and

3 “(5) the likelihood that the educational oppor-
4 tunity school will meet the objectives of such school
5 and improve educational results for students; and

6 “(6) the assurances submitted pursuant to sec-
7 tion 1804(c)(11).

8 **“SEC. 1806. STUDY COMMISSIONED.**

9 “The Secretary of Education is hereby required to
10 commission a study upon enactment of the Educational Op-
11 portunity Demonstration Program, with appropriate proto-
12 cols to compare the educational and behavioral achievement
13 of those choosing same gender classes and those choosing the
14 co-educational option. The study should be delivered to all
15 Members of Congress within one year of the expiration of
16 the waiver authority granted herein.

17 **“SEC. 1807. CONSTRUCTION.**

18 “Nothing in this part shall be construed to affect the
19 availability under title IX of remedies to overcome the ef-
20 fects of past discrimination on the basis of sex.

**“TITLE II—IMPROVING
TEACHING AND LEARNING**

**“PART A—DWIGHT D. EISENHOWER
PROFESSIONAL DEVELOPMENT PROGRAM**

“SEC. 2101. FINDINGS.

“The Congress finds as follows:

“(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

“(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.

“(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—

1 “(A) professional development must be fo-
2 cused on teaching and learning in order to
3 change the opportunities of all students to
4 achieve higher standards;

5 “(B) effective professional development fo-
6 cuses on discipline-based knowledge and effective
7 subject-specific pedagogical skills, involves teams
8 of teachers, administrators, and pupil services
9 personnel in a school and, through professional
10 networks of teachers, teacher educators, adminis-
11 trators, pupil services personnel, and parents is
12 interactive and collaborative, motivates by its in-
13 trinsic content and relationship to practice,
14 builds on experience and learning-by-doing, and
15 becomes incorporated into the everyday life of the
16 school;

17 “(C) professional development can dramati-
18 cally improve classroom instruction and learn-
19 ing when teachers, administrators, pupil services
20 personnel, and parents are partners in the devel-
21 opment and implementation of such professional
22 development; and

23 “(D) new and innovative strategies for
24 teaching to high standards will require time for

1 *teachers, outside of the time spent teaching, for*
2 *instruction, practice, and collegial collaboration.*

3 “(4) *Special attention must be given in profes-*
4 *sional development activities to ensure that education*
5 *professionals are knowledgeable of, and make use of,*
6 *strategies for serving populations that historically*
7 *have lacked access to equal opportunities for advanced*
8 *learning and career advancement.*

9 “(5) *Professional development activities must*
10 *prepare teachers, pupil services personnel, paraprofes-*
11 *sionals and other staff in effective prevention and*
12 *intervention strategies to—*

13 “(A) *alleviate the need, and assure appro-*
14 *priate referral, for special education services;*
15 *and*

16 “(B) *prepare staff to work collaboratively to*
17 *educate students with disabilities placed into*
18 *general education settings, consistent with such*
19 *student’s individualized education program.*

20 “(6) *Professional development activities, designed*
21 *in cooperation with parents, that focus on the com-*
22 *plex social, emotional and mental health needs of chil-*
23 *dren which may impede learning, can help teachers,*
24 *administrators, and pupil services personnel assist*
25 *children in overcoming barriers to academic success.*

1 “(7) Professional development is often a victim
2 of budget reductions in fiscally difficult times.

3 “(8) There are few incentives or sanctions oper-
4 ating to encourage teachers and administrators to
5 work to prepare themselves to be more effective or to
6 participate in challenging and effective professional
7 development activities.

8 “(9) Parental involvement is an important as-
9 pect of school reform and improvement. There is a
10 need for special attention to ensure the effective in-
11 volvement of parents in the education of their chil-
12 dren. Professional development should include meth-
13 ods and strategies to better prepare teachers and ad-
14 ministrators in involving parents. Programs are
15 needed to provide parents the training and develop-
16 ment necessary to enable parents to participate fully
17 and effectively in their children’s education.

18 “(10) The Federal Government has a vital role
19 in helping to make sustained and intensive high-qual-
20 ity professional development in the core academic
21 subjects become an integral part of the elementary
22 and secondary education system.

23 **“SEC. 2102. PURPOSES.**

24 *“It is the purpose of this part—*

1 “(1) to help ensure that teachers, other staff, and
2 administrators have access to high-quality profes-
3 sional development that is aligned to challenging
4 State content standards and challenging State student
5 performance standards and to support the develop-
6 ment and implementation of sustained and intensive
7 high-quality professional development activities in the
8 core academic subjects; and

9 “(2) to help ensure that teachers, administrators,
10 other staff, pupil services personnel, and parents have
11 access to professional development that—

12 “(A) is tied to challenging State content
13 standards and challenging State student per-
14 formance standards;

15 “(B) reflects recent research on teaching and
16 learning;

17 “(C) includes strong academic content and
18 pedagogical components;

19 “(D) incorporates effective strategies, tech-
20 niques, methods, and practices for meeting the
21 educational needs of diverse student populations,
22 including females, minorities, individuals with
23 disabilities, limited-English proficient individ-
24 uals, and economically disadvantaged individ-
25 uals, in order to ensure that all students have the

1 *opportunity to achieve challenging State student*
 2 *performance standards;*

3 *“(E) is of sufficient intensity and duration*
 4 *to have a positive and lasting impact on the*
 5 *teacher’s performance in the classroom; and*

6 *“(F) is part of the everyday life of the*
 7 *school and creates an orientation toward contin-*
 8 *uous improvement throughout the school.*

9 ***“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCA-***
 10 ***TION BETWEEN SUBPARTS.***

11 *“(a) AUTHORIZATION OF APPROPRIATIONS.—For the*
 12 *purpose of carrying out this part, there are authorized to*
 13 *be appropriated \$800,000,000 for fiscal year 1995 and such*
 14 *sums as may be necessary for each of the 4 succeeding fiscal*
 15 *years.*

16 *“(b) ALLOCATION BETWEEN SUBPARTS.—Of the*
 17 *amounts appropriated to carry out this part for any fiscal*
 18 *year the Secretary shall make available—*

19 *“(1) 5 percent of such amounts to carry out sub-*
 20 *part 1, of which 10 percent of such 5 percent shall be*
 21 *available to carry out section 2114;*

22 *“(2) 93.75 percent of such amounts to carry out*
 23 *subpart 2; and*

24 *“(3) 1.25 percent of such amounts to carry out*
 25 *subpart 3.*

1 **“Subpart 1—Federal Activities**

2 **“SEC. 2111. PROGRAM AUTHORIZED.**

3 “(a) *IN GENERAL.*—The Secretary is authorized to
4 *make grants to, and enter into contracts and cooperative*
5 *agreements with, local educational agencies, educational*
6 *service agencies, State educational agencies, State agencies*
7 *for higher education, institutions of higher education, and*
8 *other public and private agencies, organizations, and insti-*
9 *tutions to—*

10 “(1) *support activities of national significance*
11 *that the Secretary determines will contribute to the*
12 *development and implementation of high-quality pro-*
13 *fessional development activities in the core academic*
14 *subjects; and*

15 “(2) *evaluate activities carried out under this*
16 *subpart and subpart 2 in accordance with section*
17 *10701.*

18 “(b) *REQUIREMENTS.*—In carrying out the activities
19 *described in subsection (a), the Secretary shall coordinate*
20 *professional development programs within the Department,*
21 *particularly with those programs within the Office of Edu-*
22 *cational Research and Improvement, and shall consult and*
23 *coordinate with the National Science Foundation, the Na-*
24 *tional Endowment for the Humanities, the National En-*
25 *dowment for the Arts, the Institute of Museum Services, and*
26 *other appropriate Federal agencies and entities.*

1 ***“SEC. 2112. AUTHORIZED ACTIVITIES.***

2 *“The Secretary shall use funds available to carry out*
3 *this subpart for activities that help meet the purposes of*
4 *this part, such as—*

5 *“(1) providing seed money to the entities de-*
6 *scribed in section 2111(a) to develop the capacity of*
7 *such entities to offer sustained and intensive high-*
8 *quality professional development;*

9 *“(2) professional development institutes that pro-*
10 *vide teams of teachers, or teachers, administrators,*
11 *pupil services personnel and other staff, from individ-*
12 *ual schools, with professional development that con-*
13 *tains strong and integrated disciplinary and peda-*
14 *gogical components;*

15 *“(3) encouraging the development of local and*
16 *national professional networks, including the Teacher*
17 *Research Dissemination Demonstration Program*
18 *under section 941(j) of the Educational Research, De-*
19 *velopment, Dissemination, and Improvement Act of*
20 *1994, that provide a forum for interaction among*
21 *teachers of the core academic subjects and that allow*
22 *the exchange of information on advances in content*
23 *and pedagogy;*

24 *“(4) supporting the National Board for Profes-*
25 *sional Teaching Standards;*

1 “(5) the development and dissemination of teach-
2 ing standards in the core academic subjects;

3 “(6) the development of exemplary methods of as-
4 sessing teachers, other staff, and administrators for li-
5 censure and certification;

6 “(7) the dissemination of models of high-quality
7 professional development activities that train edu-
8 cators in strategies, techniques, methods, and prac-
9 tices for meeting the educational needs of historically
10 underserved populations, including females, minori-
11 ties, individuals with disabilities, limited-English
12 proficient individuals, and economically disadvan-
13 taged individuals, in order to ensure that all students
14 have the opportunity to achieve challenging State stu-
15 dent performance standards;

16 “(8) activities that promote the transferability of
17 licensure and certification of teachers and adminis-
18 trators among State and local jurisdictions;

19 “(9) the development and testing of incentive
20 strategies for motivating teachers, administrators,
21 and pupil services personnel to help increase their ef-
22 fectiveness through professional development focused
23 on teaching and learning and giving all students the
24 opportunity to learn to challenging State content

1 *standards and challenging State student performance*
2 *standards;*

3 “(10) the development of innovative prevention
4 *and intervention strategies to—*

5 “(A) alleviate the need, or assure appro-
6 *priate referral, for special education services;*
7 *and*

8 “(B) prepare general education and special
9 *education teachers, paraprofessionals and pupil*
10 *services personnel in effective integration of stu-*
11 *dents with disabilities into general education set-*
12 *tings, consistent with such student’s individual-*
13 *ized education program;*

14 “(11) encouraging the development of innovative
15 *models for recruitment, induction, retention and as-*
16 *essment of new, highly qualified teachers, especially*
17 *such teachers from historically underrepresented*
18 *groups;*

19 “(12) the dissemination of information about
20 *voluntary national content standards and voluntary*
21 *national performance standards and related models of*
22 *high-quality professional development;*

23 “(13) the development and maintenance of a na-
24 *tional clearinghouse for such core academic subjects as*
25 *the Secretary determines are needed;*

1 “(14) joint activities with other Federal agencies
2 and entities engaged in or supporting similar profes-
3 sional development efforts;

4 “(15) the evaluation of programs under this sub-
5 part and subpart 2 in accordance with section 10701;
6 and

7 “(16) the development of programs which pre-
8 pare teachers to incorporate environmental education
9 in the core academic subjects.

10 **“SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
11 **MATHEMATICS AND SCIENCE EDUCATION.**

12 “(a) *CLEARINGHOUSE AUTHORIZED.*—The Secretary,
13 in consultation with the Director of the National Science
14 Foundation, may award a grant or contract to establish
15 an Eisenhower National Clearinghouse for Mathematics
16 and Science Education (hereafter in this section referred
17 to as the ‘Clearinghouse’).

18 “(b) *APPLICATION AND AWARD BASIS.*—Each entity
19 desiring to establish and operate the Clearinghouse author-
20 ized by this section shall submit an application to the Sec-
21 retary at such time, in such manner and accompanied by
22 such information as the Secretary may reasonably require.
23 The grant or contract awarded pursuant to paragraph (1)
24 shall be made on a competitive, merit basis.

1 “(c) *DURATION.*—The grant or contract awarded
2 under this section shall be awarded for a period of 5 years
3 and shall be reviewed by the Secretary not later than 30
4 months from the date the grant or contract is awarded.

5 “(d) *USE OF FUNDS.*—The grant or contract awarded
6 under this section shall be used to—

7 “(1) maintain a permanent repository of mathe-
8 matics and science education instructional materials
9 and programs for elementary and secondary schools,
10 including middle schools (including, to the extent
11 practicable, all materials and programs developed
12 with Federal and non-Federal funds, such as instruc-
13 tional materials developed by the Department, mate-
14 rials developed by State and national mathematics
15 and science programs assisted under this part, and
16 other instructional materials) for use by the regional
17 consortiums established under subpart 2 of part C
18 and by the general public;

19 “(2) compile information on all mathematics
20 and science education programs administered by each
21 Federal agency or department;

22 “(3) disseminate information, programs, and in-
23 structional materials to the public, dissemination net-
24 works, and the regional consortiums under subpart 2
25 of part C;

1 “(4) coordinate with identifiable and existing
2 data bases containing mathematics and science cur-
3 riculum and instructional materials, including Fed-
4 eral, non-Federal and, where feasible, international
5 data bases;

6 “(5) participate in collaborative meetings of rep-
7 resentatives of the Clearinghouse and the regional
8 consortiums under subpart 2 of part C to discuss is-
9 sues of common interest and concern, to foster effec-
10 tive collaboration and cooperation in acquiring and
11 distributing curriculum materials and programs, and
12 to coordinate computer network access to the Clear-
13 inghouse and the resources of the regional consor-
14 tiums, except that not more than 3 percent of the
15 funds awarded under this section shall be used to
16 carry out this paragraph; and

17 “(6) gather qualitative and evaluative data on
18 submissions to the Clearinghouse.

19 “(e) *SUBMISSION TO CLEARINGHOUSE.*—Each Federal
20 agency or department which develops mathematics or
21 science education instructional material or programs, in-
22 cluding the National Science Foundation and the Depart-
23 ment, shall submit to the Clearinghouse copies of such mate-
24 rial or programs.

1 “(f) *PEER REVIEW.*—The Secretary shall establish a
 2 peer review process to select the recipient of the award
 3 under this subsection.

4 “(g) *STEERING COMMITTEE.*—The Secretary may ap-
 5 point a steering committee to recommend policies and ac-
 6 tivities for the Clearinghouse.

7 “(h) *APPLICATION OF COPYRIGHT LAWS.*—Nothing in
 8 this section shall be construed to allow the use or copying,
 9 in any media, of any material collected by the Clearing-
 10 house that is protected under the copyright laws of the Unit-
 11 ed States unless the permission of the owner of the copyright
 12 is obtained. The Clearinghouse, in carrying out the provi-
 13 sions of this subsection, shall ensure compliance with title
 14 17, United States Code.

15 “(i) *DISSEMINATION OF INFORMATION.*—The Sec-
 16 retary shall disseminate information concerning the grant
 17 or contract awarded under this section to State and local
 18 educational agencies and institutions of higher education.
 19 Such dissemination of information shall include examples
 20 of exemplary national programs in mathematics and
 21 science instruction and necessary technical assistance for
 22 the establishment of similar programs.

23 **“SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.**

24 “(a) *SHORT TITLE; FINDINGS; DEFINITIONS.*—

1 “(1) *SHORT TITLE.*—*This section may be cited*
2 *as the ‘National Teacher Training Project Act of*
3 *1994’.*

4 “(2) *FINDINGS.*—*The Congress finds that—*

5 “(A) *teachers must be major players in edu-*
6 *cational reform in the United States;*

7 “(B) *teachers are isolated from their peers*
8 *and have virtually no time during the school day*
9 *to consult with other teachers;*

10 “(C) *there is a shortage of sustained, year-*
11 *round professional development programs for*
12 *teachers;*

13 “(D) *successful teaching methods are not*
14 *adequately shared among teachers;*

15 “(E) *teachers are the best teachers of other*
16 *teachers because practicing classroom teachers*
17 *have experience that no outside consultant can*
18 *match;*

19 “(F) *it is important for universities and*
20 *schools to collaborate on teacher development*
21 *programs if teaching and learning are to be im-*
22 *proved;*

23 “(G) *pertinent research is not shared among*
24 *teachers in a professional setting;*

1 “(H) exemplary teachers should be recog-
2 nized for their abilities and contributions and
3 encouraged to refine their teaching methods;

4 “(I) each State should support a nationally
5 based teacher training program that is modeled
6 after the National Writing Project for teachers of
7 the core academic subjects, including early child-
8 hood education, mathematics, science, English,
9 civics and government, foreign languages, and
10 arts;

11 “(J) the National Writing Project is a na-
12 tionally recognized and honored nonprofit orga-
13 nization that recognizes there are teachers in
14 every region of the United States who have devel-
15 oped successful methods for teaching writing and
16 that such teachers can be trained and encouraged
17 to train other teachers;

18 “(K) the National Writing Project is a col-
19 laborative university-school program which offers
20 summer and school year inservice teacher train-
21 ing programs and a dissemination network to
22 inform and teach teachers regarding develop-
23 ments in the field of writing;

24 “(L) each year over 125,000 teachers volun-
25 tarily seek training in National Writing Project

1 *intensive summer institutes and workshops and*
2 *school year inservice programs through 1 of the*
3 *155 sites located within the United States, and*
4 *in 18 sites located outside of the United States;*

5 *“(M) in the 20 years of its existence, over*
6 *1,100,000 teachers, administrators and parents*
7 *have participated in National Writing Project*
8 *programs;*

9 *“(N) less than \$16 per teacher was the aver-*
10 *age cost in Federal dollars for all teacher train-*
11 *ing at writing projects in academic year 1991–*
12 *1992;*

13 *“(O) for every dollar in Federal support,*
14 *the National Writing Project provides over \$5 in*
15 *matching funds from States, local universities*
16 *and schools, and the private sector;*

17 *“(P) private foundation resources, although*
18 *generous in the past concerning National Writ-*
19 *ing Project programs, are inadequate to fund all*
20 *of the National Teacher Training Project sites*
21 *needed, and the future of the program is in jeop-*
22 *ardy without secure financial support;*

23 *“(Q) the National Writing Project has be-*
24 *come a model for programs in other fields, such*
25 *as science, mathematics, history, literature, for-*

1 *eign languages, and the performing arts, and the*
2 *development of programs in other fields should*
3 *continue with the support of Federal funds; and*

4 *“(R) each of the 50 States should partici-*
5 *pate in the National Teacher Training Project*
6 *by establishing regional teacher training sites in*
7 *early childhood development, mathematics,*
8 *science, English, civics and government, foreign*
9 *languages, and arts to serve all teachers within*
10 *the State.*

11 *“(3) DEFINITIONS.—For the purpose of this sec-*
12 *tion—*

13 *“(A) the term ‘contractor’ means—*

14 *“(i) a local educational agency;*

15 *“(ii) an educational service agency; or*

16 *“(iii) an institution of higher edu-*
17 *cation that awards a bachelor’s degree; and*

18 *“(B) the term ‘eligible recipient’ means a*
19 *nonprofit educational organization which has as*
20 *its primary purpose the improvement of student*
21 *learning in one of the core academic subjects de-*
22 *scribed in subsection (b)(2).*

23 *“(b) GRANTS AUTHORIZED.—*

1 “(1) *GRANTS TO ELIGIBLE RECIPIENTS.*—The
2 *Secretary is authorized to award a grant to an eligi-*
3 *ble recipient to enable such recipient—*

4 “(A) *to support and promote the establish-*
5 *ment of teacher training programs in early*
6 *childhood development and one of the 9 core aca-*
7 *demic subjects described in paragraph (2), in-*
8 *cluding the dissemination of effective practices*
9 *and research findings regarding teacher train-*
10 *ing, and administrative activities;*

11 “(B) *to support classroom research on effec-*
12 *tive teaching practices in such area; and*

13 “(C) *to pay the Federal share of the cost of*
14 *such programs and research.*

15 “(2) *CORE SUBJECT AREAS.*—*To the extent fea-*
16 *sible, the Secretary shall award a grant under para-*
17 *graph (1) for the establishment of a National Teacher*
18 *Training Project in early childhood development and*
19 *each of the following core academic subjects:*

20 “(A) *Mathematics.*

21 “(B) *Science.*

22 “(C) *English.*

23 “(D) *Civics and government.*

24 “(E) *Foreign languages.*

25 “(F) *Arts.*

1 “(G) Geography.

2 “(H) History.

3 “(I) Economics.

4 “(3) *NUMBER OF GRANTS AND ELIGIBLE RECIPI-*
5 *ENTS.—The Secretary shall award not more than 10*
6 *grants under paragraph (1) to 10 different eligible re-*
7 *cipients.*

8 “(4) *EQUITABLE DISTRIBUTION.—The Secretary*
9 *shall award grants under paragraph (1) to eligible re-*
10 *cipients from different geographic areas of the United*
11 *States.*

12 “(5) *SPECIAL RULE.—Each grant under para-*
13 *graph (1) shall be of sufficient size, scope and quality*
14 *to be effective.*

15 “(6) *ADMINISTRATIVE COSTS AND TECHNICAL AS-*
16 *SISTANCE.—Each eligible recipient receiving a grant*
17 *under paragraph (1) may use not more than 5 per-*
18 *cent of the grant funds for administrative costs and*
19 *the costs of providing technical assistance to a con-*
20 *tractor.*

21 “(c) *GRANT REQUIREMENTS.—Each eligible recipient*
22 *receiving a grant under subsection (b) shall—*

23 “(1) *enter into a contract with a contractor*
24 *under which such contractor agrees—*

1 “(A) to establish, operate, and provide the
2 non-Federal share of the cost of teacher training
3 programs in effective approaches and processes
4 for the teaching of the subject matter for which
5 such eligible recipient was awarded a grant, in-
6 cluding approaches and processes to obtain pa-
7 rental involvement in a child’s education; and

8 “(B) to use funds received from the eligible
9 recipient to pay the Federal share of the cost of
10 establishing and operating teacher training pro-
11 grams described in subparagraph (A);

12 “(2) make annual reports to the Secretary and
13 be responsible for oversight of the funds expended at
14 each teacher training program described in subpara-
15 graph (A); and

16 “(3) meet such other conditions and standards as
17 the Secretary determines to be necessary to assure
18 compliance with this section and provide such tech-
19 nical assistance as may be necessary to carry out this
20 section.

21 “(d) *TEACHER TRAINING PROGRAMS.*—The teacher
22 training programs described in subsection (b) shall—

23 “(1) be conducted during the school year and
24 during the summer months;

1 “(2) train teachers who teach grades kinder-
2 garten through college;

3 “(3) select teachers to become members of a Na-
4 tional Teacher Training Project, which members shall
5 conduct inservice workshops for other teachers in the
6 area served by the National Teacher Training Project
7 site;

8 “(4) borrow teacher training principles and re-
9 ceive technical assistance from the National Writing
10 Project; and

11 “(5) encourage teachers from all disciplines to
12 participate in such teacher training programs.

13 “(e) *FEDERAL SHARE*.—The term ‘Federal share’
14 means, with respect to the costs of teacher training pro-
15 grams described in subsection (b), 50 percent of such costs
16 to the contractor

17 “(f) *APPLICATION*.—Each eligible recipient desiring a
18 grant under this section shall submit an application to the
19 Secretary at such time, in such manner and accompanied
20 by such information as the Secretary may reasonably re-
21 quire.

22 “(g) *PARTICIPANTS AND SELECTION PROCESS*.—The
23 selection process for participation in a teacher training
24 program described in subsection (b) shall—

1 “(1) reward exemplary teachers with varying
2 levels of teaching experience who are nominated by
3 other teachers and administrators;

4 “(2) involve an application process to select par-
5 ticipants for a summer program;

6 “(3) ensure the selection of a geographically and
7 ethnically diverse group of teachers by soliciting ap-
8 plications from teachers of both public and private
9 institutions in rural, urban and suburban settings of
10 every State; and

11 “(4) automatically offer a place in a summer
12 program to the ‘Teacher of the Year’ chosen pursuant
13 to a Federal or State teacher recognition program.

14 “(h) *LIMITATION.*—A contractor entering into a con-
15 tract under subsection (c)(1) shall not spend more than 5
16 percent of funds received under the contract for administra-
17 tive costs.

18 **“Subpart 2—State and Local Activities**

19 **“SEC. 2121. PROGRAM AUTHORIZED.**

20 “The Secretary is authorized to make grants to State
21 educational agencies for the support of sustained and inten-
22 sive high-quality professional development activities in the
23 core academic subjects at the State and local levels.

1 ***“SEC. 2122. ALLOCATION OF FUNDS.***

2 *“(a) RESERVATION OF FUNDS.—From the amount*
3 *available to carry out this subpart for any fiscal year, the*
4 *Secretary shall reserve—*

5 *“(1) 1/2 of 1 percent for the outlying areas, to be*
6 *distributed among the outlying areas on the basis of*
7 *their relative need, as determined by the Secretary in*
8 *accordance with the purposes of this part;*

9 *“(2) 1/2 of 1 percent for the Secretary of the Inte-*
10 *rior for programs under this part for professional de-*
11 *velopment activities for teachers, other staff, and ad-*
12 *ministrators in schools operated or funded by the Bu-*
13 *reau of Indian Affairs.*

14 *“(b) STATE ALLOTMENTS.—The Secretary shall allo-*
15 *cate the amount available to carry out this subpart and*
16 *not reserved under subsection (a) to each of the 50 States,*
17 *the District of Columbia, and the Commonwealth of Puerto*
18 *Rico as follows, except that no State shall receive less than*
19 *one-half of 1 percent of such amount:*

20 *“(1) Fifty percent shall be allocated among such*
21 *jurisdictions on the basis of their relative populations*
22 *of individuals aged 5 through 17, as determined by*
23 *the Secretary on the basis of the most recent satisfac-*
24 *tory data.*

25 *“(2) Fifty percent shall be allocated among such*
26 *jurisdictions in accordance with the relative amounts*

1 *such jurisdictions received under part A of title I for*
2 *the preceding fiscal year.*

3 *“(c) REALLOCATION.—If any jurisdiction does not*
4 *apply for an allotment under subsection (b) for any fiscal*
5 *year, the Secretary shall reallocate such amount to the re-*
6 *maining jurisdictions in accordance with that subsection.*

7 ***“SEC. 2123. WITHIN-STATE ALLOCATIONS.***

8 *“Of the amounts received by any State under this sub-*
9 *part for any fiscal year—*

10 *“(1) 75 percent shall be available for State level*
11 *activities under section 2126 and local allowable ac-*
12 *tivities under section 2129(b), of which—*

13 *“(A) not more than 5 percent may be used*
14 *for the administrative costs of the State edu-*
15 *cational agency;*

16 *“(B) not more than 5 percent may be used*
17 *for State-level activities under section 2126; and*

18 *“(C) of the remaining amount—*

19 *“(i) 50 percent shall be distributed to*
20 *local educational agencies—*

21 *“(I) for use in accordance with*
22 *section 2129; and*

23 *“(II) in accordance with the rel-*
24 *ative enrollments in public and private*
25 *nonprofit elementary and secondary*

1 *schools within the boundaries of such*
2 *agencies; and*

3 *“(ii) 50 percent of such amount shall*
4 *be distributed to local educational agen-*
5 *cies—*

6 *“(I) for use in accordance with*
7 *section 2129; and*

8 *“(II) in accordance with the rel-*
9 *ative amount such agencies received*
10 *under part A of title I of this Act for*
11 *the preceding fiscal year; and*

12 *“(2) 25 percent shall be available to the State*
13 *agency for higher education for activities under sec-*
14 *tion 2130, of which not more than 5 percent may be*
15 *used for the administrative costs of the State agency*
16 *for higher education.*

17 **“SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT**
18 **IN MATHEMATICS AND SCIENCE.**

19 *“(a) APPROPRIATION OF LESS THAN \$250,000,000.—*
20 *In any fiscal year for which the amount appropriated for*
21 *this part is less than \$250,000,000, each State shall ensure*
22 *that all funds distributed in accordance with section*
23 *2123(1)(C) are used for professional development in mathe-*
24 *matics and science.*

1 “(b) *APPROPRIATION EQUAL TO OR ABOVE*
 2 *\$250,000,000.—In any fiscal year for which the amount*
 3 *appropriated for this part is at least \$250,000,000, each*
 4 *State shall ensure that the amount of funds distributed in*
 5 *accordance with section 2123(1)(C) that is used for profes-*
 6 *sional development in mathematics and science is not less*
 7 *than the amount that bears the same ratio to the total*
 8 *amount of funds so distributed as the sum of \$250,000,000*
 9 *plus at least 10 percent of the amount appropriated for this*
 10 *part for such year in excess of \$250,000,000 bears to the*
 11 *total amount appropriated for this part for such year.*

12 **“SEC. 2125. STATE APPLICATIONS.**

13 “(a) *APPLICATIONS REQUIRED.—Each State edu-*
 14 *cational agency that wishes to receive an allotment under*
 15 *this subpart for any fiscal year shall submit an application*
 16 *to the Secretary at such time and in such form as the Sec-*
 17 *retary may require.*

18 “(b) *PROFESSIONAL DEVELOPMENT PLAN.—*

19 “(1) *IN GENERAL.—Each application under this*
 20 *section shall include a State plan for professional de-*
 21 *velopment that satisfies the requirements of this sec-*
 22 *tion.*

23 “(2) *CONTENTS.—Each such State plan shall—*

24 “(A) *be developed in conjunction with the*
 25 *State agency for higher education, nonprofit or-*

1 *ganizations of demonstrated effectiveness, institu-*
2 *tions of higher education or schools of education,*
3 *and with the extensive participation of local*
4 *teachers, administrators, and pupil services per-*
5 *sonnel and show the role of each such entity in*
6 *implementation of the plan;*

7 *“(B) be designed to give teachers, adminis-*
8 *trators, and pupil services personnel in the State*
9 *the knowledge and skills necessary to provide all*
10 *students the opportunity to meet challenging*
11 *State content standards and challenging State*
12 *student performance standards;*

13 *“(C) include an assessment of State and*
14 *local needs for professional development specifi-*
15 *cally related to subparagraph (B);*

16 *“(D) describe the need for teacher develop-*
17 *ment beginning with recruitment, preservice,*
18 *and induction, and continuing throughout the*
19 *professional teaching career, taking into account*
20 *the need, as determined by the State, for greater*
21 *access to and participation in the teaching pro-*
22 *fession by individuals from historically*
23 *underrepresented groups;*

24 *“(E) describe how the State requirements*
25 *for licensure of teachers and administrators, in-*

1 cluding certification and recertification, support
2 challenging State content standards and chal-
3 lenging State student performance standards;

4 “(F) describe how the State will work with
5 teachers, administrators, parents, local edu-
6 cational agencies, schools, educational service
7 agencies, and institutions of higher education or
8 nonprofit organizations of demonstrated effective-
9 ness to ensure that such individuals or entities
10 develop the capacity to support sustained and
11 intensive, high-quality professional development
12 programs in the core academic subjects;

13 “(G) describe how the State will prepare all
14 teachers to teach children with diverse learning
15 needs, including children with disabilities;

16 “(H) describe how the State will prepare
17 teachers, paraprofessionals and pupil services
18 personnel in effective prevention and interven-
19 tion strategies to—

20 “(i) alleviate the need, and assure ap-
21 propriate referral, for special education
22 services; and

23 “(ii) prepare general and special edu-
24 cation staff to work collaboratively to edu-
25 cate students with disabilities placed into

1 *general education settings, consistent with*
2 *such student's individualized education pro-*
3 *gram;*

4 “(I) describe how the State will use tech-
5 *nology, including the emerging national infor-*
6 *mation infrastructure, to enhance the profes-*
7 *sional development of teachers, administrators,*
8 *and pupil services personnel;*

9 “(J) describe how the State will ensure a
10 *strong focus on professional development in*
11 *mathematics and science taking into account the*
12 *need for greater access to, and participation in,*
13 *such disciplines by students from historically*
14 *underrepresented groups;*

15 “(K) describe how the State will provide in-
16 *centives to teachers and administrators to focus*
17 *their professional development on preparing*
18 *themselves to provide instruction consistent with*
19 *challenging State content standards and chal-*
20 *lenging State student performance standards;*

21 “(L) set specific outcome performance indi-
22 *cators for professional development; and*

23 “(M) describe how parents can be involved
24 *in professional development programs to enhance*

1 *their participation in the education of their chil-*
2 *dren.*

3 “(3) *DURATION OF THE PLAN.*—*Each such State*
4 *plan shall—*

5 “(A) *remain in effect for the duration of the*
6 *State’s participation under this subpart; and*

7 “(B) *be periodically reviewed and revised*
8 *by the State, as necessary, to reflect changes in*
9 *the State’s strategies and programs under this*
10 *subpart.*

11 “(c) *ADDITIONAL MATERIAL.*—*Each State application*
12 *shall include—*

13 “(1) *a description of how the activities assisted*
14 *under this subpart will be coordinated, as appro-*
15 *priate, with—*

16 “(A) *other activities conducted with Federal*
17 *funds, especially activities supported under part*
18 *A of title I of this Act, and parts B and D of*
19 *the Individuals with Disabilities Education Act;*

20 “(B) *State and local funds;*

21 “(C) *resources from business and industry,*
22 *museums, libraries, educational television sta-*
23 *tions, and public and private nonprofit organi-*
24 *zations of demonstrated experience; and*

1 “(D) funds received from other Federal
2 agencies, such as the National Science Founda-
3 tion, the Departments of Commerce, Energy, and
4 Health and Human Services, the National En-
5 dowment for the Arts, the Institute of Museum
6 Services, and the National Endowment for the
7 Humanities; and

8 “(2) a description of the activities to be spon-
9 sored under the State level activities under section
10 2126 and the higher education activities under section
11 2130.

12 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

13 “(1) IN GENERAL.—The Secretary shall approve
14 an application of a State educational agency under
15 this section if such application meets the requirements
16 of this section and holds reasonable promise of achiev-
17 ing the purposes of this part.

18 “(2) REVIEW.—In reviewing applications under
19 this section, the Secretary shall obtain the advice of
20 non-Federal experts on education in the core aca-
21 demic subjects and on teacher education, including
22 teachers and administrators.

1 ***“SEC. 2126. STATE LEVEL ACTIVITIES.***

2 *“Each State may use funds made available under sec-*
3 *tion 2123(1) to carry out activities described in the plan*
4 *under section 2125(b), such as—*

5 *“(1) reviewing and reforming State requirements*
6 *for teacher and administrator licensure, including*
7 *certification and recertification, to align such require-*
8 *ments with the State’s challenging State content*
9 *standards and ensure that teachers and administra-*
10 *tors have the knowledge and skills necessary to help*
11 *students meet challenging State student performance*
12 *standards;*

13 *“(2) developing performance assessments and*
14 *peer review procedures, as well as other methods, for*
15 *licensing teachers and administrators;*

16 *“(3) providing technical assistance to schools*
17 *and local educational agencies to help such schools*
18 *and agencies provide effective professional develop-*
19 *ment in the core academic subjects;*

20 *“(4) developing or supporting professional devel-*
21 *opment networks, either within a State or in a re-*
22 *gional consortium of States, that provide a forum for*
23 *interaction among teachers and that allow exchange*
24 *of information on advances in content and pedagogy;*

25 *“(5) professional development in the effective use*
26 *of educational technology as an instructional tool for*

1 *increasing student understanding of the core aca-*
2 *demic subjects, including efforts to train teachers in*
3 *methods for achieving gender equity both in students'*
4 *access to computers and other educational technology*
5 *and in teaching practices used in the application of*
6 *educational technology;*

7 *“(6) providing financial or other incentives for*
8 *teachers to become certified by nationally recognized*
9 *professional teacher enhancement organizations;*

10 *“(7) designing systems that enable teachers to*
11 *meet pay ladder professional development require-*
12 *ments by demonstrating content knowledge and peda-*
13 *gogical competence tied to challenging State content*
14 *standards and challenging State student performance*
15 *standards, rather than by merely completing course*
16 *credits;*

17 *“(8) providing incentives for teachers to be in-*
18 *volved in assessment, curriculum development, and*
19 *technical assistance processes for teachers and stu-*
20 *dents;*

21 *“(9) professional development to enable teachers,*
22 *pupil services personnel, and other school staff to en-*
23 *sure that girls and young women, minorities, limited*
24 *English proficient students, individuals with disabil-*
25 *ities, and the economically disadvantaged have the*

1 *full opportunity to achieve to challenging State con-*
2 *tent standards and challenging State student perform-*
3 *ance standards in the core academic subjects by, for*
4 *example, encouraging girls and young women and*
5 *minorities to pursue advanced courses in mathematics*
6 *and science;*

7 *“(10) professional development designed to—*

8 *“(A) provide the collaborative skills needed*
9 *to appropriately serve children with disabilities*
10 *in the general education setting consistent with*
11 *such child’s individualized education program;*
12 *and*

13 *“(B) develop skills needed for effective pre-*
14 *vention and intervention teaching strategies to*
15 *alleviate the need, or assure appropriate referral,*
16 *for special education services;*

17 *“(11) professional development and recruitment*
18 *activities designed to increase the numbers of minori-*
19 *ties, individuals with disabilities and females teach-*
20 *ing in the core academic subjects in which such indi-*
21 *viduals are underrepresented;*

22 *“(12) identifying, developing, or supporting pa-*
23 *rental involvement programs to better equip parents*
24 *to participate in the education of their children;*

1 “(13) professional development activities de-
2 signed to increase the number of women and other
3 underrepresented groups in the administration of
4 schools;

5 “(14) providing training for local education em-
6 ployees in the area of early childhood development in
7 order to ensure that early childhood development serv-
8 ices provided to low-income children below the age of
9 compulsory school attendance comply with the per-
10 formance standards established under section 641A(a)
11 of the Head Start Act or under section 651 of such
12 Act, as such section 651 was in effect on the day pre-
13 ceding the date of enactment of the Human Services
14 Amendments of 1994; and

15 “(15) providing technical assistance to teachers,
16 administrators, parents and related services personnel
17 in the area of early childhood development in order
18 to ensure that early childhood development services
19 provided to low-income children below the age of com-
20 pulsory school attendance comply with the perform-
21 ance standards established under section 641A(a) of
22 the Head Start Act or under section 651 of such Act,
23 as such section 651 was in effect on the day preceding
24 the date of enactment of the Human Services Amend-
25 ments of 1994.

1 ***“SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.***

2 “(a) *IN GENERAL.*—Each local educational agency
3 *that desires a subgrant under this subpart shall submit an*
4 *application to the State educational agency at such time*
5 *as the State educational agency may require, but not less*
6 *frequently than every 3 years.*

7 “(b) *CONTENTS.*—Each application under this section
8 *shall include—*

9 “(1) *the local educational agency’s plan for pro-*
10 *fessional development that—*

11 “(A) *has been developed with the extensive*
12 *participation of teachers, administrators, staff,*
13 *and pupil services personnel;*

14 “(B) *is aligned with the State’s challenging*
15 *State content standards and challenging State*
16 *student performance standards;*

17 “(C) *includes an assessment of local needs*
18 *for professional development as identified by the*
19 *local educational agency and school staff;*

20 “(D) *describes a strategy, tied to challeng-*
21 *ing State content standards and challenging*
22 *State student performance standards, for ad-*
23 *dresssing those needs;*

24 “(E) *includes strong academic content and*
25 *pedagogical components;*

1 “(F) takes into account the need for greater
2 access to and participation in the core academic
3 subjects, especially in mathematics and science,
4 by students from historically underrepresented
5 groups;

6 “(G) is of sufficient intensity and duration
7 to have a positive and lasting impact on the stu-
8 dent’s performance in the classroom; and

9 “(H) sets specific outcome performance in-
10 dicators;

11 “(2) an assurance that the activities conducted
12 with the funds such agency received under this sub-
13 part will be assessed at least every three years using
14 the outcome performance indicators to determine the
15 effectiveness of such activities;

16 “(3) a description of how the programs funded
17 under this subpart will be coordinated, as appro-
18 priate, with—

19 “(A) services of educational service agencies;

20 “(B) services of institutions of higher edu-
21 cation;

22 “(C) State and local funds;

23 “(D) resources provided under part A of
24 title I and other provisions of this Act;

1 “(E) resources from business, industry, mu-
2 seums, libraries, educational television stations,
3 and public and private nonprofit organizations
4 of demonstrated experience;

5 “(F) resources provided under parts B, D
6 and H of the Individuals with Disabilities Edu-
7 cation Act; and

8 “(G) funds received from other Federal
9 agencies, such as the National Science Founda-
10 tion, the Department of Energy, the Department
11 of Health and Human Services, the National
12 Endowment for the Arts, the Institute of Museum
13 Services, and the National Endowment for the
14 Humanities;

15 “(4) an identification of the sources of funding
16 that will provide the local educational agency’s con-
17 tribution under section 2128; and

18 “(5) a description of the strategies to be em-
19 ployed to more fully and effectively involve parents in
20 the education of their children.

21 “(c) DURATION OF THE PLAN.—Each local plan de-
22 scribed in subsection (b)(1) shall—

23 “(1) remain in effect for the duration of the local
24 educational agency’s participation under this sub-
25 part; and

1 “(2) be periodically reviewed and revised by the
2 local educational agency, as necessary, to reflect
3 changes in the local educational agency’s strategies
4 and programs under this subpart.

5 **“SEC. 2128. LOCAL COST-SHARING.**

6 “(a) *IN GENERAL.*—Each local educational agency
7 shall provide at least 33 percent of the cost of the activities
8 assisted under this subpart, excluding the cost of services
9 provided to private school teachers.

10 “(b) *AVAILABLE RESOURCES FOR COST-SHARING.*—

11 “(1) *IN GENERAL.*—A local educational agency
12 may meet the requirement of subsection (a) through
13 one or more of the following:

14 “(A) Cash expenditures from non-Federal
15 sources directed toward professional development
16 activities.

17 “(B) Release time for teachers participating
18 in professional development assisted under this
19 subpart.

20 “(C) Funds received under one or more of
21 the following programs, so long as such funds are
22 used for professional development activities con-
23 sistent with this subpart and the statutes under
24 which such funds were received, and are used to

1 *benefit students and teachers in schools that oth-*
2 *erwise would have been served with such funds:*

3 “(i) *Part A of title I.*

4 “(ii) *Parts B and D of the Individuals*
5 *with Disabilities Education Act.*

6 “(iii) *The Safe and Drug-Free Schools*
7 *and Communities program under part A of*
8 *title V.*

9 “(iv) *Bilingual Education Programs*
10 *under part A of title VII.*

11 “(v) *The Women’s Educational Equity*
12 *Act of 1994.*

13 “(vi) *Title III of the Goals 2000: Edu-*
14 *cate America Act.*

15 “(vii) *Programs that are related to the*
16 *purposes of this Act that are administered*
17 *by other Federal agencies, including the Na-*
18 *tional Science Foundation, the National*
19 *Endowment for the Humanities, the Na-*
20 *tional Endowment for the Arts, the Institute*
21 *of Museum Services, and the Department of*
22 *Energy.*

23 “(2) *SPECIAL RULE.—A local educational agency*
24 *may meet the requirement of subsection (a) through*

1 *contributions described in paragraph (1) that are*
2 *provided in cash or in kind, fairly evaluated.*

3 ***“SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOW-***
4 ***ABLE ACTIVITIES.***

5 “(a) *LOCAL ALLOCATION OF FUNDS.—Each local edu-*
6 *cational agency that receives funds under this subpart for*
7 *any fiscal year—*

8 “(1) *shall use at least 80 percent of such funds*
9 *for professional development of teachers, administra-*
10 *tors, pupil services personnel, parents, and other staff*
11 *of individual schools in a manner that—*

12 “(A) *is determined by such teachers and*
13 *staff;*

14 “(B) *to the extent practicable, takes place at*
15 *the individual school site; and*

16 “(C) *is consistent with the local educational*
17 *agency’s application under section 2127, any*
18 *school plan under part A of title I, and any*
19 *other plan for professional development carried*
20 *out with Federal, State, or local funds that em-*
21 *phasizes sustained, ongoing activities; and*

22 “(2) *may use not more than 20 percent of such*
23 *funds for school district-level professional development*
24 *activities, including the participation of administra-*
25 *tors, policymakers, and parents.*

1 “(b) *AUTHORIZED ACTIVITIES.*—Each local edu-
2 cational agency and school that receives funds under this
3 subpart shall use such funds for activities that contribute
4 to the implementation of the local educational agency’s pro-
5 fessional development plan described in section 2127(b)(1),
6 such as—

7 “(1) professional development for teams of teach-
8 ers, administrators, pupil services personnel, or other
9 staff from individual schools, to support teaching con-
10 sistent with challenging State content standards and
11 challenging State student performance standards and
12 to create a school environment conducive to high
13 achievement in the core academic subjects;

14 “(2) support and time, which in the case of
15 teachers may include release time with pay, for teach-
16 ers, pupil services personnel, and other school staff to
17 enable such teachers, personnel, and staff to partici-
18 pate in professional development in the core academic
19 subjects that are offered through professional associa-
20 tions, universities, and other providers such as com-
21 munity-based organizations, science centers and mu-
22 seums;

23 “(3) support and time, which in the case of
24 teachers may include release time with pay, for teach-
25 ers, pupil services personnel and other school staff to

1 *participate in professional development that goes be-*
2 *yond training and encourages a variety of forms of*
3 *learning that are related to an educator's regular*
4 *work, such as group study and consultation with*
5 *peers and supervisors;*

6 *“(4) support and time for teachers, pupil services*
7 *personnel and other school staff to learn and imple-*
8 *ment effective collaboration—*

9 *“(A) for the instruction of children with*
10 *disabilities placed into general education set-*
11 *tings, consistent with such child's individualized*
12 *education program; and*

13 *“(B) in prevention and intervention strate-*
14 *gies to alleviate the need for, or assure appro-*
15 *priate, referrals of children for special education*
16 *services;*

17 *“(5) professional development which incorporates*
18 *effective strategies, techniques, methods, and practices*
19 *for meeting the educational needs of diverse groups of*
20 *students, including females, minorities, individuals*
21 *with disabilities, limited-English proficient individ-*
22 *uals and economically disadvantaged individuals;*

23 *“(6) peer training and mentoring programs, in-*
24 *cluding cross-generational mentoring, in the core aca-*

1 *ademic subjects and in the developmental, social, emo-*
2 *tional and mental health needs of children;*

3 *“(7) establishment and maintenance of local pro-*
4 *fessional networks that provide a forum for inter-*
5 *action among teachers and pupil services personnel*
6 *and that allow exchange of information on advances*
7 *in content and pedagogy;*

8 *“(8) activities that provide followup for teachers*
9 *who have participated in professional development ac-*
10 *tivities that are designed to ensure that the knowledge*
11 *and skills learned by the teacher are implemented in*
12 *the classroom;*

13 *“(9) preparing teachers and pupil services per-*
14 *sonnel to work with parents and families on fostering*
15 *student achievement in the core academic subjects;*

16 *“(10) preparing teachers in the effective use of*
17 *educational technology and assistive technology as in-*
18 *structional tools for increasing student understanding*
19 *of the core academic subjects;*

20 *“(11) establishing policies to permit teachers to*
21 *meet pay ladder requirements by demonstrating con-*
22 *tent and pedagogical competence rather than by only*
23 *meeting course requirements;*

24 *“(12) professional development to enable teach-*
25 *ers, pupil services personnel, and other school staff to*

1 *ensure that girls and young women, minorities, lim-*
2 *ited-English proficient students, individuals with dis-*
3 *abilities, and the economically disadvantaged have*
4 *full opportunity to achieve to challenging State con-*
5 *tent standards and challenging State student perform-*
6 *ance standards in the core academic subjects;*

7 *“(13) professional development activities de-*
8 *signed to increase the numbers of minorities, individ-*
9 *uals with disabilities, and other underrepresented*
10 *groups in the teaching force and to increase the num-*
11 *bers of women and members of other underrepresented*
12 *groups who are science and mathematics teachers, for*
13 *example, through career ladder programs that assist*
14 *educational paraprofessionals to obtain teaching cre-*
15 *dentials;*

16 *“(14) professional development activities and*
17 *other support for new teachers as such teachers transi-*
18 *tion into the classroom to provide such teachers with*
19 *practical support and increase retention;*

20 *“(15) professional development for teachers, par-*
21 *ents, early childhood educators, administrators, and*
22 *other staff to support activities and services related to*
23 *the Transition to Success program developed under*
24 *part B of title I;*

1 “(16) developing incentive strategies for reward-
2 ing teachers, administrators, and pupil services per-
3 sonnel collectively in schools that sustain high per-
4 formance or consistent growth in the number of their
5 students who meet the challenging State content
6 standards and challenging State student performance
7 standards;

8 “(17) providing financial or other incentives for
9 teachers to become certified by nationally recognized
10 professional teacher enhancement programs;

11 “(18) developing strategies and programs to
12 more effectively involve parents in the education of
13 their children;

14 “(19) professional development activities de-
15 signed to increase the number of women and other
16 underrepresented groups in the administration of
17 schools;

18 “(20) release time with pay for teachers;

19 “(21) professional development in experiential-
20 based teaching methods such as service learning; and

21 “(22) support for partnerships between (A)
22 schools, consortia of schools, or local educational agen-
23 cies, and (B) institutions of higher education, includ-
24 ing schools of education, that encourage teachers to
25 participate in intensive, ongoing professional develop-

1 *ment programs, both academic and pedagogical, at*
2 *institutions of higher education, and encourage stu-*
3 *dents at institutions of higher education studying to*
4 *become teachers to have direct, practical experience at*
5 *schools.*

6 ***“SEC. 2130. HIGHER EDUCATION ACTIVITIES.***

7 *“(a) IN GENERAL.—*

8 *“(1) IN GENERAL.—From amounts made avail-*
9 *able under section 2123(2), the State agency for high-*
10 *er education, working in conjunction with the State*
11 *educational agency (if such agencies are separate),*
12 *shall award grants to, or enter into contracts or coop-*
13 *erative agreements with, institutions of higher edu-*
14 *cation or private nonprofit organizations working in*
15 *conjunction with local educational agencies, for pro-*
16 *fessional development activities in the core academic*
17 *subjects that contribute to the State plan for profes-*
18 *sional development.*

19 *“(2) COMPETITIVE BASIS.—Each grant, contract*
20 *or cooperative agreement described in paragraph (1)*
21 *shall be awarded on a competitive basis.*

22 *“(3) JOINT EFFORTS.—Each activity assisted*
23 *under this section, where applicable, shall involve the*
24 *joint effort of the institution of higher education’s*
25 *school or department of education, if any, and the*

1 *schools or departments in the specific disciplines in*
2 *which such professional development will be provided.*

3 *“(b) ALLOWABLE ACTIVITIES.—A recipient of funds*
4 *under this section shall use such funds for—*

5 *“(1) sustained and intensive high-quality profes-*
6 *sional development for teams of teachers, or teachers,*
7 *pupil services personnel and administrators from in-*
8 *dividual schools or school districts;*

9 *“(2) preservice training activities; and*

10 *“(3) other sustained and intensive professional*
11 *development activities related to achievement of the*
12 *State plan for professional development.*

13 *“(c) PARTNERSHIPS.—Each institution of higher edu-*
14 *cation receiving a grant under this section may also enter*
15 *into a partnership with a private industry, museum, li-*
16 *brary, educational television station, or public or private*
17 *nonprofit organization of demonstrated experience to carry*
18 *out professional development activities assisted under this*
19 *section.*

20 **“SEC. 2131. CONSORTIUM REQUIREMENT.**

21 *“(a) IN GENERAL.—Any local educational agency re-*
22 *ceiving a grant under this part of less than \$10,000 shall*
23 *form a consortium with another local educational agency*
24 *or an educational service agency serving another local edu-*

1 cational agency to be eligible to participate in programs
2 assisted under this part.

3 “(b) *WAIVER.*—The Chief State School Officer may
4 waive the requirements of subsection (a) if distances or
5 traveling time between schools make formation of the con-
6 sortium more costly or less effective.

7 “(c) *SPECIAL RULE.*—Each consortium shall rely, as
8 much as possible, on technology or other arrangements to
9 deliver staff development tailored to the needs of each school
10 or school district participating in a consortium described
11 in subsection (a).

12 **“Subpart 3—Professional Development Demonstration**
13 **Project**

14 **“SEC. 2141. FINDINGS AND PURPOSE.**

15 “(a) *FINDINGS.*—The Congress finds that—

16 “(1) underlying the standards-driven framework
17 of the Goals 2000: Educate America Act and the high
18 academic standards for eligible students under title I
19 is a widespread need to prepare teachers to teach to
20 higher standards;

21 “(2) prospective and current teachers need
22 knowledge and skills beyond what such teachers cur-
23 rently possess;

24 “(3) while both the Goals 2000: Educate America
25 Act and titles I and II have extensive references to

1 *professional development of teachers, there are no pro-*
2 *visions to incorporate ‘on-the-ground’ planning and*
3 *implementation to serve as models for local edu-*
4 *cational agencies across the Nation; and*

5 *“(4) better prepared teachers can lead to im-*
6 *proved student achievement, especially for students*
7 *who are furthest from reaching high standards.*

8 *“(b) PURPOSE.—It is the purpose of this subpart—*

9 *“(1) to address the need for professional develop-*
10 *ment with a primary focus on teachers;*

11 *“(2) to provide both prospective teachers and*
12 *current teachers opportunities to learn both the con-*
13 *tent and the pedagogy needed to teach to high stand-*
14 *ards; and*

15 *“(3) to build models, in a few cities and States,*
16 *that demonstrate new organizational arrangements*
17 *and deep investments in teachers necessary to better*
18 *prepare teachers for new standards and assessments.*

19 **“SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.**

20 *“(a) GENERAL AUTHORITY.—*

21 *“(1) IN GENERAL.—The Secretary shall carry*
22 *out a demonstration project under which the Sec-*
23 *retary awards grants in accordance with this subpart*
24 *to eligible partnerships to enable such partnerships to*

1 *plan and implement professional development pro-*
2 *grams.*

3 “(2) *PROGRAM REQUIREMENTS.*—*The programs*
4 *described in paragraph (1)—*

5 “(A) *shall focus on increasing teachers’*
6 *knowledge and understanding of content by pro-*
7 *viding teachers opportunities to improve their*
8 *knowledge and to improve their classroom prac-*
9 *tice in order to help students meet high academic*
10 *standards;*

11 “(B) *shall include teachers at all career*
12 *stages, from student teachers or interns through*
13 *senior team leaders or department chairs; and*

14 “(C) *may incorporate professional develop-*
15 *ment for principals, pupil services personnel,*
16 *aides, other school-based staff, and parents.*

17 “(b) *ELIGIBLE PARTNERSHIPS.*—*For the purpose of*
18 *this subpart the term ‘eligible partnership’ means a part-*
19 *nership consisting of—*

20 “(1) *a local educational agency, a subunit of*
21 *such agency, or a consortium of such agencies, in*
22 *which at least 50 percent of the schools served by such*
23 *agency, subunit, or consortium are eligible to partici-*
24 *pate in schoolwide programs under section 1114; or*

25 “(2) *other partners that—*

1 “(A) shall include, at a minimum, a teach-
 2 ers’ union (if appropriate), one or more institu-
 3 tions of higher education which may include fac-
 4 ulty from schools of education and faculty from
 5 schools of arts and sciences, and a local parent
 6 or community council; and

7 “(B) may include a business partner or a
 8 nonprofit organization with a demonstrated
 9 record in staff development.

10 **“SEC. 2143. GRANTS.**

11 “(a) *AUTHORITY.*—

12 “(1) *IN GENERAL.*—The Secretary shall award
 13 grants for planning, and grants for the implementa-
 14 tion of, professional development programs under this
 15 subpart.

16 “(2) *DISTRIBUTION.*—The Secretary shall award
 17 not less than 75 percent of the funds available for
 18 grants under this part to eligible partnerships serving
 19 the schools with the greatest number of poor students.
 20 To the extent possible, such grants shall be awarded
 21 to eligible partnerships serving both rural and urban
 22 school districts and in a manner that reflects geo-
 23 graphic and racial diversity.

24 “(3) *NUMBER OF GRANTS.*—In the first year that
 25 the Secretary awards grants under this subpart, the

1 *Secretary shall award at least twice as many plan-*
2 *ning grants as implementation grants in order to re-*
3 *ceive well-developed plans for long-term funding*
4 *under this subpart.*

5 “(b) *GRANT REQUIREMENTS.*—

6 “(1) *DURATION.*—*The Secretary shall award—*

7 “(A) *planning grants under this subpart for*
8 *a period of not less than 6 months and not more*
9 *than 9 months; and*

10 “(B) *implementation grants under this sub-*
11 *part for a period of four fiscal years.*

12 “(2) *AMOUNT.*—*The Secretary shall award*
13 *grants under this subpart in an amount determined*
14 *on the basis of the size of the program and the level*
15 *of investment the eligible partnership is making in*
16 *teacher development in the area served by the eligible*
17 *partnership, including local, State, and Federal funds*
18 *and existing higher education resources, except that*
19 *no grant under this subpart shall exceed \$500,000 in*
20 *any one fiscal year.*

21 **“SEC. 2144. PLAN.**

22 *“Each eligible partnership desiring assistance under*
23 *this subpart shall develop a plan for the program to be as-*
24 *sisted under this subpart. Such plan shall—*

1 “(1) identify clearly how such plan will support
2 an overall systemic reform strategy giving special at-
3 tention to the role of teacher preparation for new
4 standards and assessment;

5 “(2) describe the eligible partnership’s instruc-
6 tional objectives and how the professional development
7 activities will support such objectives;

8 “(3) specify the organizational arrangements
9 and delivery strategies to be used, such as teacher cen-
10 ters, professional development schools, teacher net-
11 works, academic alliances, as well as the curriculum
12 for teachers;

13 “(4) specify the commitments the local edu-
14 cational agencies, teacher’s union, institutions of
15 higher education or any other entity participating in
16 such partnership are prepared to make, not only to
17 support program activities such as release time, con-
18 tractual flexibility, support for interns or student
19 teachers if applicable, but also to sustain the central
20 aspects of the plan after the expiration of the grant;
21 and

22 “(5) describe how the activities described under
23 this subpart will lead to districtwide policy and budg-
24 et changes.

1 **“SEC. 2145. TECHNICAL ASSISTANCE.**

2 *“The Secretary is authorized to enter into an arrange-*
3 *ment with an intermediary organization to enable such or-*
4 *ganization to provide technical assistance to eligible part-*
5 *nerships receiving assistance under this subpart.*

6 **“SEC. 2146. MATCHING FUNDS.**

7 *“The Secretary shall give special priority to awarding*
8 *grants under this subpart to eligible partnerships that dem-*
9 *onstrate such partnership’s ability to raise matching funds*
10 *from private sources.*

11 **“Subpart 4—General Provisions**

12 **“SEC. 2151. REPORTING AND ACCOUNTABILITY.**

13 *“(a) STATES.—Each State that receives funds under*
14 *this part shall submit a report to the Secretary every three*
15 *years, beginning with fiscal year 1997, on the State’s*
16 *progress toward the outcome performance indicators identi-*
17 *fied in such State’s State plan, as well as on the effective-*
18 *ness of State and local activities assisted under this part.*

19 *“(b) LOCAL EDUCATIONAL AGENCIES.—Each local*
20 *educational agency that receives funds under this part shall*
21 *submit a report to the State every three years, beginning*
22 *with fiscal year 1997, regarding the progress of such agency*
23 *toward outcome performance indicators identified in such*
24 *agency’s local plan, as well as on the effectiveness of such*
25 *agency’s activities under this part.*

1 “(c) *FEDERAL EVALUATION.*—*The Secretary shall re-*
2 *port to the President and the Congress on the effectiveness*
3 *of programs and activities assisted under this part in ac-*
4 *cordance with section 10701.*

5 **“SEC. 2152. DEFINITIONS.**

6 *“As used in this part—*

7 *“(1) the term ‘core academic subjects’ means sub-*
8 *jects such as English, mathematics, science, foreign*
9 *languages, civics and government, economics, arts,*
10 *history, and geography;*

11 *“(2) the term ‘sustained and intensive high-qual-*
12 *ity professional development’ means professional de-*
13 *velopment activities that—*

14 *“(A) are tied to challenging State content*
15 *standards, challenging State student performance*
16 *standards, voluntary national content standards*
17 *or voluntary national student performance*
18 *standards;*

19 *“(B) reflect up-to-date research in teaching*
20 *and learning and include integrated content and*
21 *pedagogical components appropriate for students*
22 *with diverse learning needs;*

23 *“(C) are of sufficient intensity and dura-*
24 *tion to have a positive and lasting impact on the*

1 *teacher's performance in the classroom or the ad-*
2 *ministrator's performance on the job; and*

3 *“(D) recognize teachers as an important*
4 *source of knowledge that should inform and help*
5 *shape professional development;*

6 *“(3) the term ‘outcome performance indicators’*
7 *means measures of specific outcomes that the State or*
8 *local educational agency identify as assessing progress*
9 *toward the goal of ensuring that all teachers have the*
10 *knowledge and skills necessary to assist their students*
11 *to meet challenging State content standards and chal-*
12 *lenging State student performance standards in the*
13 *core academic subjects, such as—*

14 *“(A) the degree to which licensure require-*
15 *ments are tied to challenging State content*
16 *standards and challenging State student per-*
17 *formance standards;*

18 *“(B) specific increases in the number of*
19 *teachers who are certified by the National Board*
20 *for Professional Teaching Standards or other na-*
21 *tionally recognized professional teacher enhance-*
22 *ment organizations;*

23 *“(C) pass rates on teacher examinations for*
24 *initial and continuing certification or licensure;*

1 “(D) specific increases in the number of ele-
 2 mentary and secondary teachers with strong con-
 3 tent backgrounds in the core academic subjects;
 4 and

5 “(E) specific increases in the number of
 6 teachers licensed in each core academic subject;
 7 and

8 “(4) the term ‘prevention’, when used with re-
 9 spect to strategies, includes activities conducted to—

10 “(A) detect and overcome early manifesta-
 11 tions of learning, health and social, and behav-
 12 ioral, problems that may impede later student
 13 learning and school achievement;

14 “(B) prevent students from failing to
 15 achieve commensurate with their abilities; and

16 “(C) alleviate the need, or increase the prob-
 17 ability of appropriate referrals, for special edu-
 18 cation services.

19 **“PART B—NATIONAL WRITING PROJECT**

20 **“SEC. 2201. SHORT TITLE.**

21 *“This part may be cited as the ‘National Writing*
 22 *Project Act’.*

23 **“SEC. 2202. FINDINGS.**

24 *“The Congress finds that—*

1 “(1) the United States faces a crisis in writing
2 in schools and in the workplace;

3 “(2) the writing problem has been magnified by
4 the rapidly changing student populations in the Na-
5 tion’s schools and the growing number of students
6 who are at risk because of limited English pro-
7 ficiency;

8 “(3) over the past 2 decades, universities and
9 colleges across the country have reported increasing
10 numbers of entering freshmen who are unable to write
11 at a level equal to the demands of college work;

12 “(4) American businesses and corporations are
13 concerned about the limited writing skills of entry-
14 level workers, and a growing number of executives are
15 reporting that advancement was denied to such execu-
16 tives due to inadequate writing abilities;

17 “(5) writing and reading are both fundamental
18 to learning, yet writing has been historically neglected
19 in the schools and colleges, and most teachers in the
20 United States elementary schools, secondary schools,
21 and colleges have not been trained to teach writing;

22 “(6) since 1973, the only national program to
23 address the writing problem in the Nation’s schools
24 has been the National Writing Project, a network of
25 collaborative university-school programs whose goal is

1 to improve the quality of student writing and the
2 teaching of writing at all grade levels and to extend
3 the uses of writing as a learning process through all
4 disciplines;

5 “(7) the National Writing Project offers summer
6 and school year inservice teacher training programs
7 and a dissemination network to inform and teach
8 teachers of developments in the field of writing;

9 “(8) the National Writing Project is a nationally
10 recognized and honored nonprofit organization that
11 recognizes that there are teachers in every region of
12 the United States who have developed successful meth-
13 ods for teaching writing and that such teachers can
14 be trained and encouraged to train other teachers;

15 “(9) the National Writing Project has become a
16 model for programs to improve teaching in such other
17 fields as mathematics, science, history, literature, per-
18 forming arts, and foreign languages;

19 “(10) the National Writing Project teacher-teach-
20 ing-teachers program identifies and promotes what is
21 working in the classrooms of the Nation’s best teach-
22 ers;

23 “(11) the National Writing Project teacher-teach-
24 ing-teachers project is a positive program that cele-
25 brates good teaching practices and good teachers and

1 *through its work with schools increases the Nation's*
2 *corps of successful classroom teachers;*

3 “(12) *evaluations of the National Writing*
4 *Project document the positive impact the project has*
5 *had on improving the teaching of writing, student*
6 *performance, and student thinking and learning abil-*
7 *ity;*

8 “(13) *the National Writing Project programs*
9 *offer career-long education to teachers, and teachers*
10 *participating in the National Writing Project receive*
11 *graduate academic credit;*

12 “(14) *each year over 100,000 teachers volun-*
13 *tarily seek training in National Writing Project in-*
14 *tensive summer institutes and workshops and school-*
15 *year inservice programs through one of the 154 re-*
16 *gional sites located in 45 States, the Commonwealth*
17 *of Puerto Rico, and in four sites that serve United*
18 *States teachers teaching in United States dependent*
19 *and independent schools;*

20 “(15) *250 National Writing Project sites are*
21 *needed to establish regional sites to serve all teachers;*

22 “(16) *private foundation resources, although gen-*
23 *erous in the past, are inadequate to fund all of the*
24 *National Writing Project sites needed and the future*

1 of the program is in jeopardy without secure finan-
2 cial support;

3 “(17) independent evaluation studies have found
4 the National Writing Project to be highly cost-effective
5 compared to other professional development programs
6 for teachers; and

7 “(18) during 1991, the first year of Federal sup-
8 port for the National Writing Project, the National
9 Writing Project matched the \$1,951,975 in Federal
10 support with \$9,485,504 in matching funds from
11 State, local, and other sources.

12 **“SEC. 2203. NATIONAL WRITING PROJECT.**

13 “(a) AUTHORIZATION.—The Secretary is authorized to
14 make a grant to the National Writing Project (hereafter in
15 this section referred to as the ‘grantee’), a nonprofit edu-
16 cational organization which has as its primary purpose the
17 improvement of the quality of student writing and learning,
18 and the teaching of writing as a learning process in the
19 Nation’s classrooms—

20 “(1) to support and promote the establishment of
21 teacher training programs, including the dissemina-
22 tion of effective practices and research findings re-
23 garding the teaching of writing and administrative
24 activities;

1 “(2) to support classroom research on effective
2 teaching practice and to document student perform-
3 ance;

4 “(3) to coordinate activities assisted under this
5 section with activities assisted under part A; and

6 “(4) to pay the Federal share of the cost of such
7 programs.

8 “(b) *REQUIREMENTS OF GRANT.*—The grant shall pro-
9 vide that—

10 “(1) the grantee will enter into contracts with
11 institutions of higher education or other nonprofit
12 educational providers (hereafter in this section re-
13 ferred to as ‘contractors’) under which the contractors
14 will agree to establish, operate, and provide the non-
15 Federal share of the cost of teacher training programs
16 in effective approaches and processes for the teaching
17 of writing;

18 “(2) funds made available by the Secretary to
19 the grantee pursuant to any contract entered into
20 under this section will be used to pay the Federal
21 share of the cost of establishing and operating teacher
22 training programs as provided in paragraph (1); and

23 “(3) the grantee will meet such other conditions
24 and standards as the Secretary determines to be nec-
25 essary to assure compliance with the provisions of

1 *this section and will provide such technical assistance*
2 *as may be necessary to carry out the provisions of*
3 *this section.*

4 “(c) *TEACHER TRAINING PROGRAMS.*—*The teacher*
5 *training programs authorized in subsection (a) shall—*

6 “(1) *be conducted during the school year and*
7 *during the summer months;*

8 “(2) *train teachers who teach grades kinder-*
9 *garten through college;*

10 “(3) *select teachers to become members of a Na-*
11 *tional Writing Project teacher network whose mem-*
12 *bers will conduct writing workshops for other teachers*
13 *in the area served by each National Writing Project*
14 *site; and*

15 “(4) *encourage teachers from all disciplines to*
16 *participate in such teacher training programs.*

17 “(d) *FEDERAL SHARE.*—

18 “(1) *IN GENERAL.*—*Except as provided in para-*
19 *graph (2) or (3) and for purposes of subsection (a),*
20 *the term ‘Federal share’ means, with respect to the*
21 *costs of teacher training programs authorized in sub-*
22 *section (a), 50 percent of such costs to the contractor.*

23 “(2) *WAIVER.*—*The Secretary may waive the*
24 *provisions of paragraph (1) on a case-by-case basis if*
25 *the National Advisory Board described in subsection*

1 (f) determines, on the basis of financial need, that
2 such waiver is necessary.

3 “(3) MAXIMUM.—The Federal share of the costs
4 of teacher training programs conducted pursuant to
5 subsection (a) may not exceed \$40,000 for any one
6 contractor, or \$200,000 for a statewide program ad-
7 ministered by any one contractor in at least five sites
8 throughout the State.

9 “(e) CLASSROOM TEACHER GRANTS.—

10 “(1) IN GENERAL.—The National Writing
11 Project may reserve an amount not to exceed 5 per-
12 cent of the amount appropriated pursuant to the au-
13 thority of this section to make grants, on a competi-
14 tive basis, to elementary and secondary school teach-
15 ers to enable such teachers to—

16 “(A) conduct classroom research;

17 “(B) publish models of student writing;

18 “(C) conduct research regarding effective
19 practices to improve the teaching of writing; and

20 “(D) conduct other activities to improve the
21 teaching and uses of writing.

22 “(2) SUPPLEMENT AND NOT SUPPLANT.—Grants
23 awarded pursuant to paragraph (1) shall be used to
24 supplement and not supplant State and local funds
25 available for the purposes set forth in paragraph (1).

1 “(3) *MAXIMUM GRANT AMOUNT.*—Each grant
2 *awarded pursuant to this subsection shall not exceed*
3 *\$2,000.*

4 “(f) *NATIONAL ADVISORY BOARD.*—

5 “(1) *ESTABLISHMENT.*—The National Writing
6 *Project shall establish and operate a National Advi-*
7 *sory Board.*

8 “(2) *COMPOSITION.*—The National Advisory
9 *Board established pursuant to paragraph (1) shall*
10 *consist of—*

11 “(A) *national educational leaders;*

12 “(B) *leaders in the field of writing; and*

13 “(C) *such other individuals as the National*
14 *Writing Project deems necessary.*

15 “(3) *DUTIES.*—The National Advisory Board es-
16 *tablished pursuant to paragraph (1) shall—*

17 “(A) *advise the National Writing Project on*
18 *national issues related to student writing and*
19 *the teaching of writing;*

20 “(B) *review the activities and programs of*
21 *the National Writing Project; and*

22 “(C) *support the continued development of*
23 *the National Writing Project.*

24 “(g) *EVALUATION.*—The Secretary shall conduct an
25 *independent evaluation by grant or contract of the teacher*

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated for the grant to the Na-
10 tional Writing Project, \$4,000,000 for fiscal year 1995, and
11 such sums as may be necessary for each of the 4 succeeding
12 fiscal years, to carry out the provisions of this section.

15 ***“Subpart 1—Comprehensive Regional Centers***

16 ***“SEC. 2301. FINDINGS.***

17 *“The Congress finds that—*

18 “(1) *high-quality technical assistance can en-*
19 *hance the improvements in teaching and learning*
20 *achieved through the implementation of programs as-*
21 *sisted under this Act;*

22 “(2) comprehensive technical assistance is an es-
23 sential ingredient of the overall strategy of the Im-
24 proving America’s Schools Act of 1994 to improve
25 programs and to provide all children opportunities to

1 *meet challenging State content standards and chal-*
2 *lenging State student performance standards;*

3 *“(3) States, local educational agencies, and*
4 *schools serving students with special needs, such as*
5 *students with limited-English proficiency and stu-*
6 *dents with disabilities, have great need for com-*
7 *prehensive technical assistance in order to use funds*
8 *under this Act to provide such students with opportu-*
9 *nities to learn to challenging State content standards*
10 *and challenging State student performance standards;*

11 *“(4) current technical assistance efforts are frag-*
12 *mented and categorical in nature, and thus fail to ad-*
13 *dress adequately the needs of States and local edu-*
14 *cational agencies for help in integrating into a coher-*
15 *ent strategy for improving teaching and learning the*
16 *various programs under this Act with State and local*
17 *programs and other education reform efforts;*

18 *“(5) too little creative use is made of technology*
19 *as a means of providing information and assistance*
20 *in a cost-effective way;*

21 *“(6) comprehensive technical assistance can help*
22 *schools and school systems focus on improving oppor-*
23 *tunities for all children to meet challenging State con-*
24 *tent standards and challenging State student perform-*

1 *ance standards, as such schools and systems imple-*
2 *ment programs under this Act;*

3 *“(7) comprehensive technical assistance will pro-*
4 *vide one-stop shopping to help States, local edu-*
5 *cational agencies, participating colleges and univer-*
6 *sities, and schools integrate Federal, State, local edu-*
7 *cation and pupil services programs in ways that con-*
8 *tribute to improving schools and entire school sys-*
9 *tems; and*

10 *“(8) technical assistance in support of programs*
11 *assisted under this Act should be coordinated with the*
12 *Department’s regional offices, the regional educational*
13 *laboratories, and other technical assistance efforts*
14 *supported by the Department.*

15 ***“SEC. 2302. PURPOSE.***

16 *“The purpose of this part is to make available to*
17 *States, local educational agencies, schools, and other recipi-*
18 *ents of funds under this Act technical assistance in—*

19 *“(1) administering and implementing programs*
20 *authorized by this Act;*

21 *“(2) implementing school reform programs; and*

22 *“(3) coordinating such programs with other Fed-*
23 *eral, State, and local education activities, so that all*
24 *students are provided opportunities to meet challeng-*

1 *ing State content standards and challenging State*
2 *student performance standards.*

3 ***“SEC. 2303. PROGRAM AUTHORIZED.***

4 *“(a) COMPREHENSIVE REGIONAL CENTERS.—Not-*
5 *withstanding section 6205, the Secretary is authorized to*
6 *establish one center in each of the Department’s ten regions,*
7 *and one center at the Pacific Regional Education Labora-*
8 *tory in Honolulu, Hawaii, and may establish field offices*
9 *for each such center, in order to provide comprehensive tech-*
10 *nical assistance to States, local educational agencies,*
11 *schools, and other recipients of funds under this Act in the*
12 *administration and implementation of programs author-*
13 *ized by this Act. In allocating resources among the centers,*
14 *the Secretary shall consider the geographic distribution of*
15 *students with special needs.*

16 *“(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—*
17 *The Secretary is authorized to provide a technology-based*
18 *technical assistance service that will—*

19 *“(1) support the administration and implemen-*
20 *tation of programs authorized by this Act by provid-*
21 *ing information, including legal and regulatory infor-*
22 *mation, and technical guidance and information*
23 *about best practices; and*

1 “(2) be accessible to all States, local educational
2 agencies, schools, community-based organizations, and
3 others who are recipients of funds under this Act.

4 **“SEC. 2304. ELIGIBLE ENTITIES.**

5 “The Secretary may carry out this part directly or
6 through grants to, or contracts or cooperative agreements
7 with, public or private agencies or organizations or consor-
8 tia of such agencies and organizations.

9 **“SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.**

10 “Each comprehensive regional center established under
11 section 2303(a) shall—

12 “(1) maintain staff expertise in at least all of the
13 following areas:

14 “(A) instruction, curriculum improvement,
15 school reform, pupil services, and other aspects of
16 title I;

17 “(B) meeting the needs of children served
18 under this Act, including children in high-pov-
19 erty areas, migratory children, children with
20 limited-English proficiency, neglected or delin-
21 quent children, homeless children and youth, In-
22 dian children, and children with disabilities;

23 “(C) professional development for teachers,
24 pupil services personnel, other school staff, and
25 administrators to help students meet challenging

1 *State content standards and challenging State*
2 *student performance standards;*

3 “(D) *bilingual education, including pro-*
4 *grams that emphasize English and native lan-*
5 *guage proficiency, and promote multicultural*
6 *understanding;*

7 “(E) *safe and drug-free schools;*

8 “(F) *educational applications of technology;*

9 “(G) *parent involvement and participation;*

10 “(H) *the reform of schools and school sys-*
11 *tems;*

12 “(I) *the special needs of students living in*
13 *rural areas and the special needs of local edu-*
14 *cational agencies serving rural areas; and*

15 “(J) *program evaluation;*

16 “(2) *ensure that technical assistance staff have*
17 *sufficient training, knowledge, and expertise in how*
18 *to integrate and coordinate programs assisted under*
19 *this Act, as well as integrating and coordinating pro-*
20 *grams assisted under this Act with other Federal,*
21 *State, and local programs and reforms;*

22 “(3) *work collaboratively with the Department’s*
23 *regional offices;*

24 “(4) *provide technical assistance using the high-*
25 *est quality and most cost-effective strategies possible;*

1 “(5) provide information and assistance regard-
2 ing exemplary and promising practices;

3 “(6) work collaboratively, and coordinate the
4 services such center provides, with the general reform
5 assistance provided by the regional educational lab-
6 oratories and the National Diffusion Network State
7 Facilitators supported by the Office of Educational
8 Research and Improvement; and

9 “(7) consult with representatives of State edu-
10 cational agencies, local educational agencies, and
11 populations served under this Act.

12 **“SEC. 2306. INFORMATION COLLECTION AND EVALUATION.**

13 *“The Secretary shall evaluate activities assisted under*
14 *this part, and shall report to the President and the Congress*
15 *on the effectiveness of such activities by January 1, 1998.*

16 **“SEC. 2307. TRANSITION.**

17 “(a) *IN GENERAL.*—The Secretary shall use funds ap-
18 propriated to carry out this part for at least fiscal years
19 1995 and 1996 in order to ensure an orderly transition and
20 phase-in of the comprehensive regional centers assisted
21 under this subpart.

22 “(b) *EXTENSION OF PREVIOUS CENTERS.*—In accord-
23 ance with subsection (a), and notwithstanding any other
24 provisions of law, the Secretary shall use funds appro-
25 priated to carry out this part to draw on the expertise of

1 *staff and services from existing categorical assistance cen-*
 2 *ters assisted under this Act (as such Act was in existence*
 3 *on the day preceding the date of enactment of the Improving*
 4 *America's Schools Act of 1994) and, where appropriate and*
 5 *feasible, to continue to support, through grants or the exten-*
 6 *sion of awards, such centers in order to ensure that services*
 7 *will not be interrupted, curtailed, or substantially dimin-*
 8 *ished.*

9 ***"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.***

10 *"For the purpose of carrying out this subpart, there*
 11 *are authorized to be appropriated \$70,000,000 for fiscal*
 12 *year 1995 and such sums as may be necessary for each of*
 13 *the 4 succeeding fiscal years.*

14 ***"Subpart 2—National Diffusion Network***

15 ***"SEC. 2311. PROGRAM AUTHORIZED.***

16 *"(a) IN GENERAL.—In order to increase the effective-*
 17 *ness of the comprehensive regional centers established under*
 18 *subpart 1 and to promote school reform, the Secretary shall*
 19 *carry out a State-based outreach, consultation, and dissemi-*
 20 *nation program through the National Diffusion Network*
 21 *and its State Facilitators. To carry out such program, the*
 22 *Secretary shall make one or more awards in each State to*
 23 *public educational agencies or public or private nonprofit*
 24 *educational organizations or institutions to assist State*
 25 *and local educational agencies, schools, and other appro-*

1 *priate educational entities in that State to identify and im-*
2 *plement exemplary or promising educational programs and*
3 *practices.*

4 “(b) *STATE FACILITATOR ACTIVITIES.*—*The National*
5 *Diffusion Network State Facilitators for each State shall—*

6 “(1) *identify educational programs and practices*
7 *for possible dissemination throughout the State and*
8 *Nation;*

9 “(2) *identify needs for assistance throughout the*
10 *State, including educational technology needs;*

11 “(3) *provide professional development and tech-*
12 *nical assistance services;*

13 “(4) *promote and facilitate teacher networks*
14 *throughout the State; and*

15 “(5) *provide such other outreach, coordination,*
16 *and dissemination services as may be necessary to*
17 *achieve the purposes of this subpart.*

18 “(c) *COORDINATION AND ADMINISTRATION.*—

19 “(1) *COORDINATION.*—*The National Diffusion*
20 *Network State Facilitators shall work in close co-*
21 *operation, and coordinate their activities, with the*
22 *comprehensive regional centers established under sub-*
23 *part 1.*

24 “(2) *ADMINISTRATION.*—*The National Diffusion*
25 *Network State Facilitators program shall be adminis-*

1 *tered by the Office of Reform Assistance and Dissemi-*
2 *nation established under section 941(b) of the Edu-*
3 *cational Research, Development, Dissemination, and*
4 *Improvement Act of 1994.*

5 *“(d) NATIONAL DIFFUSION NETWORK EFFECTIVE*
6 *PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Sec-*
7 *retary shall develop a system of validating effective pro-*
8 *grams and promising practices for dissemination through*
9 *the National Diffusion Network. Such system may include*
10 *exemplary programs funded through any office of the De-*
11 *partment, the National Science Foundation, or other Fed-*
12 *eral agencies. Such system shall be coordinated, aligned*
13 *with, and administered by the Office of Reform Assistance*
14 *and Dissemination established under section 941(b) of the*
15 *Educational Research, Development, Dissemination, and*
16 *Improvement Act of 1994. The Secretary shall give priority*
17 *to identifying, validating, and disseminating effective*
18 *schoolwide projects, programs addressing the needs of high*
19 *poverty schools, and programs with the capacity to offer*
20 *high-quality, sustained technical assistance. The Office of*
21 *Educational Research and Improvement Office of Reform*
22 *Assistance and Dissemination shall also administer a grant*
23 *program for the purpose of dissemination and the provision*
24 *of technical assistance regarding such system.*

1 **“SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.**

2 *“For the purpose of carrying out this subpart, there*
3 *are authorized to be appropriated \$25,000,000 for fiscal*
4 *year 1995 and such sums as may be necessary for each of*
5 *the 4 succeeding fiscal years.*

6 **“Subpart 3—Eisenhower Regional Mathematics and**
7 **Science Education Consortiums**

8 **“SEC. 2321. PROGRAM ESTABLISHED.**

9 *“(a) IN GENERAL.—*

10 *“(1) GRANTS AUTHORIZED.—The Secretary, in*
11 *consultation with the Director of the National Science*
12 *Foundation, is authorized to award grants or con-*
13 *tracts to eligible entities to enable such entities to es-*
14 *tablish and operate regional mathematics and science*
15 *education consortia for the purpose of—*

16 *“(A) disseminating exemplary mathematics*
17 *and science education instructional materials;*
18 *and*

19 *“(B) providing technical assistance for the*
20 *implementation of teaching methods and assess-*
21 *ment tools for use by elementary and secondary*
22 *school students, teachers and administrators.*

23 *“(2) NUMBER.—The Secretary shall, in accord-*
24 *ance with the provisions of this section, award at*
25 *least 1 grant or contract to an eligible entity in each*
26 *region.*

1 “(3) *SPECIAL RULE.*—In any fiscal year, if the
2 amount made available pursuant to section 2328 is
3 less than \$4,500,000, then the Secretary may waive
4 the provisions of paragraph (2) and award grants or
5 contracts of sufficient size, scope and quality to carry
6 out this section.

7 “(4) *DESIGNATION.*—Each regional consortium
8 assisted under this section shall be known as an ‘Ei-
9 senhower regional consortium’.

10 “(b) *GRANT TERM AND REVIEW.*—Grants or contracts
11 under this subpart shall be awarded for a period of not
12 more than 5 years and shall be reviewed before the end of
13 the 30-month period beginning on the date the grant or con-
14 tract is awarded. Grants or contracts under this subpart
15 shall be awarded before the end of the 12-month period be-
16 ginning on the date of the enactment of an Act making ap-
17 propriations to carry out the provisions of this subpart.

18 “(c) *AMOUNT.*—In awarding grants or contracts under
19 this subpart, the Secretary shall assure that there is a rel-
20 atively equal distribution of the funds made available
21 among the regions, but the Secretary may award additional
22 funds to a regional consortium on the basis of population
23 and geographical conditions of the region being served.

1 **“SEC. 2322. USE OF FUNDS.**

2 *“Funds provided under this subpart may be used by*
3 *a regional consortium, under the direction of a regional*
4 *board established pursuant to section 2324, to—*

5 *“(1) work cooperatively with the other regional*
6 *consortiums and the Eisenhower National Clearing-*
7 *house for Science and Mathematics Education estab-*
8 *lished under section 2123 to more effectively accom-*
9 *plish the activities described in this section;*

10 *“(2) assist, train and provide technical assist-*
11 *ance to classroom teachers, administrators, and other*
12 *educators to identify, implement, assess or adapt the*
13 *instructional materials, teaching methods and assess-*
14 *ment tools described in paragraph (1);*

15 *“(3) provide for the training of classroom teach-*
16 *ers to enable such teachers to instruct other teachers,*
17 *administrators, and educators in the use of the in-*
18 *structional materials, teaching methods and assess-*
19 *ment tools described in paragraph (1) in the class-*
20 *room;*

21 *“(4) when necessary, provide financial assistance*
22 *to enable teachers and other educators to attend and*
23 *participate in the activities of the regional consor-*
24 *tium;*

25 *“(5) implement programs and activities designed*
26 *to meet the needs of groups that are underrepresented*

1 *in, and underserved by, mathematics and science edu-*
2 *cation;*

3 “(6) assist State and local educational agencies
4 *in identifying science equipment needs and help such*
5 *agencies or consortia thereof assess the need for and*
6 *desirability of regional mathematics and science*
7 *academies;*

8 “(7) develop and disseminate early childhood
9 *education mathematics and science instructional ma-*
10 *terials;*

11 “(8) disseminate information regarding informal
12 *mathematics and science education activities and pro-*
13 *grams offered by Federal agencies and private or pub-*
14 *lic agencies and institutions within the region;*

15 “(9) collect data on activities assisted under this
16 *subpart in order to evaluate the effectiveness of the ac-*
17 *tivities of the regional consortiums;*

18 “(10) identify exemplary teaching practices and
19 *materials from within the region and communicate*
20 *such practices and materials to the Eisenhower Na-*
21 *tional Clearinghouse for Mathematics and Science*
22 *Education;*

23 “(11) communicate, on a regular basis, with en-
24 *tities within the region who are delivering services to*
25 *students and teachers of mathematics and science;*

1 “(12) assist in the development and evaluation of
2 State and regional plans and activities that hold
3 promise of bringing about systemic reform in student
4 performance in mathematics and science; and

5 “(13) increase the use of informal education enti-
6 ties (such as science technology centers, museums, li-
7 braries, Saturday academies, and 4H programs) for
8 educational purposes to expand student knowledge
9 and understanding.

10 **“SEC. 2323. APPLICATION AND REVIEW.**

11 “(a) *IN GENERAL.*—Each eligible entity desiring a
12 grant or contract under this subpart shall submit an appli-
13 cation to the Secretary at such time, in such manner, and
14 accompanied by such additional information as the Sec-
15 retary may reasonably require. Each such application
16 shall—

17 “(1) demonstrate that the eligible entity has
18 demonstrated expertise in the fields of mathematics
19 and science education;

20 “(2) demonstrate that the eligible entity shall
21 implement and disseminate mathematics and science
22 education instructional materials, teaching methods,
23 and assessment tools through a consortium of the re-
24 gion’s mathematics and science education organiza-
25 tions and agencies;

1 “(3) demonstrate that the eligible entity shall
2 carry out the functions of the regional consortium;

3 “(4) demonstrate that emphasis will be given to
4 programs and activities designed to meet the needs of
5 groups that are underrepresented in, and underserved
6 by, mathematics and science education;

7 “(5) demonstrate that the business community in
8 the region served by the regional consortium will play
9 an integral role in designing and supporting the re-
10 gional consortium’s work;

11 “(6) demonstrate that the eligible entity will con-
12 sider the resources of existing Star Schools consortia
13 established pursuant to the Star Schools Program As-
14 sistance Act in carrying out the provisions of this
15 subpart, where appropriate; and

16 “(7) assure that the entity will conduct its ac-
17 tivities and supervise its personnel in a manner that
18 effectively ensures compliance with the copyright laws
19 of the United States under title 17, United States
20 Code.

21 “(b) APPROVAL OF APPLICATION.—

22 “(1) IN GENERAL.—The Secretary shall approve
23 or disapprove applications submitted pursuant to
24 subsection (a) in accordance with the criteria and
25 procedures established under paragraph (2).

1 “(2) *PROCEDURES AND CRITERIA.*—The Sec-
2 retary shall develop procedures and criteria designed
3 to ensure that grants or contracts are awarded on the
4 basis of merit as determined by the competitive peer
5 review process described in paragraph (3).

6 “(3) *NATIONAL PANEL.*—(A) The Secretary, in
7 consultation with the Director, shall establish a na-
8 tional panel, or to the extent necessary, panels, to
9 submit to the Secretary recommendations for awards
10 of grants or contracts under this subpart. The Sec-
11 retary shall appoint the members of such panel or
12 panels.

13 “(B) Each panel appointed under subparagraph
14 (A) shall include participation, to the extent feasible,
15 from each region.

16 **“SEC. 2324. REGIONAL BOARDS.**

17 “(a) *IN GENERAL.*—Each eligible entity receiving a
18 grant or contract under this subpart shall establish a re-
19 gional board to oversee the administration and establish-
20 ment of program priorities for the regional consortium es-
21 tablished by such eligible entity. Such regional board shall
22 be broadly representative of the agencies and organizations
23 participating in the regional consortium.

24 “(b) *PROHIBITION ON USE OF FEDERAL FUNDS.*—No
25 Federal funds may be used for the establishment or oper-

1 *ation of a regional board required by subsection (a), except*
 2 *that at the discretion of a regional board, Federal funds*
 3 *may be used to provide assistance such as travel and accom-*
 4 *modations for board members who could not otherwise af-*
 5 *ford to participate as members of the board.*

6 ***“SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL***
 7 ***SHARE.***

8 *“(a) PAYMENTS.—The Secretary shall pay to each eli-*
 9 *gible entity having an application approved under section*
 10 *2323 the Federal share of the cost of the activities described*
 11 *in the application.*

12 *“(b) FEDERAL SHARE.—For the purpose of subsection*
 13 *(a), the Federal share shall be 80 percent.*

14 *“(c) NON-FEDERAL SHARE.—The non-Federal share of*
 15 *the cost of activities described in the application submitted*
 16 *pursuant to this section may be in cash or in kind, fairly*
 17 *evaluated. At least 10 percent of such non-Federal share*
 18 *shall be from sources other than the Federal Government*
 19 *or State or local government.*

20 ***“SEC. 2326. EVALUATION.***

21 *“(a) EVALUATION REQUIRED.—The Secretary,*
 22 *through the Office of Educational Research and Improve-*
 23 *ment and in accordance with section 10701, shall collect*
 24 *sufficient data on, and evaluate the effectiveness of, the ac-*
 25 *tivities of each regional consortium.*

1 “(b) *ASSESSMENT.*—The evaluations described in
2 paragraph (1) shall include an assessment of the effective-
3 ness of the regional consortium in meeting the needs of the
4 schools, teachers, administrators and students in the region.

5 “(c) *REPORT.*—At the end of each grant or contract
6 period, the Secretary shall submit to the Congress a report
7 on the effectiveness of the programs conducted at each re-
8 gional consortium.

9 **“SEC. 2327. DEFINITIONS.**

10 *“For purposes of this subpart:*

11 *“(1) The term ‘eligible entity’ means—*

12 *“(A) a private nonprofit organization of*
13 *demonstrated effectiveness;*

14 *“(B) an institution of higher education;*

15 *“(C) an elementary or secondary school;*

16 *“(D) a State or local educational agency;*

17 *“(E) a regional educational laboratory in*
18 *consortium with the research and development*
19 *center established under section 931(c)(1)(B)(i)*
20 *of the Educational Research, Development, Dis-*
21 *semination, and Improvement Act of 1994; or*

22 *“(F) any combination of the entities de-*
23 *scribed in subparagraphs (A) through (E),*
24 *with demonstrated expertise in mathematics and*
25 *science education.*

1 “(2) The terms ‘mathematics’ and ‘science’ in-
2 clude the technology education associated with such
3 mathematics and science, respectively.

4 “(3) The term ‘region’ means a region of the
5 United States served by a regional education labora-
6 tory that is supported by the Secretary pursuant to
7 section 405(d)(4)(A)(i) of the General Education Pro-
8 visions Act (as such section was in existence on the
9 day preceding the date of enactment of the Goals
10 2000: Educate America Act.

11 “(4) The term ‘regional consortium’ means each
12 regional mathematics and science education consor-
13 tium established pursuant to section 2311.

14 “(5) The term ‘State agency for higher edu-
15 cation’ means the State board of higher education or
16 other agency or officer primarily responsible for the
17 State supervision of higher education, or, if there is
18 no such officer or agency, an officer or agency des-
19 ignated for the purpose of this title by the Governor
20 or by State law.

21 **“SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated \$23,000,000
23 for fiscal year 1995, and such sums as may be necessary
24 for each of the 4 succeeding fiscal years, to carry out this
25 subpart.

1 **“PART D—TERRITORIAL TEACHER TRAINING**

2 **PROGRAM**

3 **“SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.**

4 *“There are authorized to be appropriated \$2,000,000*
5 *for fiscal year 1995, and such sums as may be necessary*
6 *for each of the 4 succeeding fiscal years, for the purpose*
7 *of assisting teacher training programs in Guam, American*
8 *Samoa, the Virgin Islands, the Commonwealth of the North-*
9 *ern Mariana Islands, the Republic of the Marshall Islands,*
10 *the Federated States of Micronesia, and Palau. From the*
11 *sums appropriated pursuant to this section the Secretary*
12 *shall make grants and enter into contracts for the purpose*
13 *of providing training to teachers in schools in Guam, Amer-*
14 *ican Samoa, the Virgin Islands, the Commonwealth of the*
15 *Northern Mariana Islands, the Republic of the Marshall Is-*
16 *lands, the Federated States of Micronesia, and Palau. The*
17 *Secretary may make grants to or contracts with any orga-*
18 *nization considered qualified to provide training for teach-*
19 *ers in such schools and shall allot such sums among such*
20 *territories on the basis of the need for such training.*

21 **“PART E—TELECOMMUNICATIONS**

22 **DEMONSTRATION PROJECT FOR MATHEMATICS**

23 **“SEC. 2501. PROJECT AUTHORIZED.**

24 *“The Secretary is authorized to make grants to a non-*
25 *profit telecommunications entity, or partnership of such en-*
26 *tities, for the purpose of carrying out a national tele-*

1 *communications-based demonstration project to improve the*
2 *teaching of mathematics. The demonstration project author-*
3 *ized by this part shall be designed to assist elementary and*
4 *secondary school teachers in preparing all students for*
5 *achieving State content standards.*

6 ***“SEC. 2502. APPLICATION REQUIRED.***

7 “(a) *IN GENERAL.—Each nonprofit telecommuni-*
8 *cations entity, or partnership of such entities, desiring a*
9 *grant under this part shall submit an application to the*
10 *Secretary. Each such application shall—*

11 “(1) *demonstrate that the applicant will use the*
12 *existing publicly funded telecommunications infra-*
13 *structure to deliver video, voice and data in an inte-*
14 *grated service to train teachers in the use of new*
15 *standards-based curricula materials and learning*
16 *technologies;*

17 “(2) *assure that the project for which assistance*
18 *is sought will be conducted in cooperation with ap-*
19 *propriate State educational agencies, local edu-*
20 *cational agencies, State or local nonprofit public tele-*
21 *communications entities, and a national mathematics*
22 *education professional association that has developed*
23 *content standards;*

24 “(3) *assure that a significant portion of the ben-*
25 *efits available for elementary and secondary schools*

1 *from the project for which assistance is sought will be*
 2 *available to schools of local educational agencies*
 3 *which have a high percentage of children counted for*
 4 *the purpose of part A of title I; and*

5 “(4) contain such additional assurances as the
 6 Secretary may reasonably require.

7 “(b) APPROVAL OF APPLICATIONS; NUMBER OF DEM-
 8 ONSTRATION SITES.—In approving applications under this
 9 section, the Secretary shall assure that the demonstration
 10 project authorized by this subpart is conducted at elemen-
 11 tary and secondary school sites in at least 15 States.

12 **“SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.**

13 “*There are authorized to be appropriated to carry out*
 14 *this part, \$5,000,000 for the fiscal year 1995, and such*
 15 *sums as may be necessary for each of the 4 succeeding fiscal*
 16 *years.*

17 **“TITLE III—TECHNOLOGY FOR**
 18 **EDUCATION**

19 **“SEC. 3001. SHORT TITLE.**

20 “*This title may be cited as the ‘Technology for Edu-*
 21 *cation Act of 1994’.*

22 **“PART A—TECHNOLOGY FOR EDUCATION FOR**
 23 **ALL STUDENTS**

24 **“SEC. 3111. FINDINGS.**

25 “*The Congress finds that—*

1 “(1) technology applications can help propel our
2 Nation’s school systems into very immediate and dra-
3 matic reform, without which our Nation will not meet
4 the National Education Goals by the target year
5 2000;

6 “(2) creative uses of technology can reshape our
7 Nation’s outdated method of providing education and
8 empower teachers to create an environment where stu-
9 dents can be challenged through rigorous, rich class-
10 room instruction at a pace that suits the learning
11 style of each student;

12 “(3) the acquisition and use of technology in
13 education throughout the United States has been in-
14 hibited by—

15 “(A) the limited exposure of students and
16 teachers to the power of technology as a cost-ef-
17 fective tool to improve student learning and
18 achievement;

19 “(B) the inability of many State and local
20 educational agencies to invest in and support
21 needed technologies;

22 “(C) the lack of appropriate electrical and
23 telephone connections in the classroom; and

24 “(D) the limited availability of technology-
25 enhanced curriculum, professional development

1 *and administrative support resources and serv-*
2 *ices in the educational marketplace;*

3 “(4) *advancements in technology offer new op-*
4 *portunities to promote partnerships among teachers,*
5 *administrators, students, parents, communities, and*
6 *industry in the quest for knowledge and the process*
7 *of learning;*

8 “(5) *technology, when used as an essential tool*
9 *in the learning process, will help cultivate and main-*
10 *tain a technologically literate citizenry and inter-*
11 *nationally competitive work force;*

12 “(6) *the Department of Education, consistent*
13 *with the overall national technology policy established*
14 *by the President, must assume a vital leadership and*
15 *coordinating role in developing the national vision*
16 *and strategy to infuse advanced technology through-*
17 *out all educational programs;*

18 “(7) *Federal support can ease the burden at the*
19 *State and local levels by enabling the acquisition of*
20 *advanced technology and initiating the development*
21 *of teacher training and support as well as new edu-*
22 *cational products;*

23 “(8) *leadership at the Federal level should con-*
24 *sider guidelines to ensure that educational technology*

1 *is accessible to all users with maximum interoper-*
2 *ability nationwide;*

3 *“(9) policies at the Federal, State, and local lev-*
4 *els concerning technology in education must address*
5 *disparities in the availability of technology to dif-*
6 *ferent groups of students and make it a priority to*
7 *serve those students in greatest need;*

8 *“(10) continuing professional development for*
9 *teachers and administrators requires ongoing expo-*
10 *sure to advancements in technology in order to keep*
11 *such teachers and administrators excited and knowl-*
12 *edgeable about the unfolding opportunities for the*
13 *classroom; and*

14 *“(11) the increasing use of new technologies and*
15 *telecommunications systems in business has increased*
16 *the gap between schooling and work force preparation,*
17 *and underscores the need for technology policies at the*
18 *Federal, State, tribal, and local levels that address*
19 *preparation for school-to-work transitions.*

20 **“SEC. 3112. STATEMENT OF PURPOSE.**

21 *“It is the purpose of this part—*

22 *“(1) to promote equal access for all students to*
23 *educational opportunities through advances in tech-*
24 *nology, including the information infrastructure, in*

1 *order to achieve the National Education Goals by the*
2 *year 2000;*

3 *“(2) to provide funding that will assist activities*
4 *undertaken by the State and local school districts to*
5 *promote and provide equipment, teacher training,*
6 *and technical support;*

7 *“(3) to support technical assistance, professional*
8 *development, information and resource dissemination,*
9 *in order to help States, local school districts, and*
10 *teachers successfully integrate technology into kinder-*
11 *garten through 12th grade classrooms;*

12 *“(4) to support the development of educational*
13 *and instructional programming in core subject areas,*
14 *which programming shall address the National Edu-*
15 *cation Goals;*

16 *“(5) to offer opportunities for creative partner-*
17 *ships within the marketplace in order to develop*
18 *state-of-the-art educational technology products that*
19 *promote the use of advanced technologies in the class-*
20 *room;*

21 *“(6) to avoid duplication and the development of*
22 *incompatible systems by strengthening and building*
23 *upon existing telecommunications infrastructures*
24 *dedicated to educational purposes; and*

1 “(7) to ensure that uses of educational technology
2 are consistent with the overall national technology
3 policy established by the President.

4 **“SEC. 3113. DEFINITIONS.**

5 “For the purpose of this part—

6 “(1) the term ‘adult education’ has the same
7 meaning given such term by section 312 of the Adult
8 Education Act;

9 “(2) the term ‘all students’ means students from
10 a broad range of backgrounds and circumstances, in-
11 cluding disadvantaged students, students with diverse
12 racial, ethnic, and cultural backgrounds, students
13 with disabilities, students with limited-English pro-
14 ficiency, students who have dropped out of school, and
15 academically talented students;

16 “(3) the term ‘information infrastructure’ means
17 a network of communication systems designed to ex-
18 change information among all citizens and residents
19 of the United States;

20 “(4) the term ‘instructional programming’
21 means the full range of audio and video data, text,
22 graphics, or additional state-of-the-art communica-
23 tions, including multimedia based resources distrib-
24 uted through interactive, command and control, or

1 *passive methods for the purpose of education and in-*
2 *struction;*

3 “(5) the terms ‘interoperable’ and ‘interoper-

4 *ability’ refer to the ability to exchange easily data*

5 *with, and connect to, other hardware and software in*

6 *order to provide the greatest accessibility for all stu-*

7 *dents and other users;*

8 “(6) the term ‘local educational agency’ includes

9 *an elementary or secondary school funded by the Bu-*

10 *reau of Indian Affairs, except that such schools shall*

11 *not be subject to the jurisdiction of any State edu-*

12 *cational agency other than the Bureau of Indian Af-*

13 *fairs;*

14 “(7) the term ‘Office’ means the Office of Edu-

15 *cational Technology;*

16 “(8) the term ‘public telecommunications entity’

17 *has the same meaning given to such term by section*

18 *397(12) of the Communications Act of 1934;*

19 “(9) the term ‘State educational agency’ includes

20 *the Bureau of Indian Affairs for purposes of serving*

21 *schools funded by the Bureau of Indian Affairs in ac-*

22 *cordance with this part; and*

23 “(10) the term ‘technology’ means state-of-the-art

24 *technology products and services, such as closed cir-*

25 *cuit television systems, educational television and*

7 “SEC. 3121. PURPOSES.

10 “(1) to provide leadership at the Federal level,
11 through the Department, by developing a national vi-
12 sion and strategy—

18 “(B) to coordinate technology activities for
19 education among the related Federal and State
20 departments or agencies, industry leaders, and
21 interested educational and parental organiza-
22 tions;

23 “(C) to establish working guidelines to en-
24 sure maximum interoperability nationwide and
25 ease of access for the emerging technologies so

1 *that no school system will be excluded from the*
2 *technological revolution; and*

3 “(D) to ensure that Federal technology-re-
4 lated policies and programs facilitate the use of
5 technology in education;

6 “(2) to promote awareness of the potential of
7 technology for improving teaching and learning;

8 “(3) to support State and local efforts to increase
9 the effective use of technology for education;

10 “(4) to demonstrate ways in which technology
11 can be used to improve teaching and learning, and to
12 help ensure that all students have an equal oppor-
13 tunity to meet challenging State education standards;

14 “(5) to ensure the availability and dissemination
15 of knowledge (drawn from research and experience)
16 that can form the basis for sound State and local de-
17 cisions about investment in, and effective uses of, edu-
18 cational technology;

19 “(6) to promote high-quality professional devel-
20 opment opportunities for teachers, pupil-services per-
21 sonnel and administrators regarding the integration
22 of technology into instruction and administration;

23 “(7) to support development, production, and
24 distribution of technology enhanced curriculum, and

1 *instruction and administrative support resources and*
2 *services;*

3 *“(8) to promote the effective uses of technology in*
4 *existing Federal education programs, such as part A*
5 *of title I and vocational education programs; and*

6 *“(9) to monitor, and disseminate information re-*
7 *garding, advancements in technology to encourage the*
8 *development of effective educational uses of technology.*

9 **“SEC. 3122. FEDERAL LEADERSHIP.**

10 *“(a) ACTIVITIES AUTHORIZED.—*

11 *“(1) IN GENERAL.—In order to provide Federal*
12 *leadership that promotes higher student achievement*
13 *through the use of technology in education and to*
14 *achieve the purposes of this subpart, the Secretary, in*
15 *consultation with the Office of Science and Tech-*
16 *nology Policy, the National Science Foundation, the*
17 *United States National Commission on Libraries and*
18 *Information Sciences, the Department of Commerce,*
19 *the Department of Energy, the National Aeronautics*
20 *and Space Administration, the Bureau of Indian Af-*
21 *fairs, and other appropriate Federal departments or*
22 *agencies, may carry out activities designed to achieve*
23 *the purposes of this subpart.*

24 *“(2) TRANSFER OF FUNDS.—For the purpose of*
25 *carrying out coordinated or joint activities to achieve*

1 *the purposes of this subpart, the Secretary may accept*
2 *funds from, or transfer funds to, other Federal depart-*
3 *ments or agencies.*

4 “(b) *NATIONAL LONG-RANGE TECHNOLOGY PLAN.*—

5 “(1) *IN GENERAL.*—*The Secretary shall develop*
6 *and publish within 12 months of the date of enact-*
7 *ment of the Improving America’s Schools Act of 1994,*
8 *and update when the Secretary determines appro-*
9 *priate, a national long-range plan that supports the*
10 *overall national technology policy and carries out the*
11 *purposes of this subpart.*

12 “(2) *PLAN REQUIREMENTS.*—*The Secretary*
13 *shall—*

14 “(A) *develop the national long-range plan*
15 *in consultation with other Federal departments*
16 *or agencies, State and local education practition-*
17 *ers and policymakers, experts in technology and*
18 *the applications of technology to education, rep-*
19 *resentatives of distance learning consortia, rep-*
20 *resentatives of telecommunications partnerships*
21 *receiving assistance under the Star Schools Act,*
22 *and providers of technology services and prod-*
23 *ucts;*

1 “(B) transmit such plan to the President
2 and to the appropriate committees of the Con-
3 gress; and

4 “(C) publish such plan in a form that is
5 readily accessible to the public.

6 “(3) CONTENTS OF THE PLAN.—The national
7 long-range plan shall describe the Secretary’s activi-
8 ties to promote the purposes of this subpart, includ-
9 ing—

10 “(A) how the Secretary will encourage the
11 effective use of technology to provide all students
12 the opportunity to achieve State content stand-
13 ards and State student performance standards,
14 especially through programs administered by the
15 Department;

16 “(B) joint activities in support of the over-
17 all national technology policy with other Federal
18 departments or agencies, such as the Office of
19 Science and Technology Policy, the National En-
20 dowment for the Humanities, the National En-
21 dowment for the Arts, the National Institute for
22 Literacy, the National Aeronautics and Space
23 Administration, the National Science Founda-
24 tion, the Bureau of Indian Affairs, and the De-

1 *partments of Commerce, Energy, Health and*
2 *Human Services, and Labor—*

3 *“(i) to promote the use of technology in*
4 *education, and training and lifelong learn-*
5 *ing, including plans for the educational*
6 *uses of a national information infrastruc-*
7 *ture; and*

8 *“(ii) to ensure that the policies and*
9 *programs of such departments or agencies*
10 *facilitate the use of technology for edu-*
11 *cational purposes, to the extent feasible;*

12 *“(C) how the Secretary will work with edu-*
13 *cators, State and local educational agencies, and*
14 *appropriate representatives of the private sector*
15 *to facilitate the effective use of technology in edu-*
16 *cation;*

17 *“(D) how the Secretary will promote—*

18 *“(i) higher achievement of all students*
19 *through the integration of technology into*
20 *the curriculum;*

21 *“(ii) increased access to the benefits of*
22 *technology for teaching and learning for*
23 *schools with a high number or percentage of*
24 *children from low-income families;*

1 “(iii) the use of technology to assist in
2 the implementation of State systemic reform
3 strategies;

4 “(iv) the application of technological
5 advances to use in education;

6 “(v) increased access to high quality
7 adult and family education services through
8 the use of technology for instruction and
9 professional development; and

10 “(vi) increased opportunities for the
11 professional development of teachers in the
12 use of new technologies;

13 “(E) how the Secretary will determine, in
14 consultation with appropriate individuals, orga-
15 nizations, industries, and agencies, the feasibility
16 and desirability of establishing guidelines to fa-
17 cilitate an easy exchange of data and effective
18 use of technology in education;

19 “(F) how the Secretary will promote the ex-
20 change of information among States, local edu-
21 cational agencies, schools, consortia, and other
22 entities concerning the effective use of technology
23 in education;

24 “(G) how the Secretary will utilize the out-
25 comes of the evaluation undertaken pursuant to

1 *section 3206(c)(2) to promote the purposes of this*
2 *subpart; and*

3 *“(H) the Secretary’s long-range measurable*
4 *goals and objectives relating to the purposes of*
5 *this subpart.*

6 *“(c) ASSISTANCE.—The Secretary shall provide assist-*
7 *ance to the States to enable such States to plan effectively*
8 *for the use of technology in all schools throughout the State*
9 *in accordance with the purpose and requirements of section*
10 *317 of the Goals 2000: Educate America Act.*

11 *“(d) USES OF FUNDS.—*

12 *“(1) IN GENERAL.—The Secretary shall use*
13 *funds made available to carry out this section for ac-*
14 *tivities designed to carry out the purpose of this sub-*
15 *part, including—*

16 *“(A) providing assistance to technical as-*
17 *sistance providers to enable such providers to im-*
18 *prove substantially the services such providers*
19 *offer to educators regarding the uses of tech-*
20 *nology for education, including professional de-*
21 *velopment;*

22 *“(B) consulting with representatives of in-*
23 *dustry, elementary and secondary education,*
24 *adult education, higher education, and appro-*
25 *priate experts in technology and the educational*

1 *applications of technology, in carrying out the*
2 *activities assisted under this subpart;*

3 *“(C) research on, and the development of,*
4 *guidelines to facilitate maximum interoper-*
5 *ability, efficiency and easy exchange of data for*
6 *effective use of technology in education;*

7 *“(D) research on, and the development of,*
8 *applications for education of the most advanced*
9 *and newly emerging technologies;*

10 *“(E) the development, demonstration, and*
11 *evaluation of applications of existing technology*
12 *in preschool education, elementary and second-*
13 *ary education, training and lifelong learning,*
14 *and professional development of educational per-*
15 *sonnel;*

16 *“(F) the development and evaluation of soft-*
17 *ware and other products, including multimedia*
18 *television programming, that incorporate ad-*
19 *vances in technology and help achieve the Na-*
20 *tional Education Goals, State content standards*
21 *and State student performance standards;*

22 *“(G) the development, demonstration, and*
23 *evaluation of model strategies for preparing*
24 *teachers and other personnel to use technology ef-*
25 *fectively to improve teaching and learning;*

1 “(H) the development of model programs
2 that demonstrate the educational effectiveness of
3 technology in urban and rural areas and eco-
4 nomically distressed communities;

5 “(I) research on, and the evaluation of, the
6 effectiveness and benefits of technology in edu-
7 cation, giving priority to research on, and eval-
8 uation of, such effectiveness and benefits in ele-
9 mentary and secondary schools;

10 “(J) a biennial assessment of, and report to
11 the public regarding, the uses of technology in el-
12 ementary and secondary education throughout
13 the United States upon which private businesses
14 and Federal, State, tribal, and local governments
15 may rely for decisionmaking about the need for,
16 and provision of, appropriate technologies in
17 schools, which assessment and report shall use, to
18 the extent possible, existing information and re-
19 sources;

20 “(K) conferences on, and dissemination of
21 information regarding, the uses of technology in
22 education;

23 “(L) the development of model strategies to
24 promote gender equity in the use of technology;

1 “(M) encouraging collaboration between the
2 Department and other Federal agencies in the
3 development, implementation, evaluation and
4 funding of applications of technology for edu-
5 cation, as appropriate; and

6 “(N) such other activities as the Secretary
7 determines will meet the purposes of this sub-
8 part.

9 “(2) SPECIAL RULES.—

10 “(A) The Secretary shall carry out the ac-
11 tivities described in paragraph (1) directly or by
12 grant or contract.

13 “(B) Each grant or contract under this sec-
14 tion shall be awarded—

15 “(i) on a competitive basis; and

16 “(ii) pursuant to a peer review process.

17 “(e) NON-FEDERAL SHARE.—

18 “(1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), the Secretary may require any recipient of
20 a grant or contract under this section to share in the
21 cost of the activities assisted under such grant or con-
22 tract, which non-Federal share shall be announced
23 through a notice in the Federal Register and may be
24 in the form of cash or in-kind contributions, fairly
25 valued.

1 “(2) *INCREASE.*—*The Secretary may increase*
 2 *the non-Federal share that is required of a recipient*
 3 *of a grant or contract under this section after the first*
 4 *year such recipient receives funds under such grant or*
 5 *contract.*

6 “(3) *MAXIMUM.*—*The non-Federal share required*
 7 *under this section shall not exceed 50 percent of the*
 8 *cost of the activities assisted pursuant to a grant or*
 9 *contract under this section.*

10 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 11 *authorized to be appropriated \$5,000,000 for fiscal year*
 12 *1995, and such sums as may be necessary for each of the*
 13 *4 succeeding fiscal years, to carry out this section.*

14 **“SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFES-**
 15 **SIONAL DEVELOPMENT.**

16 “(a) *GRANTS AUTHORIZED.*—

17 “(1) *AUTHORITY.*—*The Secretary, through the*
 18 *Office of Educational Technology, shall make grants,*
 19 *on a competitive basis, to regional educational tech-*
 20 *nology assistance consortia in accordance with the*
 21 *provisions of this section. In awarding grants under*
 22 *this section, the Secretary shall ensure that each geo-*
 23 *graphic region of the United States shall be served by*
 24 *such a consortium.*

1 “(2) *REQUIREMENTS.*—Each consortium receiv-
2 ing a grant under this section shall—

3 “(A) *be composed of State educational agen-*
4 *cies, institutions of higher education, nonprofit*
5 *organizations, or a combination thereof;*

6 “(B) *in cooperation with State and local*
7 *educational agencies, develop a regional program*
8 *that addresses professional development, tech-*
9 *nical assistance, and information resource dis-*
10 *semination, with special emphasis on meeting*
11 *the documented needs of educators and learners*
12 *in the region; and*

13 “(C) *foster regional cooperation and re-*
14 *source and coursework sharing.*

15 “(3) *SPECIAL RULE.*—Each consortium receiving
16 a grant under this section shall use not less than 80
17 percent of the grant funds to carry out paragraph (2)
18 of subsection (b).

19 “(b) *FUNCTIONS.*—

20 “(1) *TECHNICAL ASSISTANCE.*—Each consortium
21 receiving a grant under this section shall—

22 “(A) *collaborate with State educational*
23 *agencies and local educational agencies request-*
24 *ing collaboration, particularly in the develop-*
25 *ment of strategies for assisting those schools with*

1 *the highest numbers or percentages of disadvan-*
2 *tagged students with little or no access to tech-*
3 *nology in the classroom;*

4 *“(B) provide information, in coordination*
5 *with information available from the Secretary,*
6 *to State educational agencies, local educational*
7 *agencies, schools and adult education programs,*
8 *on the types and features of various educational*
9 *technology equipment and software available,*
10 *evaluate and make recommendations on equip-*
11 *ment and software that support the National*
12 *Education Goals and are suited for a school’s*
13 *particular needs, and compile and share infor-*
14 *mation regarding creative and effective applica-*
15 *tions of technology in the classroom in order to*
16 *support the purposes of this subpart;*

17 *“(C) collaborate with such State educational*
18 *agencies, local educational agencies, or schools*
19 *requesting to participate in the tailoring of soft-*
20 *ware programs and other supporting materials*
21 *to meet State content standards or State student*
22 *performance standards that may be developed;*
23 *and*

24 *“(D) provide technical assistance to facili-*
25 *tate use of the electronic dissemination networks*

1 by State and local educational agencies and
2 schools throughout the region.

3 “(2) *PROFESSIONAL DEVELOPMENT*.—Each con-
4 sortium receiving a grant under this section shall—

5 “(A) develop and implement, in collabora-
6 tion with State educational agencies and institu-
7 tions of higher education, technology-specific, on-
8 going professional development, such as—

9 “(i) intensive school year and summer
10 workshops that use teachers to train other
11 teachers; and

12 “(ii) distance educational professional
13 development, including—

14 “(I) interactive training
15 telecourses using researchers, educators,
16 and telecommunications personnel who
17 have experience in developing, imple-
18 menting, or operating educational and
19 instructional technology as a learning
20 tool;

21 “(II) onsite courses teaching
22 teachers to use educational and in-
23 structional technology and to develop
24 their own instructional materials for
25 effectively incorporating technology

1 *and programming in their own class-*
2 *rooms;*

3 “(III) *methods for successful inte-*
4 *gration of instructional technology into*
5 *the curriculum in order to improve*
6 *student learning and achievement;*

7 “(IV) *video conferences and semi-*
8 *nars which offer professional develop-*
9 *ment through peer interaction with ex-*
10 *perts as well as other teachers using*
11 *technologies in their classrooms; and*

12 “(V) *mobile education technology*
13 *and training resources;*

14 “(B) *develop training resources that—*

15 “(i) *are relevant to the needs of the re-*
16 *gion and schools within the region;*

17 “(ii) *are relevant to the needs of adult*
18 *literacy staff and volunteers, including on-*
19 *site courses on how to—*

20 “(I) *use instructional technology;*
21 *and*

22 “(II) *develop instructional mate-*
23 *rials for adult learning; and*

24 “(iii) *are aligned with the needs of*
25 *teachers and administrators in the region;*

1 “(C) establish a repository of professional
2 development and technical assistance resources;

3 “(D) identify and link technical assistance
4 providers to State and local educational agen-
5 cies, as needed;

6 “(E) provide followup to ensure that train-
7 ing, professional development, and technical as-
8 sistance meet the needs of educators, parents and
9 students served by the region;

10 “(F) assist colleges and universities within
11 the region to develop and implement preservice
12 training programs for students enrolled in teach-
13 er education programs; and

14 “(G) assist local educational agencies and
15 schools in working with community members
16 and parents to develop support from commu-
17 nities and parents for educational technology
18 programs and projects.

19 “(3) INFORMATION AND RESOURCE DISSEMINA-
20 TION.—Each consortium receiving a grant under this
21 section shall—

22 “(A) assist State and local educational
23 agencies in the identification and procurement of
24 financial, technological and human resources
25 needed to implement technology plans;

1 “(B) provide outreach and, at the request of
2 a State or local educational agency, work with
3 such agency to assist in the development and val-
4 idation of instructionally based technology edu-
5 cation resources; and

6 “(C) coordinate activities and establish
7 partnerships with organizations and institutions
8 of higher education that represent the interests of
9 the region as such interests pertain to the appli-
10 cation of technology in teaching, learning, in-
11 structional management, dissemination, collec-
12 tion and distribution of educational statistics,
13 and the transfer of student information.

14 “(4) COORDINATION.—Each consortium receiving
15 a grant under this section shall work collaboratively,
16 and coordinate the services the consortium provides,
17 with appropriate entities assisted in whole or in part
18 by the Department.

19 “(5) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated \$50,000,000
21 for the fiscal year 1995, and such sums as may be
22 necessary for each of the 4 succeeding fiscal years, to
23 carry out this section.

1 ***“SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVEL-***
2 ***OPMENT.***

3 *“(a) PURPOSE.—It is the purpose of this section to—*

4 *“(1) support development of curriculum-based*
5 *learning resources using state-of-the-art technologies*
6 *and techniques designed to improve student learning;*
7 *and*

8 *“(2) support development of long-term com-*
9 *prehensive instructional programming and associated*
10 *support resources that ensure maximum access by all*
11 *educational institutions.*

12 *“(b) FEDERAL ASSISTANCE AUTHORIZED.—*

13 *“(1) AUTHORITY.—The Secretary, through the*
14 *Office of Educational Technology, shall award grants,*
15 *on a competitive basis, to eligible consortia to pay the*
16 *Federal share of the cost of developing, producing,*
17 *and distributing products consisting of curriculum-*
18 *based learning resources, services, and instructional*
19 *programming for teachers and students, which incor-*
20 *porate state-of-the-art applications of advanced tech-*
21 *nology, including educational radio and television.*

22 *“(2) ELIGIBLE CONSORTIUM.—For the purpose*
23 *of this subsection the term ‘eligible consortium’ means*
24 *a consortium—*

25 *“(A) that shall include—*

1 “(i) a State or local educational agen-
2 cy; and

3 “(ii) a business, industry or tele-
4 communications entity; and

5 “(B) that may include—

6 “(i) a public or private nonprofit orga-
7 nization; or

8 “(ii) a postsecondary institution.

9 “(3) *PRIORITY*.—In awarding grants under this
10 section, the Secretary shall give priority to applica-
11 tions describing products that are developed—

12 “(A) so that the product may be adapted
13 and applied nationally at a reasonable cost over
14 a broad technology platform;

15 “(B) to raise the achievement levels of all
16 students, particularly students who are not real-
17 izing their potential;

18 “(C) in consultation with classroom teach-
19 ers;

20 “(D) through consultation and collaboration
21 with appropriate education entities in designing
22 the product to ensure relevance to the voluntary
23 national content standards, the voluntary na-
24 tional student performance standards and State
25 curriculum frameworks; and

1 “(E) so that the product can be adapted for
2 use by adults in need of literacy services, includ-
3 ing English as a second language and prepara-
4 tion for a secondary school diploma or its recog-
5 nized equivalent.

6 “(4) *MATCHING REQUIREMENT.*—The Secretary
7 may require any recipient of a grant or contract
8 under this subpart to share in the cost of the activities
9 assisted under such grant or contract, which non-Fed-
10 eral share shall be announced through a notice in the
11 Federal Register and may be in the form of cash or
12 in-kind contributions, fairly valued.

13 “(5) *REQUIREMENTS FOR FEDERAL ASSIST-*
14 *ANCE.*—Each eligible consortium desiring Federal as-
15 sistance under this section shall submit an applica-
16 tion to the Secretary at such time and in such man-
17 ner as the Secretary may prescribe. Each application
18 shall include—

19 “(A) a description of how the product will
20 improve the achievement levels of students;

21 “(B) a description of how the activities as-
22 sisted under this section will promote profes-
23 sional development of teachers and administra-
24 tors in the uses and applications of the product,
25 including the development of training materials;

1 “(C) a description of design, development,
2 field testing, evaluation, and distribution of
3 products, where appropriate;

4 “(D) an assurance that the product shall ef-
5 fectively serve a significant number or percent-
6 age of economically disadvantaged students;

7 “(E) plans for dissemination of products to
8 a wide audience of learners;

9 “(F) a description of how the product can
10 be adapted for use by students with disabilities
11 including provisions for closed captioning or de-
12 scriptive video, where appropriate;

13 “(G) a description of how ownership and
14 rights to the use and marketing of any product
15 developed by the consortium, including intellec-
16 tual property rights, will be allocated among
17 consortium participants; and

18 “(H) a description of the contributions, in-
19 cluding services and funds, to be made by each
20 member of the consortium, and how any revenues
21 derived from the sale of any product developed
22 by the consortium shall be distributed.

23 “(c) *CONSUMER REPORT.*—The Secretary shall dis-
24 seminate information about products developed pursuant to
25 provisions of this section to State and local educational

1 agencies, and other organizations or individuals that the
2 Secretary determines to be appropriate, through print and
3 electronic media that are accessible to the education commu-
4 nity at large.

5 “(d) *PROCEEDS.*—The Secretary shall not prohibit an
6 eligible consortium or any of the members of such consor-
7 tium from receiving financial benefits from the distribution
8 of any products resulting from the assistance received under
9 this section. Notwithstanding any other provision of law,
10 any profits or royalties received by a State educational
11 agency, local educational agency, or other nonprofit mem-
12 ber of an eligible consortium receiving assistance under this
13 section shall be used to support further development of cur-
14 riculum-based learning resources, services, and program-
15 ming or to provide access to such products for a wider audi-
16 ence.

17 “(e) *AUTHORIZATION OF FUNDS.*—There are author-
18 ized to be appropriated \$50,000,000 for the fiscal year 1995,
19 and such sums as may be necessary for each of the 4 suc-
20 ceeding fiscal years, to carry out this section.

21 **“SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF**
22 **ADVANCED TECHNOLOGIES.**

23 “(a) *PURPOSE.*—It is the purpose of this section to—

1 “(1) provide direction and support for the con-
2 duct of research on advanced educational technologies;
3 and

4 “(2) provide support for long-term, comprehen-
5 sive educational applications of advanced high per-
6 formance computer and communication technologies
7 and video technologies in support of the core subjects
8 of the National Education Goals.

9 “(b) *GENERAL AUTHORITY.*—The Secretary, consistent
10 with the overall national technology policy established by
11 the President, and in cooperation with other Federal de-
12 partments and agencies, is authorized to support research
13 on educational applications of advanced learning tech-
14 nologies.

15 “(c) *GRANTS AUTHORIZED.*—The Secretary, through
16 the Office of Educational Technology, shall award grants
17 to or enter into contracts for research projects intended to
18 develop educational applications of advanced technologies.

19 “(d) *APPLICATION.*—Each entity desiring assistance
20 under this section shall submit to the Secretary an applica-
21 tion at such time, in such manner and accompanied by
22 such information as the Secretary may reasonably require.
23 Each such application shall—

1 “(1) define clearly the scope and content of the
2 subject matter of the research and the relevance of the
3 advanced technology to such content;

4 “(2) describe the potential market for both the
5 hardware and software developed under this section;
6 and

7 “(3) assess the applications of the advanced tech-
8 nology in a way that will validate the technology’s
9 impact on student learning and achievement.

10 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
11 authorized to be appropriated \$20,000,000 for fiscal year
12 1995, and such sums as may be necessary for each of the
13 4 succeeding fiscal years, to carry out this section.

14 **“SEC. 3126. HIGH PERFORMANCE COMPUTING AND TELE-**
15 **COMMUNICATIONS NETWORKS FOR EDU-**
16 **CATION.**

17 “(a) *PURPOSE.*—It is the purpose of this section to
18 support the development, demonstration, and evaluation of
19 the educational aspects of high performance computing and
20 communication technologies and of the national informa-
21 tion infrastructure, including the use of high performance
22 computing and communication and the national informa-
23 tion infrastructure in—

24 “(1) providing professional development for
25 teachers and other educators, as appropriate;

1 “(2) *enhancing academic curricula for elemen-*
2 *tary and secondary school students in order to pro-*
3 *vide such students with opportunities to meet chal-*
4 *lenging State student performance standards;*

5 “(3) *facilitating communications among schools,*
6 *local educational agencies, parents of students, and*
7 *local communities;*

8 “(4) *facilitating an effective transition from sec-*
9 *ondary school to employment; and*

10 “(5) *other such areas of education as the Sec-*
11 *retary deems appropriate.*

12 “(b) *AUTHORITY.—*

13 “(1) *IN GENERAL.—(A) The Secretary, consistent*
14 *with the overall national technology policy established*
15 *by the President, and in cooperation with other Fed-*
16 *eral departments and agencies, shall support the de-*
17 *velopment of an electronic network program for the*
18 *dissemination of educational information throughout*
19 *the United States, including information about effec-*
20 *tive technology-enhanced programs, resources and*
21 *services.*

22 “(B) *In carrying out subparagraph (A) the Sec-*
23 *retary shall—*

24 “(i) *to the extent possible, coordinate activi-*
25 *ties assisted under this section with other dis-*

1 *semination activities assisted by the Department*
2 *in order to—*

3 *“(I) avoid duplication; and*

4 *“(II) utilize the existing resources of*
5 *the Department;*

6 *“(ii) consult with educators, State and local*
7 *educational agencies, telecommunications provid-*
8 *ers, and other appropriate education entities*
9 *throughout the United States to determine infor-*
10 *mation requirements and policies for the effective*
11 *dissemination of information;*

12 *“(iii) provide access to the existing Depart-*
13 *ment of Energy FEDIX/MOLIS Information*
14 *System regarding information about excess*
15 *equipment (computers and supporting materials)*
16 *within the Federal Government that are avail-*
17 *able for transfer to elementary and secondary*
18 *schools; and*

19 *“(iv) make use of existing networks or devel-*
20 *oping networks, to the extent possible.*

21 *“(2) REQUIREMENTS; SPECIFICATIONS; AND PRO-*
22 *TOTYPE OPERATIONS.—The Secretary is authorized*
23 *to—*

1 “(A) identify educational high performance
2 computing and telecommunications network re-
3 quirements;

4 “(B) develop specifications for the imple-
5 mentation of such requirements within any na-
6 tional telecommunications network;

7 “(C) establish prototype operations on exist-
8 ing networks to validate and further develop the
9 educational specifications which will facilitate
10 the use of such networks by kindergarten through
11 12th grade students, teachers, librarians, admin-
12 istrators, and parents;

13 “(D) represent the needs and interests of ele-
14 mentary and secondary schools in the Federal
15 planning and development of a national infor-
16 mation infrastructure; and

17 “(E) identify policy issues, such as commu-
18 nication rate structures, intellectual property
19 rights, certification and recertification of teach-
20 ers, and issues related to how technology fits into
21 the school environment, that affect the ability of
22 the public schools to make effective use of the
23 emerging information infrastructure.

1 “(c) *TYPES OF GRANTS.*—The Secretary, through the
2 *Office of Educational Technology, shall award the following*
3 *types of grants:*

4 “(1) *REQUIREMENTS GRANTS.*—The Secretary
5 *shall solicit proposals for and award grants to 1 or*
6 *more entities for the identification of educational high*
7 *performance computing and telecommunications net-*
8 *work requirements. The solicitation shall request pro-*
9 *posals to—*

10 “(A) *identify and describe existing and*
11 *planned educational high performance comput-*
12 *ing and telecommunications network efforts;*

13 “(B) *identify potential uses of such net-*
14 *works in kindergarten through 12th grade edu-*
15 *cation by schools throughout the United States;*

16 “(C) *assess impediments to the development*
17 *of such networks in kindergarten through 12th*
18 *grade education, such as—*

19 “(i) *technological impediments;*

20 “(ii) *availability of technology-en-*
21 *hanced curriculum, instruction, and admin-*
22 *istrative support resources and services in*
23 *schools; and*

1 “(iii) parent, student, teacher and ad-
2 ministrators attitudes toward technology-en-
3 hanced education;

4 “(D) assess the anticipated costs and bene-
5 fits to be derived from such network access in
6 kindergarten through 12th grade education and
7 recommend priorities for development of such
8 network; and

9 “(E) identify the range of possible edu-
10 cational applications of, and potential sources of
11 funding for, both networks and information re-
12 sources and databases that exist or are being de-
13 veloped by other Federal departments or agen-
14 cies.

15 “(2) SPECIFICATIONS GRANTS.—The Secretary
16 shall solicit proposals for and award grants to 1 or
17 more entities for the design and development of edu-
18 cational specifications which may be used to ensure
19 educational access to any national educational high
20 performance computing and telecommunications net-
21 work. The solicitation shall request proposals to—

22 “(A) incorporate—

23 “(i) the findings of the grant recipients
24 under paragraph (1); and

1 “(ii) the priorities recommended for
2 such networks by the Secretary consistent
3 with the overall national technology policy
4 established by the President;

5 “(B) provide for design alternatives and
6 specifications that address—

7 “(i) linkage of schools and commu-
8 nities with each other, with central resource
9 centers, and with Federal and State agen-
10 cies over existing or planned telecommuni-
11 cations networks;

12 “(ii) uses of alternative connectivity
13 modes, such as fiber optics, satellites, and
14 land-based broadcasting;

15 “(iii) integrated uses of two-way inter-
16 active voice, video, and data communica-
17 tions;

18 “(iv) uses of interactive multimedia;

19 “(v) system capacity, such as maxi-
20 mum telecommunications traffic in a vari-
21 ety of use modes;

22 “(vi) availability of needed tech-
23 nologies;

24 “(vii) availability of support services;
25 and

1 “(viii) assessment of the impact of pro-
2 posed educational access specifications on
3 existing or planned telecommunications net-
4 works; and

5 “(C) provide comprehensive specifications
6 which will ensure educational access to any na-
7 tional educational high performance computing
8 and telecommunications network as the primary
9 deliverable product of the specifications grants
10 described in this paragraph.

11 “(3) *PROTOTYPE DEVELOPMENT GRANTS.*—The
12 Secretary shall solicit proposals for and award grants
13 to 1 or more entities for prototype operations on ex-
14 isting networks in order to validate and further de-
15 velop the educational specifications which will facili-
16 tate use of existing or planned educational high per-
17 formance computing and telecommunications net-
18 works by kindergarten through 12th grade students,
19 teachers, librarians, administrators, and parents. The
20 solicitation shall request proposals to—

21 “(A) incorporate the design limits of the
22 comprehensive educational high performance
23 computing and telecommunications network
24 specifications developed by grant recipients
25 under paragraph (2);

1 “(B) support prototype operations for at
2 least 1 year in a minimum of 5 test sites which
3 are selected to represent a variety of economic,
4 social, urban and rural settings;

5 “(C) provide for inservice training and
6 technical assistance during the period of proto-
7 type operations;

8 “(D) provide provisions for the identifica-
9 tion and correction of operational problems dur-
10 ing the period of prototype operations (including
11 design flaws);

12 “(E) include a comprehensive evaluation of
13 all aspects of the prototype, including—

14 “(i) design flaws;

15 “(ii) training requirements, including
16 resources and strategies for initial and on-
17 going training;

18 “(iii) technical support requirements;

19 “(iv) financing constraints;

20 “(v) availability and utility of infor-
21 mation resources and services accessed dur-
22 ing the prototype operations period;

23 “(vi) factors which enhanced or im-
24 peded prototype operations; and

1 “(vii) *an overall assessment of the im-*
2 *pact of such technology on the educational*
3 *process; and*

4 “(F) *provide recommended revisions of the*
5 *Secretary’s educational high performance com-*
6 *puting and telecommunications network speci-*
7 *fications based on findings of the comprehensive*
8 *evaluation of prototype operations.*

9 “(d) *TIMELINE.—The Secretary, through the Office of*
10 *Educational Technology, shall award grants under this sec-*
11 *tion as follows:*

12 “(1) *REQUIREMENT GRANTS.—The Secretary*
13 *shall award requirement grants under subsection*
14 *(c)(1) within 6 months of the date of enactment of the*
15 *Improving America’s Schools Act of 1994.*

16 “(2) *DEVELOPMENT OF DESIGN SPECIFICA-*
17 *TIONS.—The Secretary shall award grants under sub-*
18 *section (c)(2) within 18 months of the date of enact-*
19 *ment of the Improving America’s Schools Act of 1994.*

20 “(3) *PROTOTYPE OPERATIONS.—The Secretary*
21 *shall award grants under subsection (c)(3) within 30*
22 *months of the date of enactment of the Improving*
23 *America’s Schools Act of 1994.*

24 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
25 *authorized to be appropriated \$7,500,000 for fiscal year*

1 1995, and such sums as may be necessary for each of the
2 4 succeeding fiscal years, to carry out this section.

3 ***“SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING***
4 ***ALTERNATIVES.***

5 *“The Secretary, through the Office of Educational*
6 *Technology, shall conduct a study to evaluate, and report*
7 *to the Congress on, the feasibility of several alternative mod-*
8 *els for providing sustained and adequate funding for schools*
9 *throughout the United States so that such schools are able*
10 *to acquire and maintain technology-enhanced curriculum,*
11 *instruction, and administrative support resources and serv-*
12 *ices. Such report shall be submitted to the Congress not later*
13 *than 1 year after the date of enactment of the Improving*
14 *America’s Schools Act of 1994.*

15 ***“Subpart 2—State and Local Programs for School***
16 ***Technology Resources, Technical Support, and***
17 ***Professional Development***

18 ***“SEC. 3131. STATEMENT OF PURPOSE.***

19 *“It is the purpose of this subpart to provide Federal*
20 *assistance in the form of grants to support—*

21 *“(1) the acquisition of equipment and support-*
22 *ing resources, training, and maintenance of tech-*
23 *nology; and*

24 *“(2) regional consortia to enable such consortia*
25 *to provide professional development and technical as-*

1 *sistance that fosters integration of technology into the*
2 *kindergarten through 12th grade classrooms, libraries,*
3 *and school library media centers.*

4 ***“SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.***

5 *“(a) GRANTS AUTHORIZED.—*

6 *“(1) AUTHORITY.—The Secretary, through the*
7 *Office of Educational Technology, shall award grants*
8 *to State educational agencies having a systemic state-*
9 *wide plan that meets such criteria as the Secretary*
10 *may establish in order to enable such agencies to pro-*
11 *vide assistance to local educational agencies that have*
12 *the highest numbers or percentages of children in pov-*
13 *erty and demonstrate the greatest need for technology,*
14 *in order to enable such local educational agencies, for*
15 *the benefit of school sites served by such local edu-*
16 *cational agencies, to—*

17 *“(A) purchase quality technology resources;*

18 *“(B) install various linkages necessary to*
19 *acquire connectivity;*

20 *“(C) integrate technology into the curricu-*
21 *lum in order to improve student learning and*
22 *achievement;*

23 *“(D) provide teachers and library media*
24 *personnel with training or access to training;*

1 “(E) provide administrative and technical
2 support and services that improve student learn-
3 ing through enriched technology-enhanced re-
4 sources, including library media resources;

5 “(F) promote the sharing, distribution, and
6 application of educational technologies that are
7 determined to be effective in individual schools;

8 “(G) assist schools in promoting parent in-
9 volvement;

10 “(H) assist the community in providing lit-
11 eracy-related services; and

12 “(I) establish partnerships with private
13 educational providers whose comprehensive tech-
14 nology systems address the need of children in
15 poverty.

16 “(2) AMOUNT.—(A) Except as provided in sub-
17 paragraphs (B) and (C), the Secretary shall award
18 grants under this section to each State educational
19 agency for a fiscal year in an amount which bears the
20 same relationship to the amount appropriated pursu-
21 ant to the authority of subsection (b) for such year as
22 the amount such State received under part A of title
23 I for such year bears to the amount received for such
24 year under such part by all States.

1 “(B) No State educational agency shall receive a
2 grant pursuant to subparagraph (A) in any fiscal
3 year in an amount which is less than one-half of 1
4 percent of the amount appropriated pursuant to the
5 authority of subsection (b) for such year.

6 “(C) If the sum of the amounts appropriated
7 pursuant to the authority of section 3132(c) is equal
8 to or less than \$50,000,000 for any fiscal year, then
9 the Secretary shall award grants under this section
10 for such year on a competitive basis to local edu-
11 cational agencies, either separately or in cooperation
12 with a local educational agency or a State edu-
13 cational agency, which submit to the Secretary an ap-
14 plication, containing the information described in
15 paragraphs (1) through (3) of subsection (e), that the
16 Secretary approves. In awarding such grants, the
17 Secretary shall give priority to applications from
18 local educational agencies with the highest number or
19 percentage of disadvantaged students or the greatest
20 need for educational technology.

21 “(3) IDENTIFICATION OF LOCAL EDUCATIONAL
22 AGENCIES; TECHNICAL ASSISTANCE.—Each State edu-
23 cational agency receiving a grant under this section
24 shall—

1 “(A) identify the local educational agencies
2 served by the State educational agency that—

3 “(i) have the highest number or per-
4 centage of children in poverty; and

5 “(ii) demonstrate to such State edu-
6 cational agency the greatest need for tech-
7 nical assistance in developing the applica-
8 tion described in subsection (d); and

9 “(B) offer such technical assistance to such
10 local educational agencies.

11 “(4) LIMITATION ON STATE COSTS.—Not more
12 than 5 percent of grant funds awarded to a State
13 educational agency under this section for any fiscal
14 year may be used by the State or State educational
15 agency for administrative costs or technical assist-
16 ance.

17 “(b) SELECTION OF GRANTS.—Each State educational
18 agency, in awarding grants under this section, shall—

19 “(1) ensure that each grant such agency awards
20 to a local educational agency shall be of sufficient du-
21 ration, and of sufficient size, scope, and quality, to
22 carry out the purposes of this title effectively; and

23 “(2) award grants to local educational agencies
24 on a competitive basis.

1 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
2 authorized to be appropriated \$200,000,000 for fiscal year
3 1995, and such sums as may be necessary for each of the
4 4 succeeding fiscal years, to carry out this section.

5 “(d) *LOCAL USES OF GRANT FUNDS.*—Each local edu-
6 cational agency receiving assistance under this section may
7 use such assistance—

8 “(1) to acquire connectivity linkages, resources,
9 and services, including the acquisition of hardware
10 and software, for use by teachers, students and library
11 media personnel in the classroom or in school library
12 media centers, in order to improve student learning
13 by supporting the instructional program offered by
14 such agency to ensure that students in schools will
15 have meaningful access on a regular basis to such
16 linkages, resources and services;

17 “(2) for ongoing professional development in the
18 integration of quality educational technologies into
19 school curriculum and long-term planning for imple-
20 menting educational technologies; and

21 “(3) to acquire connectivity with wide area net-
22 works for purposes of accessing information and edu-
23 cational programming sources.

24 “(e) *LOCAL APPLICATIONS.*—Each local educational
25 agency desiring assistance from a State educational agency

1 *under this section shall submit an application consistent*
2 *with the objectives of the systemic statewide plan to such*
3 *agency at such time and in such manner as such agency*
4 *may prescribe. Such application, at a minimum, shall—*

5 “(1) *include a strategic, long-range (3- to 5-*
6 *year), plan that includes—*

7 “(A) *a description of the type of tech-*
8 *nologies to be acquired, including specific provi-*
9 *sions for interoperability among components of*
10 *such technologies and, to the extent practicable,*
11 *with existing technologies;*

12 “(B) *an explanation of how the acquired*
13 *technologies will be integrated into the curricu-*
14 *lum to help the local educational agency enhance*
15 *teaching, training, and student achievement;*

16 “(C) *an explanation of how programs will*
17 *be developed in collaboration with existing adult*
18 *literacy services providers to maximize the use of*
19 *such technologies;*

20 “(D)(i) *a description of how the local edu-*
21 *cational agency will ensure ongoing, sustained*
22 *professional development for teachers, adminis-*
23 *trators, and school library media personnel*
24 *served by the local educational agency to further*

1 *the use of technology in the classroom or library*
2 *media center; and*

3 “(ii) *a list of the source or sources of ongoing*
4 *training and technical assistance available*
5 *to schools, teachers and administrators served by*
6 *the local educational agency, such as State tech-*
7 *nology offices, intermediate educational support*
8 *units, regional educational laboratories or insti-*
9 *tutions of higher education;*

10 “(E) *a description of the supporting re-*
11 *sources, such as services, software and print re-*
12 *sources, which will be acquired to ensure success-*
13 *ful and effective use of technologies acquired*
14 *under this section;*

15 “(F) *the projected timetable for implement-*
16 *ing such plan in schools;*

17 “(G) *the projected cost of technologies to be*
18 *acquired and related expenses needed to imple-*
19 *ment such plan; and*

20 “(H) *a description of how the local edu-*
21 *cational agency will coordinate the technology*
22 *provided pursuant to this subpart with other*
23 *grant funds available for technology from State*
24 *and local sources;*

1 “(2) describe how the local educational agency
2 will involve parents, public libraries, business leaders
3 and community leaders in the development of such
4 plan;

5 “(3) describe how the acquired instructionally
6 based technologies will help the local educational
7 agency—

8 “(A) promote equity in education in order
9 to support State content standards and State
10 student performance standards that may be de-
11 veloped; and

12 “(B) provide access for teachers, parents
13 and students to the best teaching practices and
14 curriculum resources through technology; and

15 “(4) describe a process for the ongoing evaluation
16 of how technologies acquired under this section—

17 “(A) will be integrated into the school cur-
18 riculum; and

19 “(B) will affect student achievement and
20 progress toward meeting the National Education
21 Goals and any State content standards and
22 State student performance standards that may
23 be developed.

24 “(f) COORDINATION OF APPLICATION REQUIRE-
25 MENTS.—If a local educational agency submitting an ap-

1 plication for assistance under this section has developed a
 2 comprehensive education improvement plan, in conjunction
 3 with requirements under this Act or the Goals 2000: Edu-
 4 cate America Act, the State educational agency may ap-
 5 prove such plan, or a component of such plan, notwith-
 6 standing the requirements of subsection (e) if the State edu-
 7 cational agency determines that such approval would fur-
 8 ther the purposes of this section.

9 **“Subpart 3—Special Rule Applicable to**

10 **Appropriations**

11 **“SEC. 3141. SPECIAL RULE.**

12 “(a) APPROPRIATION OF LESS THAN \$50,000,000.—
 13 Notwithstanding any other provision of law, for any fiscal
 14 year for which the sum of the amounts appropriated pursu-
 15 ant to the authority of sections 3122(f), 3123(b)(5), 3124(e),
 16 3125(e), 3126(e), and 3132(c) is less than \$50,000,000, the
 17 Secretary shall aggregate such amounts and make avail-
 18 able—

19 “(1) 50 percent of such aggregate amount to
 20 carry out subpart 1 for such year; and

21 “(2) 50 percent of such aggregate amount to
 22 carry out subpart 2 for such year.

23 “(b) APPROPRIATION EQUAL TO OR GREATER THAN
 24 \$50,000,000.—Notwithstanding any other provision of law,
 25 for any fiscal year for which the sum of the amounts appro-

1 *priated pursuant to the authority of sections 3122(f),*
 2 *3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal*
 3 *to or greater than \$50,000,000, the Secretary shall aggre-*
 4 *gate such amounts and make available—*

5 “(1) the sum of \$25,000,000 plus 35 percent of
 6 such aggregate amount in excess of \$50,000,000 to
 7 carry out subpart 1 for such year; and

8 “(2) the sum of \$25,000,000 plus 65 percent of
 9 such aggregate amount in excess of \$50,000,000 to
 10 carry out subpart 2 for such year.

11 **“PART B—STAR SCHOOLS PROGRAM**

12 **“SEC. 3201. SHORT TITLE.**

13 *“This part may be cited as the ‘Star Schools Act’.*

14 **“SEC. 3202. PURPOSE.**

15 *“It is the purpose of this part to encourage improved*
 16 *instruction in mathematics, science, and foreign languages*
 17 *as well as other subjects, such as literacy skills and voca-*
 18 *tional education, and to serve underserved populations, in-*
 19 *cluding the disadvantaged, illiterate, limited-English pro-*
 20 *ficient, and disabled, through a star schools program under*
 21 *which grants are made to eligible telecommunication part-*
 22 *nerships to enable such partnerships to—*

23 “(1) develop, construct, acquire, maintain and
 24 operate telecommunications audio and visual facili-
 25 ties and equipment;

1 “(2) develop and acquire educational and in-
2 structional programming; and

3 “(3) obtain technical assistance for the use of
4 such facilities and instructional programming.

5 **“SEC. 3203. GRANTS AUTHORIZED.**

6 “(a) *AUTHORITY.*—The Secretary, through the Office
7 of Educational Technology, is authorized to make grants,
8 in accordance with the provisions of this part, to eligible
9 telecommunications partnerships to pay the Federal share
10 of the cost of—

11 “(1) the development, construction, acquisition,
12 maintenance and operation of telecommunications fa-
13 cilities and equipment;

14 “(2) the development and acquisition of live,
15 interactive instructional programming;

16 “(3) the development and acquisition of
17 preservice and inservice teacher training programs
18 based on established research regarding teacher-to-
19 teacher mentoring, effective skill transfer, and ongo-
20 ing, in-class instruction;

21 “(4) the establishment of teleconferencing facili-
22 ties and resources for making interactive training
23 available to teachers;

24 “(5) obtaining technical assistance; and

1 “(6) *the coordination of the design and*
2 *connectivity of telecommunications networks to reach*
3 *the greatest number of schools.*

4 “(b) *DURATION.—*

5 “(1) *IN GENERAL.—The Secretary shall award*
6 *grants pursuant to subsection (a) for a period of 5*
7 *years.*

8 “(2) *RENEWAL.—Grants awarded pursuant to*
9 *subsection (a) may be renewed for 1 additional 5-year*
10 *period.*

11 “(c) *AUTHORIZATION OF APPROPRIATIONS.—*

12 “(1) *IN GENERAL.—There are authorized to be*
13 *appropriated \$35,000,000 for fiscal year 1995, and*
14 *such sums as may be necessary for each of the 4 suc-*
15 *ceeding fiscal years, to carry out this part.*

16 “(2) *AVAILABILITY.—Funds appropriated pursu-*
17 *ant to the authority of subsection (a) shall remain*
18 *available until expended.*

19 “(d) *LIMITATIONS.—*

20 “(1) *AMOUNT.—A grant made to an eligible tele-*
21 *communications partnership under subsection (a)*
22 *shall not exceed \$5,000,000 in any 1 fiscal year.*

23 “(2) *RESERVATIONS.—*

24 “(A) *INSTRUCTIONAL PROGRAMMING.—Not*
25 *less than 25 percent of the funds available to the*

1 *Secretary in any fiscal year under this part*
2 *shall be used for the cost of instructional pro-*
3 *gramming.*

4 *“(B) FACILITIES AND EQUIPMENT.—Not less*
5 *than 25 percent of the funds available to the Sec-*
6 *retary in any fiscal year under this part shall*
7 *be used for telecommunications facilities and*
8 *equipment.*

9 *“(3) SPECIAL RULE.—Not less than 50 percent of*
10 *the funds available in any fiscal year under this part*
11 *shall be used for the cost of facilities, equipment,*
12 *teacher training or retraining, technical assistance, or*
13 *programming, for local educational agencies which*
14 *are eligible to receive assistance under part A of title*
15 *I of the Elementary and Secondary Education Act of*
16 *1965.*

17 *“(e) FEDERAL SHARE.—*

18 *“(1) IN GENERAL.—The Federal share for any*
19 *fiscal year shall be not more than 75 percent.*

20 *“(2) WAIVER.—The Secretary may reduce or*
21 *waive the requirements of the non-Federal share re-*
22 *quired under paragraph (1) for good cause, as deter-*
23 *mined by the Secretary.*

24 *“(f) COORDINATION.—The Department, the National*
25 *Science Foundation, the Department of Agriculture, the De-*

1 *partment of Commerce, and any other Federal department*
 2 *or agency operating a telecommunications network for edu-*
 3 *cational purposes, shall coordinate the activities assisted*
 4 *under this part with the activities of such department or*
 5 *agency relating to a telecommunications network for edu-*
 6 *cational purposes.*

7 “(g) *CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.*—
 8 *Each entity receiving funds under this part is encouraged*
 9 *to provide—*

10 “(1) *closed captioning of the verbal content of*
 11 *such program, where appropriate, to be broadcast by*
 12 *way of line 21 of the vertical blanking interval, or by*
 13 *way of comparable successor technologies; and*

14 “(2) *descriptive video of the visual content of*
 15 *such program, as appropriate.*

16 **“SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNER-**
 17 **SHIPS.**

18 “(a) *IN GENERAL.*—*In order to be eligible for a grant*
 19 *under this part, an eligible telecommunications partnership*
 20 *shall consist of—*

21 “(1) *a public agency or corporation established*
 22 *for the purposes of developing and operating tele-*
 23 *communications services to enhance educational op-*
 24 *portunities provided by educational institutions,*
 25 *teacher training centers, and other entities, except*

1 *that any such agency or corporation shall represent*
2 *the interest of elementary and secondary schools*
3 *which are eligible for assistance under part A of title*
4 *I; or*

5 “(2) a partnership that will provide tele-
6 communications services and which includes 3 or
7 more of the following entities, at least 1 of which shall
8 be an agency described in subparagraph (A) or (B):

9 “(A) a local educational agency serving a
10 significant number of elementary and secondary
11 schools that are eligible for assistance under part
12 A of title I or elementary and secondary schools
13 operated for Indian children by the Department
14 of the Interior under section 1121(c);

15 “(B) a State educational agency;

16 “(C) an institution of higher education or a
17 State higher education agency;

18 “(D) a teacher training center or academy
19 which—

20 “(i) provides teacher preservice and in-
21 service training; and

22 “(ii) receives Federal financial assist-
23 ance or has been approved by a State agen-
24 cy;

1 “(E)(i) a public or private entity with ex-
2 perience and expertise in the planning and oper-
3 ation of a telecommunications service, including
4 entities involved in telecommunications through
5 satellite, cable, telephone or computers; or

6 “(ii) a public broadcasting entity with such
7 experience; or

8 “(F) a public or private elementary or sec-
9 ondary school.

10 “(b) *SPECIAL RULE.*—An eligible telecommunications
11 partnership shall be organized on a statewide or multistate
12 basis.

13 **“SEC. 3205. APPLICATIONS.**

14 “(a) *APPLICATIONS REQUIRED.*—Each eligible tele-
15 communications partnership which desires to receive a
16 grant under section 3203 shall submit an application to
17 the Secretary, at such time, in such manner, and contain-
18 ing or accompanied by such information as the Secretary
19 may reasonably require.

20 “(b) *CONTENTS OF THE APPLICATION.*—Each applica-
21 tion submitted pursuant to subsection (a) shall—

22 “(1) describe the telecommunications facilities
23 and equipment and technical assistance for which as-
24 sistance is sought, which may include—

1 “(A) the design, development, construction,
2 acquisition, maintenance and operation of State
3 or multistate educational telecommunications
4 networks and technology resource centers;

5 “(B) microwave, fiber optics, cable, and sat-
6 ellite transmission equipment or any combina-
7 tion thereof;

8 “(C) reception facilities;

9 “(D) satellite time;

10 “(E) production facilities;

11 “(F) other telecommunications equipment
12 capable of serving a wide geographic area;

13 “(G) the provision of training services to
14 instructors who will be using the facilities and
15 equipment for which assistance is sought, includ-
16 ing training in using such facilities and equip-
17 ment and training in integrating programs into
18 the classroom curriculum; and

19 “(H) the development of educational pro-
20 gramming for use on a telecommunications net-
21 work;

22 “(2) in the case of an application for assistance
23 for instructional programming, describe the types of
24 programming which will be developed to enhance in-
25 struction and training and provide assurances that

1 *such programming will be designed in consultation*
2 *with professionals (including classroom teachers) who*
3 *are experts in the applicable subject matter and grade*
4 *level;*

5 *“(3) demonstrate that the eligible telecommuni-*
6 *cations partnership has engaged in sufficient survey*
7 *and analysis of the area to be served to ensure that*
8 *the services offered by the eligible telecommunications*
9 *partnership will increase the availability of courses of*
10 *instruction in mathematics, science, and foreign lan-*
11 *guages, as well as other subjects to be offered;*

12 *“(4) describe the training policies for teachers*
13 *and other school personnel to be implemented to en-*
14 *sure the effective use of telecommunications facilities*
15 *and equipment for which assistance is sought;*

16 *“(5) provide assurances that the financial inter-*
17 *est of the United States in the telecommunications fa-*
18 *cilities and equipment will be protected for the useful*
19 *life of such facilities and equipment;*

20 *“(6) provide assurances that a significant por-*
21 *tion of any facilities and equipment, technical assist-*
22 *ance, and programming for which assistance is sought*
23 *for elementary and secondary schools will be made*
24 *available to schools or local educational agencies that*

1 *have a high number or percentage of children eligible*
2 *to be counted under part A of title I;*

3 *“(7) describe the manner in which traditionally*
4 *underserved students, such as students who are dis-*
5 *advantaged, limited-English proficient, disabled, or*
6 *illiterate, will participate in the benefits of the tele-*
7 *communications facilities, equipment, technical as-*
8 *sistance, and programming assisted under this part;*

9 *“(8) provide assurances that the applicant will*
10 *use the funds provided under this part to supplement*
11 *and not supplant funds otherwise available for the*
12 *purposes of this part;*

13 *“(9) if any member of the consortia is receiving*
14 *assistance under section 3122, describe how funds re-*
15 *ceived under this part will be coordinated with funds*
16 *received for educational technology in the classroom*
17 *under such section;*

18 *“(10) describe the activities or services for which*
19 *assistance is sought, including activities and services*
20 *such as—*

21 *“(A) providing facilities, equipment, train-*
22 *ing, services, and technical assistance described*
23 *in paragraphs (1), (2), (4) and (7);*

24 *“(B) making programs accessible to indi-*
25 *viduals with disabilities through mechanisms*

1 *such as closed captioning and descriptive video*
2 *services;*

3 *“(C) linking networks together, for example,*
4 *around an issue of national importance, such as*
5 *national elections;*

6 *“(D) sharing curriculum resources between*
7 *networks and development of program guides*
8 *which demonstrate cooperative, cross-network*
9 *listing of programs for specific curriculum areas;*

10 *“(E) providing teacher and student support*
11 *services including classroom and training sup-*
12 *port materials which permit student and teacher*
13 *involvement in the live interactive distance*
14 *learning telecasts;*

15 *“(F) incorporating community resources,*
16 *such as libraries and museums, into instruc-*
17 *tional programs;*

18 *“(G) providing teacher training to early*
19 *childhood development and Head Start teachers*
20 *and staff;*

21 *“(H) providing teacher training to voca-*
22 *tional education teachers and staff;*

23 *“(I) providing teacher training on proposed*
24 *or established voluntary national content stand-*

1 *ards in mathematics and science and other dis-*
2 *ciplines as such standards are developed;*

3 *“(J) providing programs for adults to*
4 *maximize the use of telecommunications facilities*
5 *and equipment; and*

6 *“(K) providing parent education programs*
7 *during and after the regular school day which*
8 *reinforce the student’s course of study and ac-*
9 *tively involve parents in the learning process;*
10 *and*

11 *“(11) include such additional assurances as the*
12 *Secretary may reasonably require.*

13 *“(c) APPROVAL OF APPLICATION; PRIORITY.—The Sec-*
14 *retary, in approving applications under this section, shall*
15 *give priority to applications which demonstrate that—*

16 *“(1) a concentration and quality of mathematics,*
17 *science, and foreign languages resources which, by*
18 *their distribution through the eligible telecommuni-*
19 *cations partnership, will offer significant new edu-*
20 *cational opportunities to network participants, par-*
21 *ticularly to traditionally underserved populations*
22 *and areas with scarce resources and limited access to*
23 *courses in mathematics, science, and foreign lan-*
24 *guages;*

1 “(2) the eligible telecommunications partnership
2 has secured the direct cooperation and involvement of
3 public and private educational institutions, State and
4 local government, and industry in planning the net-
5 work and ensuring that there is not needless duplica-
6 tion of existing information infrastructure;

7 “(3) the eligible telecommunications partnership
8 will serve the broadest range of institutions, including
9 in the case of elementary and secondary schools, those
10 elementary and secondary schools having a signifi-
11 cant number of students eligible to be counted under
12 part A of title I, programs providing instruction out-
13 side of the school setting, institutions of higher edu-
14 cation, teacher training centers, research institutes,
15 and private industry;

16 “(4) a significant number of educational institu-
17 tions have agreed to participate or will participate in
18 the use of the telecommunications system for which
19 assistance is sought;

20 “(5) the eligible telecommunications partnership
21 will have substantial academic and teaching capabili-
22 ties, including the capability of training, retraining,
23 and inservice upgrading of teaching skills and the ca-
24 pability to provide professional development leading

1 to comprehensive effective instructional strategies,
2 outcomes-based curriculum and parenting practices;

3 “(6) the eligible telecommunications partnership
4 will—

5 “(A) provide a comprehensive range of
6 courses for educators to teach instructional strat-
7 egies for students with different skill levels;

8 “(B) provide training to participating edu-
9 cators in ways to integrate telecommunications
10 courses into existing school curriculum; and

11 “(C) provide instruction for students, teach-
12 ers, and parents;

13 “(7) the eligible telecommunications partnership
14 will serve a multistate area;

15 “(8) the eligible telecommunications partnership
16 will give priority to the provision of equipment and
17 linkages to isolated areas;

18 “(9) a telecommunications entity (such as a sat-
19 ellite, cable, telephone, computer, or public or private
20 television stations) will participate in the partnership
21 and will donate equipment or in kind services for
22 telecommunications linkages; and

23 “(10) the eligible telecommunications partner-
24 ship will, in providing services with assistance under
25 this part, meet the needs of groups of individuals tra-

1 ditionally excluded from careers in mathematics and
2 science because of discrimination, inaccessibility, or
3 economically disadvantaged backgrounds.

4 “(d) *GEOGRAPHIC DISTRIBUTION.*—In approving ap-
5 plications under this section, the Secretary shall assure an
6 equitable geographic distribution of grants under this part.

7 **“SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.**

8 “(a) *RESERVATION.*—From the amount appropriated
9 pursuant to the authority of section 3203(c)(1) in each fis-
10 cal year, the Secretary may reserve not more than 5 percent
11 of such amount for national leadership, evaluation, and
12 peer review activities.

13 “(b) *METHOD OF FUNDING.*—The Secretary may fund
14 the activities described in subsection (a) directly or through
15 grants, contracts, and cooperative agreements.

16 “(c) *USES OF FUNDS.*—

17 “(1) *LEADERSHIP.*—Funds reserved for leader-
18 ship activities under subsection (a) may be used for—

19 “(A) disseminating information, including
20 lists and descriptions of services available from
21 recipients; and

22 “(B) other activities designed to enhance the
23 quality of distance learning activities nation-
24 wide.

1 “(2) *EVALUATION.*—Funds reserved for evalua-
2 tion activities under subsection (a) may be used to
3 conduct independent evaluations of the activities as-
4 sisted under this part and of distance learning in
5 general, including—

6 “(A) analyses of distance learning efforts,
7 including such efforts that are assisted under
8 this part and such efforts that are not assisted
9 under this part; and

10 “(B) comparisons of the effects, including
11 student outcomes, of different technologies in dis-
12 tance learning efforts.

13 “(3) *PEER REVIEW.*—Funds reserved for peer re-
14 view activities under subsection (a) may be used for
15 peer review of—

16 “(A) applications for grants under this
17 part; and

18 “(B) activities assisted under this part.

19 **“SEC. 3207. ADMINISTRATIVE PROVISIONS.**

20 “(a) *CONTINUING ELIGIBILITY.*—

21 “(1) *IN GENERAL.*—In order to be eligible to re-
22 ceive a grant under section 3203 for a second 5-year
23 grant period an eligible telecommunications partner-
24 ship shall demonstrate in the application submitted
25 pursuant to section 3205 that such partnership will—

1 “(A) continue to provide services in the sub-
2 ject areas and geographic areas assisted with
3 funds received under this part for the previous 5-
4 year grant period; and

5 “(B) use all grant funds received under this
6 part for the second 5-year grant period to pro-
7 vide expanded services by—

8 “(i) increasing the number of students,
9 schools or school districts served by the
10 courses of instruction assisted under this
11 part in the previous fiscal year;

12 “(ii) providing new courses of instruc-
13 tion; and

14 “(iii) serving new populations of un-
15 derserved individuals, such as children or
16 adults who are disadvantaged, have limited-
17 English proficiency, are disabled, are illit-
18 erate, or lack secondary school diplomas or
19 their recognized equivalent.

20 “(2) SPECIAL RULES.—Grant funds received
21 pursuant to the application of paragraph (1) shall be
22 used to supplement and not supplant services pro-
23 vided by the recipient under this part in the previous
24 fiscal year.

1 “(b) *FEDERAL ACTIVITIES.*—*The Secretary may assist*
2 *grant recipients under section 3203 in acquiring satellite*
3 *time, where appropriate, as economically as possible.*

4 **“SEC. 3208. OTHER ASSISTANCE.**

5 “(a) *SPECIAL STATEWIDE NETWORK.*—

6 “(1) *IN GENERAL.*—*The Secretary, through the*
7 *Office of Educational Technology, may provide assist-*
8 *ance to a statewide telecommunications network*
9 *under this subsection if such network—*

10 “(A) *provides 2-way full motion interactive*
11 *video and audio communications;*

12 “(B) *links together public colleges and uni-*
13 *versities and secondary schools throughout the*
14 *State; and*

15 “(C) *meets any other requirements deter-*
16 *mined appropriate by the Secretary.*

17 “(2) *STATE CONTRIBUTION.*—*A statewide tele-*
18 *communications network assisted under paragraph*
19 *(1) shall contribute, either directly or through private*
20 *contributions, non-Federal funds equal to not less*
21 *than 50 percent of the cost of such network.*

22 “(b) *SPECIAL LOCAL NETWORK.*—

23 “(1) *IN GENERAL.*—*The Secretary may provide*
24 *assistance, on a competitive basis, to a local edu-*
25 *cational agency or consortium thereof to enable such*

1 *agency or consortium to establish a high technology*
2 *demonstration program.*

3 “(2) *PROGRAM REQUIREMENTS.*—A high tech-
4 *nology demonstration program assisted under para-*
5 *graph (1) shall—*

6 “(A) *include 2-way full motion interactive*
7 *video, audio and text communications;*

8 “(B) *link together elementary and second-*
9 *ary schools, colleges, and universities;*

10 “(C) *provide parent participation and fam-*
11 *ily programs;*

12 “(D) *include a staff development program;*
13 *and*

14 “(E) *have a significant contribution and*
15 *participation from business and industry.*

16 “(3) *SPECIAL RULE.*—Each high technology dem-
17 *onstration program assisted under paragraph (1)*
18 *shall be of sufficient size and scope to have an effect*
19 *on meeting the National Education Goals.*

20 “(4) *MATCHING REQUIREMENT.*—A local edu-
21 *cational agency or consortium receiving a grant*
22 *under paragraph (1) shall provide, either directly or*
23 *through private contributions, non-Federal matching*
24 *funds equal to not less than 50 percent of the amount*
25 *of the grant.*

1 “(c) *TELECOMMUNICATIONS PROGRAMS FOR CONTINU-*
2 *ING EDUCATION.*—

3 “(1) *AUTHORITY.*—*The Secretary is authorized*
4 *to award grants, on a competitive basis, to eligible*
5 *telecommunications partnerships to enable such part-*
6 *nerships to develop and operate one or more programs*
7 *which provide on-line access to educational resources*
8 *in support of continuing education and curriculum*
9 *requirements relevant to achieving a secondary school*
10 *diploma or its equivalent. The program authorized by*
11 *this section shall be designed to advance adult lit-*
12 *eracy, secondary school completion and the acquisi-*
13 *tion of specified competency by the end of the 12th*
14 *grade, as envisioned by the Goals 2000: Educate*
15 *America Act.*

16 “(2) *APPLICATION.*—*Each eligible telecommuni-*
17 *cations partnership desiring a grant under this sec-*
18 *tion shall submit an application to the Secretary.*
19 *Each such application shall—*

20 “(A) *demonstrate that the applicant will*
21 *use publicly funded or free public telecommuni-*
22 *cations infrastructure to deliver video, voice and*
23 *data in an integrated service to support and as-*
24 *sist in the acquisition of a secondary school di-*
25 *ploma or its equivalent;*

1 “(B) assure that the content of the materials
2 to be delivered is consistent with the accredita-
3 tion requirements of the State for which such
4 materials are used;

5 “(C) incorporate, to the extent feasible, ma-
6 terials developed in the Federal departments and
7 agencies and under appropriate federally funded
8 projects and programs;

9 “(D) assure that the applicant has the tech-
10 nological and substantive experience to carry out
11 the program; and

12 “(E) contain such additional assurances as
13 the Secretary may reasonably require.

14 **“SEC. 3209. DEFINITIONS.**

15 “As used in this part—

16 “(1) the term ‘educational institution’ means an
17 institution of higher education, a local educational
18 agency, or a State educational agency;

19 “(2) the term ‘instructional programming’
20 means courses of instruction, training courses, and
21 resources used in such instruction and training,
22 which have been prepared in audio and visual form
23 on tape, disc, film, live, and presented by means of
24 telecommunications devices;

1 “(3) the term ‘public broadcasting entity’ has the
2 same meaning given that term by section 397 of the
3 Communications Act of 1934; and

4 “(4) the term ‘State’ means each of the several
5 States, the District of Columbia, the Commonwealth
6 of Puerto Rico, Guam, American Samoa, the Virgin
7 Islands, the Republic of the Marshall Islands, the Fed-
8 erated States of Micronesia, the Republic of Palau,
9 and the Commonwealth of the Northern Mariana Is-
10 lands.

11 **“PART C—READY-TO-LEARN TELEVISION**

12 **“SEC. 3301. READY-TO-LEARN.**

13 “(a) *IN GENERAL.*—The Secretary is authorized to
14 enter into contracts, cooperative agreements, or grants with
15 entities described in section 3302(b) to develop, produce,
16 and distribute educational and instructional video pro-
17 gramming for preschool and elementary school children and
18 their parents in order to facilitate the achievement of the
19 National Education Goals.

20 “(b) *AVAILABILITY.*—In making such contracts, coop-
21 erative agreements, or grants, the Secretary shall ensure
22 that recipients make programming widely available with
23 support materials as appropriate to young children, their
24 parents, child care workers, and Head Start providers to
25 increase the effective use of such programming.

1 ***“SEC. 3302. EDUCATIONAL PROGRAMMING.***

2 “(a) *AWARDS.—The Secretary shall award contracts,*
3 *cooperative agreements, or grants to eligible entities to—*

4 “(1) *facilitate the development directly or*
5 *through contracts with producers of children and fam-*
6 *ily educational television programming, educational*
7 *programming for preschool and elementary school*
8 *children, and accompanying support materials and*
9 *services that promote the effective use of such pro-*
10 *gramming; and*

11 “(2) *contract with entities (such as public broad-*
12 *casting entities and those funded under the Star*
13 *Schools Act) in order that programs developed under*
14 *this section are disseminated and distributed to the*
15 *widest possible audience appropriate to be served by*
16 *the programming by the most appropriate distribu-*
17 *tion technologies.*

18 “(b) *ELIGIBLE ENTITIES.—To be eligible to receive a*
19 *contract, cooperative agreement, or grant under subsection*
20 *(a), an entity shall be—*

21 “(1) *a nonprofit entity (including a public tele-*
22 *communications entity) able to demonstrate a capac-*
23 *ity for the development and distribution of edu-*
24 *cational and instructional television programming of*
25 *high quality for preschool and elementary school chil-*
26 *dren; and*

1 “(2) *able to demonstrate a capacity to contract*
2 *with the producers of children’s television program-*
3 *ming for the purpose of developing educational tele-*
4 *vision programming of high quality for preschool and*
5 *elementary school children.*

6 “(c) *CULTURAL EXPERIENCES.—Programming devel-*
7 *oped under this section shall reflect the recognition of di-*
8 *verse cultural experiences and the needs and experiences of*
9 *both boys and girls in engaging and preparing young chil-*
10 *dren for schooling.*

11 **“SEC. 3303. DUTIES OF SECRETARY.**

12 *“The Secretary is authorized—*

13 “(1) *to establish and administer a Special*
14 *Projects of National Significance program to award*
15 *contracts, cooperative agreements, or grants to public*
16 *and nonprofit private entities, or local public tele-*
17 *vision stations or such public television stations that*
18 *are part of a consortium with one or more State edu-*
19 *cational agencies, local educational agencies, local*
20 *schools, institutions of higher education, or commu-*
21 *nity-based organizations of demonstrated effectiveness,*
22 *for the purpose of—*

23 “(A) *addressing the learning needs of young*
24 *children in limited-English proficient households,*
25 *and developing appropriate educational and in-*

1 *structional television programming to foster the*
2 *school readiness of such children;*

3 *“(B) developing programming and support*
4 *materials to increase family literacy skills*
5 *among parents to assist parents in teaching their*
6 *children and utilizing educational television pro-*
7 *gramming to promote school readiness; and*

8 *“(C) identifying, supporting, and enhanc-*
9 *ing the effective use and outreach of innovative*
10 *programs that promote school readiness;*

11 *“(2) to establish within the Department a clear-*
12 *inghouse to compile and provide information, refer-*
13 *als and model program materials and programming*
14 *obtained or developed under this part to parents,*
15 *child care providers, and other appropriate individ-*
16 *uals or entities to assist such individuals and entities*
17 *in accessing programs and projects under this part;*
18 *and*

19 *“(3) to develop and disseminate training mate-*
20 *rials, including—*

21 *“(A) interactive programs and programs*
22 *adaptable to distance learning technologies that*
23 *are designed to enhance knowledge of children’s*
24 *social and cognitive skill development and posi-*
25 *tive adult-child interactions; and*

1 “(B) support materials to promote the effec-
2 tive use of materials developed under paragraph
3 (2);

4 among parents, Head Start providers, in-home and
5 center based day care providers, early childhood devel-
6 opment personnel, and elementary school teachers,
7 public libraries, and after school program personnel
8 caring for preschool and elementary school children;

9 “(4) coordinate activities with the Secretary of
10 Health and Human Services in order to—

11 “(A) maximize the utilization of quality
12 educational programming by preschool and ele-
13 mentary school children, and make such pro-
14 gramming widely available to federally funded
15 programs serving such populations; and

16 “(B) provide information to recipients of
17 funds under Federal programs that have major
18 training components for early childhood develop-
19 ment, including Head Start, Even Start, and
20 State training activities funded under the Child
21 Care Development Block Grant Act of 1990 re-
22 garding the availability and utilization of mate-
23 rials developed under paragraph (3) to enhance
24 parent and child care provider skills in early
25 childhood development and education.

1 **“SEC. 3304. APPLICATIONS.**

2 *“Each eligible entity desiring a contract, cooperative*
3 *agreement, or grant under section 3301 or 3303 shall sub-*
4 *mit an application to the Secretary at such time, in such*
5 *manner, and accompanied by such information as the Sec-*
6 *retary may reasonably require.*

7 **“SEC. 3305. REPORTS AND EVALUATION.**

8 *“(a) ANNUAL REPORT TO SECRETARY.—An entity re-*
9 *ceiving funds under section 3301 shall prepare and submit*
10 *to the Secretary an annual report which contains such in-*
11 *formation as the Secretary may require. At a minimum,*
12 *the report shall describe the program activities undertaken*
13 *with funds received under this section, including—*

14 *“(1) the programming that has been developed*
15 *directly or indirectly by the entity, and the target*
16 *population of the programs developed;*

17 *“(2) the support materials that have been devel-*
18 *oped to accompany the programming, and the method*
19 *by which such materials are distributed to consumers*
20 *and users of the programming;*

21 *“(3) the means by which programming developed*
22 *under this section has been distributed, including the*
23 *distance learning technologies that have been utilized*
24 *to make programming available and the geographic*
25 *distribution achieved through such technologies; and*

1 “(4) the initiatives undertaken by the entity to
2 develop public-private partnerships to secure non-Fed-
3 eral support for the development and distribution and
4 broadcast of educational and instructional program-
5 ming.

6 “(b) *REPORT TO CONGRESS.*—The Secretary shall pre-
7 pare and submit to the relevant committees of Congress a
8 biannual report which includes—

9 “(1) a summary of the information made avail-
10 able under section 3302(a); and

11 “(2) a description of the training materials
12 made available under section 3303(3), the manner in
13 which outreach has been conducted to inform parents
14 and child care providers of the availability of such
15 materials, and the manner in which such materials
16 have been distributed in accordance with such section.

17 **“SEC. 3306. ADMINISTRATIVE COSTS.**

18 “With respect to the implementation of section 3302,
19 entities receiving a contract, cooperative agreement, or
20 grant from the Secretary may use not more than 5 percent
21 of the amounts received under such section for the normal
22 and customary expenses of administering the contract, co-
23 operative agreement, or grant.

1 **“SEC. 3307. DEFINITION.**

2 *“For the purposes of this part, the term ‘distance*
3 *learning’ means the transmission of educational or instruc-*
4 *tional programming to geographically dispersed individ-*
5 *uals and groups via telecommunications.*

6 **“SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.**

7 *“(a) IN GENERAL.—There are authorized to be appro-*
8 *priated to carry out this part, \$30,000,000 for fiscal year*
9 *1995, and such sums as may be necessary for each of the*
10 *4 succeeding fiscal years. Not less than 60 percent of the*
11 *amounts appropriated under this subsection for each fiscal*
12 *year shall be used to carry out section 3302.*

13 *“(b) SPECIAL PROJECTS.—Of the amount appro-*
14 *priated under subsection (1) for each fiscal year, at least*
15 *10 percent of such amount shall be utilized in each such*
16 *fiscal year for activities under section 3303(1)(C).*

17 **“PART D—ELEMENTARY MATHEMATICS AND**
18 **SCIENCE EQUIPMENT PROGRAM**

19 **“SEC. 3401. SHORT TITLE.**

20 *“This part may be cited as the ‘Elementary Mathe-*
21 *matics and Science Equipment Act’.*

22 **“SEC. 3402. STATEMENT OF PURPOSE.**

23 *“It is the purpose of this part to raise the quality of*
24 *instruction in mathematics and science in the Nation’s ele-*
25 *mentary schools by providing equipment and materials nec-*

1 *essary for hands-on instruction through assistance to State*
2 *and local educational agencies.*

3 ***“SEC. 3403. PROGRAM AUTHORIZED.***

4 *“The Secretary is authorized to make allotments to*
5 *State educational agencies under section 3404 to enable*
6 *such agencies to award grants to local educational agencies*
7 *for the purpose of providing equipment and materials to*
8 *elementary schools to improve mathematics and science edu-*
9 *cation in such schools.*

10 ***“SEC. 3404. ALLOTMENTS OF FUNDS.***

11 *“(a) IN GENERAL.—From the amount appropriated*
12 *under section 3410 for any fiscal year, the Secretary shall*
13 *reserve—*

14 *“(1) not more than one-half of 1 percent for al-*
15 *lotment among Guam, American Samoa, the Virgin*
16 *Islands, the Northern Mariana Islands, the Republic*
17 *of the Marshall Islands, the Federated States of Mi-*
18 *cronesia, and Palau according to their respective*
19 *needs for assistance under this part; and*

20 *“(2) one-half of 1 percent for programs for In-*
21 *dian students served by schools funded by the Sec-*
22 *retary of the Interior which are consistent with the*
23 *purposes of this part.*

24 *“(b) ALLOTMENT.—*

1 “(1) *IN GENERAL.*—The remainder of the
2 amount so appropriated (after meeting requirements
3 in subsection (a)) shall be allotted among State edu-
4 cational agencies so that—

5 “(A) one-half of such remainder shall be
6 distributed by allotting to each State educational
7 agency an amount which bears the same ratio to
8 such one-half of such remainder as the number of
9 children aged 5 to 17, inclusive, in the State
10 bears to the number of such children in all
11 States; and

12 “(B) one-half of such remainder shall be
13 distributed according to each State’s share of al-
14 locations under part A of title I.

15 “(2) *MINIMUM.*—Except as provided in para-
16 graph (3), no State educational agency shall receive
17 an allotment under this subsection for any fiscal year
18 in an amount that is—

19 “(A) less than one-half of 1 percent of the
20 amount made available under this subsection for
21 such fiscal year; or

22 “(B) less than the amount allotted to such
23 State for fiscal year 1988 under title II of the
24 Education for Economic Security Act.

1 “(3) *RATABLE REDUCTIONS.*—(A) *If the sums*
2 *made available under this part for any fiscal year are*
3 *insufficient to pay the full amounts that all State*
4 *educational agencies are eligible to receive under*
5 *paragraph (2)(B) for such year, the Secretary shall*
6 *ratably reduce the allotment to such agencies for such*
7 *year.*

8 “(B) *If additional funds become available for*
9 *making payments under paragraph (2)(B) for such*
10 *fiscal year, allotments that were reduced under sub-*
11 *paragraph (A) shall be increased on the same basis as*
12 *such allotments were reduced.*

13 “(c) *REALLOTMENT OF UNUSED FUNDS.*—*The amount*
14 *of any State educational agency’s allotment under sub-*
15 *section (b) for any fiscal year to carry out this part which*
16 *the Secretary determines will not be required for that fiscal*
17 *year to carry out this part shall be available for reallocation*
18 *from time to time, on such dates during that year as the*
19 *Secretary may determine, to other State educational agen-*
20 *cies in proportion to the original allotments to those State*
21 *educational agencies under subsection (b) for that year but*
22 *with such proportionate amount for any of those other State*
23 *educational agencies being reduced to the extent it exceeds*
24 *the sum the Secretary estimates that the State educational*
25 *agency needs and will be able to use for that year, and the*

1 *total of those reductions shall be similarly reallocated among*
 2 *the State educational agencies whose proportionate amounts*
 3 *were not so reduced. Any amounts reallocated to a State edu-*
 4 *cational agency under this subsection during a year shall*
 5 *be deemed a part of the State educational agency's allot-*
 6 *ment under subsection (b) for that year.*

7 “(d) *DEFINITION.*—For the purposes of this part the
 8 term ‘State’ means each of the 50 States, the District of
 9 Columbia, and the Commonwealth of Puerto Rico.

10 “(e) *DATA.*—The number of children aged 5 to 17, in-
 11 clusive, in the State and in all States shall be determined
 12 by the Secretary on the basis of the most recent satisfactory
 13 data available to the Secretary.

14 **“SEC. 3405. STATE APPLICATION.**

15 “(a) *APPLICATION.*—Each State educational agency
 16 desiring to receive an allotment under this part shall file
 17 an application with the Secretary which covers a period
 18 of 5 fiscal years. Such application shall be filed at such
 19 time, in such manner, and containing or accompanied by
 20 such information as the Secretary may reasonably require.

21 “(b) *CONTENTS OF APPLICATION.*—Each application
 22 described in subsection (a) shall—

23 “(1) provide assurances that—

24 “(A) the State educational agency shall use
 25 the allotment provided under this part to award

1 *grants to local educational agencies within the*
2 *State to enable such local educational agencies to*
3 *provide assistance to schools served by such agen-*
4 *cy to carry out the purpose of this part;*

5 *“(B) the State educational agency will pro-*
6 *vide such fiscal control and funds accounting as*
7 *the Secretary may require;*

8 *“(C) every public elementary school in the*
9 *State is eligible to receive assistance under this*
10 *part once over the 5-year duration of the pro-*
11 *gram assisted under this part;*

12 *“(D) funds provided under this part will*
13 *supplement, not supplant, State and local funds*
14 *made available for activities authorized under*
15 *this part;*

16 *“(E) during the 5-year period described in*
17 *the application, the State educational agency*
18 *will evaluate its standards and programs for*
19 *teacher preparation and inservice professional*
20 *development for elementary mathematics and*
21 *science;*

22 *“(F) the State educational agency will take*
23 *into account the needs for greater access to and*
24 *participation in mathematics and science by stu-*
25 *dents and teachers from historically*

1 *underrepresented groups, including females, mi-*
2 *norities, individuals with limited-English pro-*
3 *ficiency, the economically disadvantaged, and in-*
4 *dividuals with disabilities; and*

5 *“(G) that the needs of teachers and students*
6 *in areas with high concentrations of low-income*
7 *students and sparsely populated areas will be*
8 *given priority in awarding assistance under this*
9 *part;*

10 *“(2) provide, if appropriate, a description of*
11 *how funds paid under this part will be coordinated*
12 *with State and local funds and other Federal re-*
13 *sources, particularly with respect to programs for the*
14 *professional development and inservice training of el-*
15 *ementary school teachers in science and mathematics;*
16 *and*

17 *“(3) describe procedures—*

18 *“(A) for submitting applications for pro-*
19 *grams described in section 3406 for distribution*
20 *of assistance under this part within the State;*
21 *and*

22 *“(B) for approval of applications by the*
23 *State educational agency, including appropriate*
24 *procedures to assure that such agency will not*

1 *disapprove an application without notice and*
2 *opportunity for a hearing.*

3 “(c) *STATE ADMINISTRATION.—Not more than 5 per-*
4 *cent of the funds allotted to each State educational agency*
5 *under this part shall be used for the administrative costs*
6 *of such agency associated with carrying out the program*
7 *assisted under this part.*

8 **“SEC. 3406. LOCAL APPLICATION.**

9 “(a) *APPLICATION.—A local educational agency that*
10 *desires to receive a grant under this part shall submit an*
11 *application to the State educational agency. Each such ap-*
12 *plication shall contain assurances that each school served*
13 *by the local educational agency shall be eligible for assist-*
14 *ance under this part only once.*

15 “(b) *CONTENTS OF APPLICATION.—Each application*
16 *described in subsection (a) shall—*

17 “(1) *describe how the local educational agency*
18 *plans to set priorities on the use and distribution*
19 *among schools of grant funds received under this part*
20 *to meet the purpose of this part;*

21 “(2) *include assurances that the local edu-*
22 *cational agency has made every effort to match on a*
23 *dollar-for-dollar basis from private or public sources*
24 *the funds received under this part, except that no such*
25 *application shall be penalized or denied assistance*

1 under this part based on failure to provide such
2 matching funds;

3 “(3) describe, if applicable, how funds under this
4 part will be coordinated with State, local, and other
5 Federal resources, especially with respect to programs
6 for the professional development and inservice train-
7 ing of elementary school teachers in science and math-
8 ematics; and

9 “(4) describe the process which will be used to
10 determine different levels of assistance to be awarded
11 to schools with different needs.

12 “(c) *PRIORITY*.—In awarding grants under this part,
13 the State educational agency shall give priority to applica-
14 tions that—

15 “(1) assign highest priority to providing assist-
16 ance to schools which—

17 “(A) are most seriously underequipped; or

18 “(B) serve large numbers or percentages of
19 economically disadvantaged students;

20 “(2) are attentive to the needs of
21 underrepresented groups in science and mathematics;

22 “(3) demonstrate how science and mathematics
23 equipment will be part of a comprehensive plan of
24 curriculum planning or implementation and teacher

1 *training supporting hands-on laboratory activities;*
2 *and*

3 “(4) *assign priority to providing equipment and*
4 *materials for students in grades 1 through 6.*

5 **“SEC. 3407. PROGRAM REQUIREMENTS.**

6 “(a) *COORDINATION.—Each State educational agency*
7 *receiving an allotment under this part shall—*

8 “(1) *disseminate information to school districts*
9 *and schools, including private nonprofit elementary*
10 *schools, regarding the program assisted under this*
11 *part;*

12 “(2) *evaluate applications of local educational*
13 *agencies;*

14 “(3) *award grants to local educational agencies*
15 *based on the priorities described in section 3406(c);*
16 *and*

17 “(4) *evaluate local educational agencies’ end-of-*
18 *year summaries and submit such evaluation to the*
19 *Secretary.*

20 “(b) *LIMITATIONS ON USE OF FUNDS.—*

21 “(1) *IN GENERAL.—Except as provided in para-*
22 *graph (2), grant funds and matching funds under*
23 *this part only shall be used to purchase science equip-*
24 *ment, science materials, or mathematical manipula-*
25 *tive materials and shall not be used for computers,*

1 *computer peripherals, software, textbooks, or staff de-*
2 *velopment costs.*

3 “(2) *CAPITAL IMPROVEMENTS.*—Grant funds
4 *under this part may not be used for capital improve-*
5 *ments. Not more than 50 percent of any matching*
6 *funds provided by the local educational agency may*
7 *be used for capital improvements of classroom science*
8 *facilities to support the hands-on instruction that this*
9 *part is intended to support, such as the installation*
10 *of electrical outlets, plumbing, lab tables or counters,*
11 *or ventilation mechanisms.*

12 **“SEC. 3408. FEDERAL ADMINISTRATION.**

13 “(a) *TECHNICAL ASSISTANCE AND EVALUATION PRO-*
14 *CEDURES.*—The Secretary shall provide technical assist-
15 *ance and, in consultation with State and local representa-*
16 *tives of the program assisted under this part, shall develop*
17 *procedures for State and local evaluations of the programs*
18 *assisted under this part.*

19 “(b) *REPORT.*—The Secretary shall report to the Con-
20 *gress each year on the program assisted under this part in*
21 *accordance with section 10701.*

22 **“SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.**

23 “*There are authorized to be appropriated \$30,000,000*
24 *for fiscal year 1995, and such sums as may be necessary*

1 *for each of the 4 succeeding fiscal years, to carry out this*
 2 *part.*

3 ***“PART E—ELEMENTARY AND SECONDARY***

4 ***SCHOOL LIBRARY MEDIA RESOURCES PROGRAM***

5 ***“SEC. 3501. PROGRAM AUTHORIZED.***

6 *“The Secretary shall award grants or make allocations*
 7 *for the acquisition of school library media resources for the*
 8 *use of students, library media specialists, and teachers in*
 9 *elementary and secondary schools in accordance with this*
 10 *part.*

11 ***“SEC. 3502. FUNDING REQUIREMENTS.***

12 *“(a) IN GENERAL.—From the amount appropriated to*
 13 *carry out part A in each fiscal year, the Secretary shall*
 14 *make available at least 10 percent but not more than 20*
 15 *percent of such amount to make awards in accordance with*
 16 *subsection (b) to States having a plan approved under sec-*
 17 *tion 3503.*

18 *“(b) SPECIAL RULE.—*

19 *“(1) AMOUNTS BELOW \$50,000,000.—If the*
 20 *amount made available under subsection (a) for a fis-*
 21 *cal year is less than \$50,000,000, then the Secretary*
 22 *shall award grants to States, on a competitive basis,*
 23 *taking into account such factors as age and condition*
 24 *of existing school library media collections and the*
 25 *relative economic need of the students to be served.*

1 “(2) AMOUNTS EQUAL TO OR EXCEEDING
2 \$50,000,000.—If the amount made available under sub-
3 section (a) for a fiscal year equals or exceeds
4 \$50,000,000, then the Secretary shall allocate to each
5 State an amount which bears the same relationship to
6 such amount as the amount such State received under
7 title II for such year bears to the amount all States
8 received under such title for such year.

9 **“SEC. 3503. STATE PLANS.**

10 *“In order for a State to receive a grant or an alloca-*
11 *tion of funds under this part for any fiscal year, such State*
12 *shall have in effect for such fiscal year a State plan. Such*
13 *plan shall—*

14 *“(1) designate the State educational agency as*
15 *the State agency responsible for the administration of*
16 *the program assisted under this part;*

17 *“(2) set forth a program under which funds paid*
18 *to the State in accordance with section 3502 will be*
19 *expended solely for—*

20 *“(A) acquisition of school library media re-*
21 *sources, including books and foreign language re-*
22 *sources, for the use of students, school library*
23 *media specialists, and teachers in elementary*
24 *and secondary schools in the United States; and*

1 “(B) administration of the State plan, in-
2 cluding development and revision of standards,
3 relating to school library media resources, except
4 that the amount used for administration of the
5 State plan in any fiscal year shall not exceed 3
6 percent of the amount available to such State
7 under section 3502 for such fiscal year; and

8 “(3) set forth criteria to be used in allotting
9 funds for school library media resources among the
10 local educational agencies of the State, which allot-
11 ment shall take into consideration the relative need of
12 the students, school media specialists, and teachers to
13 be served.

14 **“SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDU-**
15 **CATIONAL AGENCIES.**

16 “From the funds made available under section 3502
17 to a State in each fiscal year, such State shall distribute
18 not less than 97 percent of such funds for such year to local
19 educational agencies within such State on the same basis
20 as allocations are made available to States under section
21 2122.

1 **“PART F—BUDDY SYSTEM COMPUTER**
2 **EDUCATION**

3 **“SEC. 3601. SHORT TITLE.**

4 *“This part may be cited as the ‘Buddy System Com-*
5 *puter Education Act’.*

6 **“SEC. 3602. PURPOSE.**

7 *“It is the purpose of this part to award demonstration*
8 *grants to develop and expand public-private partnership*
9 *programs which extend the learning experience, via comput-*
10 *ers, beyond the classroom environment in order to—*

11 *“(1) enhance learning by providing students*
12 *with the technological tools and guidance necessary to*
13 *develop skills critical to educational growth and suc-*
14 *cess in the workplace, including—*

15 *“(A) mastery of fundamental computer*
16 *technology and applications;*

17 *“(B) improved written and visual commu-*
18 *nication skills;*

19 *“(C) improved critical thinking and prob-*
20 *lem solving abilities; and*

21 *“(D) improved ability to work in a collabo-*
22 *rative, teamwork-driven environment;*

23 *“(2) encourage parental involvement in edu-*
24 *cation and total family use and understanding of*
25 *computers and telecommunications through at-home*
26 *applications; and*

1 “(3) *establish foundations for lifelong learning*
2 *through improvement in education skills and student*
3 *motivation and attitudes.*

4 **“SEC. 3603. GRANT AUTHORIZATION.**

5 “(a) *GRANT PROGRAM.—*

6 “(1) *IN GENERAL.—The Secretary shall conduct*
7 *a program of awarding a grant to each of 3 States*
8 *to enable such States to create a computer-based edu-*
9 *cation project for children in grades 4 through 6 in*
10 *accordance with the requirements of section 3604.*

11 “(2) *AWARD BASIS.—The Secretary shall award*
12 *grants under this part on a competitive basis.*

13 “(3) *PREFERENCE.—In awarding grants under*
14 *this part, the Secretary shall give preference to appli-*
15 *cations—*

16 “(A) *from States that have a demonstrated*
17 *ability or commitment to computer-based tech-*
18 *nology education; and*

19 “(B) *describing projects that serve school*
20 *districts which serve a large number or percent-*
21 *age of economically disadvantaged students.*

22 “(b) *SITE SELECTION AND PROJECT IMPLEMENTA-*
23 *TION.—Site selection and implementation of the computer-*
24 *based education projects assisted under this part shall take*
25 *place not later than 9 months after funds are appropriated*

1 *to carry out this part pursuant to the authority of section*
2 *3608.*

3 ***“SEC. 3604. PROGRAM REQUIREMENTS.***

4 *“Each State receiving a grant to conduct a computer-*
5 *based education project under this part shall—*

6 *“(1) provide a continuous 3-year computer-based*
7 *education project to 2 consecutive groups of 4th, 5th,*
8 *and 6th grade elementary school students during the*
9 *period commencing with each such group’s entry into*
10 *4th grade and ending the summer following each such*
11 *group’s completion of 6th grade;*

12 *“(2) ensure that each student in each of the*
13 *classes participating in the project shall participate*
14 *in the project;*

15 *“(3) conduct such project in not more than 7*
16 *public elementary schools within the State; and*

17 *“(4) ensure that each student participating in*
18 *the project shall have access to a computer—*

19 *“(A) at school during the school year; and*

20 *“(B) at home during the school year and*
21 *summer.*

22 ***“SEC. 3605. APPLICATIONS.***

23 *“(a) APPLICATION REQUIRED.—In order to receive a*
24 *grant under this part, the State educational agency shall*
25 *submit an application to the Secretary in such form and*

1 *containing such information as the Secretary may reason-*
2 *ably require. Such application shall include an assurance*
3 *from the State educational agency that the State edu-*
4 *cational agency has made every effort to match on a dollar-*
5 *for-dollar basis from private or public sources the funds re-*
6 *ceived under this part, except that no such application shall*
7 *be penalized or denied assistance under this part on the*
8 *basis of the failure to provide such matching funds.*

9 “(b) *APPLICATION PERIOD.*—States shall be eligible to
10 *submit applications for assistance under this part during*
11 *a 3-month period determined by the Secretary.*

12 **“SEC. 3606. USE OF FUNDS.**

13 “Grant funds under this part shall be used to provide
14 *hardware and software components to all sites, and train-*
15 *ing for classroom teachers as well as parents, administra-*
16 *tors and technical personnel.*

17 **“SEC. 3607. EVALUATION.**

18 “*The Secretary shall evaluate the demonstration pro-*
19 *gram assisted under this part and shall report to the Con-*
20 *gress regarding the overall effectiveness of such program.*

21 **“SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.**

22 “*There are authorized to be appropriated \$5,000,000*
23 *for fiscal year 1995, and such sums as may be necessary*
24 *for each of the 4 succeeding fiscal years, to carry out this*
25 *part.*

1 **“TITLE IV—MAGNET SCHOOLS**
2 **ASSISTANCE**

3 **“SEC. 4101. FINDINGS.**

4 *“The Congress finds that—*

5 *“(1) magnet schools are a significant part of our*
6 *Nation’s effort to achieve voluntary desegregation in*
7 *our Nation’s schools;*

8 *“(2) the use of magnet schools has increased dra-*
9 *matically since the date of enactment of the Magnet*
10 *Schools Assistance program, with approximately*
11 *1,400,000 students nationwide now attending such*
12 *schools, of which more than 60 percent of the students*
13 *are nonwhite;*

14 *“(3) magnet schools offer a wide range of distinc-*
15 *tive programs that have served as models for school*
16 *improvement efforts;*

17 *“(4) in administering the Magnet Schools Assist-*
18 *ance program, the Federal Government has learned*
19 *that—*

20 *“(A) where magnet programs are imple-*
21 *mented for only a portion of a school’s student*
22 *body, special efforts must be made to discourage*
23 *the isolation of—*

24 *“(i) magnet students from other stu-*
25 *dents in the school; and*

1 “(ii) students by racial characteristics;

2 “(B) school districts can maximize their ef-
3 fectiveness in achieving the purposes of the Mag-
4 net Schools Assistance program if such districts
5 have more flexibility in the administration of
6 such program in order to serve students attend-
7 ing a school who are not enrolled in the magnet
8 school program;

9 “(C) school districts must be creative in de-
10 signing magnet schools for students at all aca-
11 demic levels, so that school districts do not skim
12 off only the highest achieving students to attend
13 the magnet schools;

14 “(D) consistent with desegregation guide-
15 lines, school districts must seek to enable partici-
16 pation in magnet school programs by students
17 who reside in the neighborhoods where the pro-
18 grams operate; and

19 “(E) in order to ensure that magnet schools
20 are sustained after Federal funding ends, the
21 Federal Government must assist school districts
22 to improve their capacity to continue to operate
23 magnet schools at a high level of performance;

24 “(5) it is in the best interest of the Federal Gov-
25 ernment to—

1 “(A) continue the Federal Government’s
2 support of school districts implementing court-
3 ordered desegregation plans and school districts
4 seeking to foster meaningful interaction among
5 students of different racial and ethnic back-
6 grounds, beginning at the earliest stage of such
7 students’ education;

8 “(B) ensure that all students have equitable
9 access to quality education that will prepare
10 such students to function well in a culturally di-
11 verse, technologically oriented, and highly com-
12 petitive, global community; and

13 “(C) maximize the ability of school districts
14 to plan, develop, implement and continue effec-
15 tive and innovative magnet schools that contrib-
16 ute to State and local systemic reform.

17 **“SEC. 4102. STATEMENT OF PURPOSE.**

18 “The purpose of this title is to assist in the desegrega-
19 tion of school districts by providing financial assistance to
20 eligible local educational agencies for—

21 “(1) the elimination, reduction, or prevention of
22 minority group isolation in elementary and second-
23 ary schools with substantial proportions of minority
24 students;

1 “(2) the development and implementation of
2 magnet school projects that will assist local edu-
3 cational agencies in achieving systemic reforms and
4 providing all students the opportunity to meet chal-
5 lenging State content standards and challenging State
6 student performance standards;

7 “(3) the development and design of innovative
8 educational methods and practices; and

9 “(4) courses of instruction within magnet schools
10 that will substantially strengthen the knowledge of
11 academic subjects and the grasp of tangible and mar-
12 ketable vocational skills of students attending such
13 schools.

14 **“SEC. 4103. PROGRAM AUTHORIZED.**

15 “The Secretary, in accordance with this title, is au-
16 thorized to make grants to local educational agencies, and
17 consortia of such agencies where appropriate, to carry out
18 the purpose of this title for magnet schools that are—

19 “(1) part of an approved desegregation plan;
20 and

21 “(2) designed to bring students from different so-
22 cial, economic, ethnic, and racial backgrounds to-
23 gether.

1 ***“SEC. 4104. DEFINITION.***

2 *“For the purpose of this title, the term ‘magnet school’*
3 *means a public school or public education center that offers*
4 *a special curriculum capable of attracting substantial num-*
5 *bers of students of different racial backgrounds.*

6 ***“SEC. 4105. ELIGIBILITY.***

7 *“A local educational agency, or consortium of such*
8 *agencies where appropriate, is eligible to receive assistance*
9 *under this title to carry out the purposes of this title if*
10 *such agency or consortium—*

11 *“(1) is implementing a plan undertaken pursu-*
12 *ant to a final order issued by a court of the United*
13 *States, or a court of any State, or any other State*
14 *agency or official of competent jurisdiction, and that*
15 *requires the desegregation of minority-group-seg-*
16 *regated children or faculty in the elementary and sec-*
17 *ondary schools of such agency; or*

18 *“(2) without having been required to do so, has*
19 *adopted and is implementing, or will, if assistance is*
20 *made available to such local educational agency or*
21 *consortium of such agencies under this part, adopt*
22 *and implement a plan that has been approved by the*
23 *Secretary as adequate under title VI of the Civil*
24 *Rights Act of 1964 for the desegregation of minority-*
25 *group-segregated children or faculty in such schools.*

1 ***“SEC. 4106. APPLICATIONS AND REQUIREMENTS.***

2 “(a) *APPLICATIONS.*—An eligible local educational
3 agency or consortium of such agencies desiring to receive
4 assistance under this title shall submit an application to
5 the Secretary at such time, in such manner, and containing
6 such information and assurances as the Secretary may re-
7 quire.

8 “(b) *INFORMATION AND ASSURANCES.*—Each such ap-
9 plication shall include—

10 “(1) a description of—

11 “(A) *how assistance made available under*
12 *this title will be used to promote desegregation,*
13 *including how the proposed magnet school project*
14 *will increase interaction among students of dif-*
15 *ferent social, economic, ethnic, and racial back-*
16 *grounds;*

17 “(B) *the manner and extent to which the*
18 *magnet school project seeks to increase student*
19 *achievement in the instructional area or areas*
20 *offered by the school;*

21 “(C) *how an applicant will continue the*
22 *magnet school project after assistance under this*
23 *title may no longer be available, including, if*
24 *applicable, an explanation of why magnet*
25 *schools established or supported by the applicant*

1 *with funds under this title cannot be continued*
2 *without the use of funds under this part;*

3 “(D) *how funds under this title will be used*
4 *to implement services and activities that are con-*
5 *sistent with—*

6 “(i) *the State plan described in section*
7 *1111; and*

8 “(ii) *the local educational agency’s*
9 *plan described in section 1112; and*

10 “(E) *the criteria to be used in selecting stu-*
11 *dents to attend the proposed magnet school*
12 *projects; and*

13 “(2) *assurances that the applicant will—*

14 “(A) *use funds under this title for the pur-*
15 *poses specified in section 4102;*

16 “(B) *employ State certified or licensed*
17 *teachers in the courses of instruction assisted*
18 *under this title to teach or supervise others who*
19 *are teaching the subject matter of the courses of*
20 *instruction;*

21 “(C) *not engage in discrimination based on*
22 *race, religion, color, national origin, sex, or dis-*
23 *ability in—*

24 “(i) *the hiring, promotion, or assign-*
25 *ment of employees of the agency or other*

1 *personnel for whom the agency has any ad-*
2 *ministrative responsibility;*

3 “(ii) *the assignment of students to*
4 *schools, or to courses of instruction within*
5 *the school, of such agency, except to carry*
6 *out the approved plan; and*

7 “(iii) *designing or operating extra-*
8 *curricular activities for students;*

9 “(D) *carry out a high-quality education*
10 *program that will encourage greater parental de-*
11 *cisionmaking and involvement; and*

12 “(E) *give students residing in the local at-*
13 *tendance area of the proposed magnet school*
14 *projects equitable consideration for places in*
15 *those projects.*

16 “(c) *SPECIAL RULE.—No application may be ap-*
17 *proved under this section unless the Assistant Secretary of*
18 *Education for Civil Rights determines that the assurances*
19 *described in subsection (b)(2)(C) will be met.*

20 **“SEC. 4107. PRIORITY.**

21 *“In approving applications under this title, the Sec-*
22 *retary shall give priority to applicants that—*

23 *“(1) demonstrate the greatest need for assistance,*
24 *based on the expense or difficulty of effectively carry-*

1 *ing out an approved desegregation plan and the*
2 *projects for which assistance is sought;*

3 *“(2) propose to carry out new magnet school*
4 *projects, or significantly revise existing magnet school*
5 *projects, which include revisions to enable a magnet*
6 *school to implement effective educational approaches*
7 *that are consistent with the State’s and the local edu-*
8 *cational agency’s State or local improvement plans, if*
9 *any;*

10 *“(3) propose to select students to attend magnet*
11 *school projects on the basis of multiple criteria which*
12 *may include a lottery, rather than solely academic ex-*
13 *amination; and*

14 *“(4) propose to draw on comprehensive commu-*
15 *nity involvement plans.*

16 **“SEC. 4108. USE OF FUNDS.**

17 *“(a) IN GENERAL.—Grant funds made available under*
18 *this title may be used by an eligible local educational agen-*
19 *cy or consortium of such agencies—*

20 *“(1) for planning and promotional activities di-*
21 *rectly related to the development, expansion, continu-*
22 *ation, or enhancement of academic programs and*
23 *services offered at magnet schools;*

24 *“(2) for the acquisition of books, materials, and*
25 *equipment, including computers and the maintenance*

1 *and operation thereof, necessary for the conduct of*
2 *programs in magnet schools;*

3 “(3) *for the payment of, or subsidization of the*
4 *compensation of, elementary and secondary school*
5 *teachers who are certified or licensed by the State,*
6 *and instructional staff, where applicable, and who are*
7 *necessary for the conduct of programs in magnet*
8 *schools; and*

9 “(4) *with respect to a magnet school program of-*
10 *fered to less than the entire student population of a*
11 *school, for instructional activities that—*

12 “(A) *are designed to make available the spe-*
13 *cial curriculum that is offered by the magnet*
14 *school project to students who are enrolled in the*
15 *school but who are not enrolled in the magnet*
16 *school program; and*

17 “(B) *further the purposes of this title.*

18 “(b) *SPECIAL RULE.—Grant funds under this title*
19 *may be used in accordance with paragraphs (2) and (3)*
20 *of subsection (a), only if the activities described in such*
21 *paragraphs are directly related to improving the students’*
22 *reading skills or knowledge of mathematics, science, history,*
23 *geography, English, foreign languages, art, or music, or to*
24 *improving vocational skills.*

1 **“SEC. 4109. PROHIBITIONS.**

2 *“Grants under this title may not be used for transpor-*
3 *tation, or for any activity that does not augment academic*
4 *improvement.*

5 **“SEC. 4110. LIMITATION ON PAYMENTS.**

6 *“(a) DURATION OF AWARDS.—A grant under this title*
7 *shall be awarded for a period that shall not exceed four fis-*
8 *cal years.*

9 *“(b) LIMITATION ON PLANNING FUNDS.—*

10 *“(1) IN GENERAL.—A local educational agency*
11 *may expend for planning not more than 50 percent*
12 *of the funds received under this title for the first year*
13 *of the project, 25 percent of such funds for the second*
14 *such year, and 10 percent of such funds for the third*
15 *such year.*

16 *“(2) SPECIAL RULE.—A local educational agency*
17 *shall not expend funds under this title for planning*
18 *after the third year of a project assisted under this*
19 *title.*

20 *“(c) FEDERAL SHARE.—*

21 *“(1) IN GENERAL.—The Federal share of the cost*
22 *of any project assisted under this title shall not exceed*
23 *100 percent for the first and second years of the*
24 *project, 90 percent for the third such year, and 70*
25 *percent for the fourth or any subsequent such year in-*

1 cluding any year for which a grant is renewed pursu-
2 ant to a new grant competition under this title.

3 “(2) *NON-FEDERAL SHARE*.—The non-Federal
4 share of the cost of any project assisted under this
5 title may be in cash or in kind, including planned
6 equipment or services, fairly valued, and may include
7 other Federal education funds.

8 “(d) *LIMITATION ON GRANTS*.—No local educational
9 agency or consortium receiving a grant under this section
10 shall receive more than \$4,000,000 under this part in any
11 one fiscal year.

12 “(e) *AWARD REQUIREMENT*.—To the extent prac-
13 ticable, for any fiscal year, the Secretary shall award grants
14 to local educational agencies or consortia under this title
15 not later than June 30 of the applicable fiscal year.

16 **“SEC. 4111. INNOVATIVE PROGRAMS.**

17 “(a) *IN GENERAL*.—From amounts reserved under sec-
18 tion 4112(d) for each fiscal year, the Secretary shall award
19 grants to local educational agencies described in section
20 4105 to enable such agencies to conduct innovative pro-
21 grams that—

22 “(1) carry out the purpose of this part; and

23 “(2) involve strategies other than magnet schools,
24 such as neighborhood or community model schools—

1 “(A) *organized around a special emphasis,*
2 *theme or concept; and*

3 “(B) *involving extensive parent and com-*
4 *munity involvement.*

5 “(b) *APPLICABILITY.—Sections 4103, 4106, 4107, and*
6 *4108, shall not apply to grants awarded under subsection*
7 *(a).*

8 “(c) *APPLICATIONS.—Each local educational agency*
9 *desiring a grant under this section shall submit an applica-*
10 *tion to the Secretary at such time, in such manner, and*
11 *containing such information and assurances as the Sec-*
12 *retary may require.*

13 **“SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RES-**
14 **ERVATION.**

15 “(a) *AUTHORIZATION.—For the purpose of carrying*
16 *out this title, there are authorized to be appropriated*
17 *\$120,000,000 for fiscal year 1995 and such sums as may*
18 *be necessary for each of the 4 succeeding fiscal years.*

19 “(b) *AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-*
20 *CIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for*
21 *which the amount appropriated pursuant to subsection (a)*
22 *exceeds \$75,000,000, the Secretary shall give priority to*
23 *using such amounts in excess of \$75,000,000 to award*
24 *grants to local educational agencies or consortia that did*

1 *not receive a grant under this part in the preceding fiscal*
2 *year.*

3 “(c) *EVALUATIONS.*—

4 “(1) *IN GENERAL.*—*The Secretary may reserve*
5 *not more than two percent of the funds appropriated*
6 *under subsection (a) for any fiscal year to carry out*
7 *evaluations of projects assisted under this part.*

8 “(2) *CONTENTS.*—*Each evaluation described in*
9 *paragraph (1), at a minimum, shall address—*

10 “(A) *how and the extent to which magnet*
11 *school programs lead to educational quality and*
12 *improvement;*

13 “(B) *the extent to which magnet school pro-*
14 *grams enhance student access to quality edu-*
15 *cation;*

16 “(C) *the extent to which magnet school pro-*
17 *grams lead to the elimination, reduction, or pre-*
18 *vention of minority group isolation in elemen-*
19 *tary and secondary schools with substantial pro-*
20 *portions of minority students; and*

21 “(D) *the extent to which magnet school pro-*
22 *grams differ from other school programs in terms*
23 *of the organizational characteristics and resource*
24 *allocations of such magnet school programs.*

1 “(d) *INNOVATIVE PROGRAMS.*—The Secretary shall re-
2 serve not more than 5 percent of the funds appropriated
3 under subsection (a) for each fiscal year to award grants
4 under section 4111.

5 **“TITLE V—BETTER SCHOOLS**
6 **FOR AMERICA**

7 **“PART A—SAFE AND DRUG-FREE SCHOOLS AND**
8 **COMMUNITIES**

9 **“SEC. 5101. FINDINGS.**

10 *“The Congress finds as follows:*

11 *“(1) The seventh National Education Goal pro-*
12 *vides that by the year 2000, all schools in America*
13 *will be free of drugs and violence and the unauthor-*
14 *ized presence of firearms and alcohol, and offer a dis-*
15 *ciplined environment that is conducive to learning.*

16 *“(2) The widespread use of alcohol and other*
17 *drugs among the Nation’s secondary school students,*
18 *and increasingly by students in elementary schools as*
19 *well, constitutes a grave threat to the physical and*
20 *mental well-being of such students, and significantly*
21 *impedes the learning process. For example, data show*
22 *that students who drink tend to receive lower grades*
23 *and are more likely to miss school because of illness*
24 *than students who do not drink.*

1 “(3) Our Nation’s schools and communities are
2 increasingly plagued by violence and crime. Approxi-
3 mately 3,000,000 thefts and violent crimes occur in or
4 near our Nation’s schools every year, the equivalent of
5 more than 16,000 incidents per school day.

6 “(4) Violence that is linked to prejudice and in-
7 tolerance victimizes entire communities leading to
8 more violence and discrimination.

9 “(5) Violence and drug abuse have numerous
10 personal and societal roots, and character education
11 is an important component of any comprehensive
12 strategy to address the serious problems of violence
13 and drug abuse.

14 “(6) The tragic consequences of violence and the
15 illegal use of alcohol and other drugs by students are
16 felt not only by students and their families, but by
17 such students’ communities and the Nation, which
18 can ill afford to lose such students’ skills, talents, and
19 vitality.

20 “(7) Alcohol and tobacco are widely used by
21 young people. Such use can, and does, have adverse
22 consequences for young people, their families, commu-
23 nities, schools, and colleges. Drug prevention pro-
24 grams for youth that address only controlled drugs
25 send an erroneous message that alcohol and tobacco

1 *do not present significant problems, or that society is*
2 *willing to overlook their use. To be credible, messages*
3 *opposing illegal drug use by youth should address al-*
4 *cohol and tobacco as well.*

5 *“(8) Every day approximately 3,000 children*
6 *start smoking. Thirty percent of all secondary school*
7 *seniors are smokers. Half of all new smokers begin*
8 *smoking before the age of 14, 90 percent of such smok-*
9 *ers begin before the age of 21, and the average age of*
10 *the first use of smokeless tobacco is under the age of*
11 *10. Use of tobacco products has been linked to serious*
12 *health problems. Drug education and prevention pro-*
13 *grams that include tobacco have been effective in re-*
14 *ducing teenage use of tobacco.*

15 *“(9) Drug and violence prevention programs are*
16 *essential components of a comprehensive strategy to*
17 *promote school safety and to reduce the demand for*
18 *and use of drugs throughout the Nation. Schools and*
19 *local organizations in communities throughout the*
20 *Nation have a special responsibility to work together*
21 *to combat the growing epidemic of violence and illegal*
22 *drug use and should measure the success of their pro-*
23 *grams against clearly defined goals and objectives.*

24 *“(10) Students must take greater responsibility*
25 *for their own well-being, health, and safety if schools*

1 *and communities are to achieve the goals of providing*
2 *a safe, disciplined, and drug-free learning environ-*
3 *ment.*

4 ***“SEC. 5102. PURPOSE.***

5 *“The purpose of this title is to support programs to*
6 *meet the seventh National Educational Goal by preventing*
7 *violence in and around schools and by strengthening pro-*
8 *grams that prevent the illegal use of alcohol, tobacco, and*
9 *other drugs, involve parents, and are coordinated with re-*
10 *lated Federal, State, and community efforts and resources,*
11 *through the provision of Federal assistance to—*

12 *“(1) States for grants to local and intermediate*
13 *educational agencies and consortia to establish, oper-*
14 *ate, and improve local programs of school drug and*
15 *violence prevention, early intervention, rehabilitation*
16 *referral, and education in elementary and secondary*
17 *schools (including intermediate and junior high*
18 *schools);*

19 *“(2) States for grants to, and contracts with,*
20 *community-based organizations and other public and*
21 *private nonprofit agencies and organizations for pro-*
22 *grams of drug and violence prevention, early inter-*
23 *vention, rehabilitation referral, and education for*
24 *school dropouts and other high-risk youth;*

1 “(3) States for development, training, technical
2 assistance, and coordination activities;

3 “(4) institutions of higher education to establish,
4 operate, expand, and improve programs of school
5 drug and violence prevention, education, and reha-
6 bilitation referral for students enrolled in colleges and
7 universities; and

8 “(5) public and private nonprofit organizations
9 to conduct training, demonstrations, research, and
10 evaluation, and to provide supplementary services for
11 the prevention of drug use and violence among stu-
12 dents and youth.

13 **“SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

14 “*There are authorized to be appropriated \$660,000,000*
15 *for fiscal year 1995, and such sums as may be necessary*
16 *for each of the 4 succeeding fiscal years, to carry out this*
17 *part, of which not more than 10 percent shall be available*
18 *in each fiscal year to carry out subpart 2.*

19 **“Subpart 1—State Grants for Drug and Violence**
20 **Prevention Programs**

21 **“SEC. 5111. RESERVATIONS AND ALLOTMENTS.**

22 “(a) *RESERVATIONS.*—*From the amount made avail-*
23 *able to carry out this subpart for each fiscal year under*
24 *section 5103, the Secretary—*

1 “(1) shall reserve 1 percent of such amount for
2 grants under this subpart to Guam, American
3 Samoa, the Virgin Islands, the Commonwealth of the
4 Northern Mariana Islands, the Republic of the Mar-
5 shall Islands, the Federated States of Micronesia, and
6 Palau, to be allotted in accordance with the Sec-
7 retary’s determination of their respective needs;

8 “(2) shall reserve 1 percent of such amount for
9 the Secretary of the Interior to carry out programs
10 under this part for Indian youth;

11 “(3) shall reserve 0.2 percent of such amount for
12 programs for Native Hawaiians under section 5119;
13 and

14 “(4) may reserve not more than \$1,000,000 for
15 the national impact evaluation required by section
16 5118(a).

17 “(b) STATE ALLOTMENTS.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary shall, for each fiscal year, al-
20 locate among the States—

21 “(A) one-half of the remainder not reserved
22 under subsection (a) according to the ratio be-
23 tween the school-aged population of each State
24 and the school-aged population of all the States;
25 and

1 “(B) *one-half of such remainder according*
2 *to the ratio between the amount each State re-*
3 *ceived under section 1122 for the preceding year*
4 *(or, for fiscal year 1995 only, sections 1005 and*
5 *1006 of this Act as such sections were in exist-*
6 *ence on the day preceding the date of enactment*
7 *of the Improving America’s Schools Act of 1994)*
8 *and the sum of such amounts received by all the*
9 *States.*

10 “(2) *MINIMUM.—For any fiscal year, no State*
11 *shall be allotted under this subsection an amount that*
12 *is less than one-half of 1 percent of the total amount*
13 *allotted to all the States under this subsection.*

14 “(3) *REALLOTMENT.—The Secretary may reallo-*
15 *te any amount of any allotment to a State if the Sec-*
16 *retary determines that the State will be unable to use*
17 *such amount within two years of such allotment.*
18 *Such reallocations may be made by the Secretary in*
19 *the same manner as allotments are made under para-*
20 *graph (1).*

21 “(4) *DEFINITIONS.—For the purpose of this sub-*
22 *section—*

23 “(A) *the term ‘State’ means each of the 50*
24 *States, the District of Columbia, and the Com-*
25 *monwealth of Puerto Rico; and*

1 “(B) the term ‘local educational agency’ in-
2 cludes intermediate school districts and consor-
3 tia.

4 **“SEC. 5112. STATE APPLICATIONS.**

5 “(a) *IN GENERAL.*—In order to receive an allotment
6 under section 5111 for any fiscal year, a State shall submit
7 to the Secretary, at such time as the Secretary may require,
8 an application that—

9 “(1) contains the results of the State’s needs as-
10 sessment for drug and violence prevention programs,
11 which shall be based on the results of on-going State
12 evaluation activities, including data on the prevalence
13 of drug use and violence by youth in schools and com-
14 munities;

15 “(2) contains assurances that the application
16 was developed in consultation and coordination with
17 appropriate State officials and others, including the
18 chief State school officer, the head of the State alcohol
19 and drug abuse agency, the heads of the State health
20 and mental health agencies, the head of the State
21 criminal justice planning agency, the head of the
22 State child welfare agency, the head of the State
23 board of education, or their designees, and representa-
24 tives of parents, students, and community-based orga-
25 nizations; and

1 “(3) contains a description of the procedures the
2 State educational agency will use to review applica-
3 tions from local educational agencies under section
4 5115.

5 “(b) *STATE EDUCATIONAL AGENCY FUNDS*.—A State’s
6 application under this section shall also contain a com-
7 prehensive plan for the use of funds under section 5113(a)
8 by the State educational agency that includes—

9 “(1) a statement of the State educational agen-
10 cy’s measurable goals and objectives for drug and vio-
11 lence prevention and a description of the procedures
12 such agency will use for assessing and publicly re-
13 porting progress toward meeting those goals and ob-
14 jectives;

15 “(2) a plan for monitoring the implementation
16 of, and providing technical assistance regarding, the
17 drug and violence prevention programs conducted by
18 local educational agencies in accordance with section
19 5116;

20 “(3) a description of how the State educational
21 agency will use funds such agency reserves under sec-
22 tion 5113(b);

23 “(4) a description of how the State educational
24 agency will coordinate such agency’s activities under
25 this subpart with the chief executive officer’s drug and

1 *violence prevention programs under this subpart and*
2 *with the prevention efforts of other State agencies;*
3 *and*

4 *“(5) an explanation of the criteria the State edu-*
5 *cational agency will use to identify which local edu-*
6 *cational agencies receive supplemental funds under*
7 *section 5113(d)(2)(A)(ii) and how the supplemental*
8 *funds will be allocated among those local educational*
9 *agencies.*

10 *“(c) GOVERNOR’S FUNDS.—A State’s application*
11 *under this section shall also contain a comprehensive plan*
12 *for the use of funds under section 5114(a) by the chief execu-*
13 *tive officer that includes—*

14 *“(1) a statement of the chief executive officer’s*
15 *measurable goals and objectives for drug and violence*
16 *prevention and a description of the procedures to be*
17 *used for assessing and publicly reporting progress to-*
18 *ward meeting those goals and objectives;*

19 *“(2) a description of how the chief executive offi-*
20 *cer will coordinate such officer’s activities under this*
21 *part with the State educational agency and other*
22 *State agencies and organizations involved with drug*
23 *and violence prevention efforts;*

24 *“(3) a description of how funds reserved under*
25 *section 5114(a) will be used so as not to duplicate the*

1 *efforts of the State educational agency and local edu-*
2 *cational agencies with regard to the provision of*
3 *school-based prevention efforts and services and how*
4 *those funds will be used to serve populations not nor-*
5 *mally served by the State educational agency, such as*
6 *school dropouts and youth in detention centers;*

7 *“(4) a description of how the chief executive offi-*
8 *cer will award funds under section 5114(a) and a*
9 *plan for monitoring the performance of, and provid-*
10 *ing technical assistance to, recipients of such funds;*
11 *and*

12 *“(5) a description of how funds will be used to*
13 *support community-wide comprehensive drug and vi-*
14 *olence prevention planning.*

15 *“(d) PEER REVIEW.—The Secretary shall use a peer*
16 *review process in reviewing State applications under this*
17 *section.*

18 *“(e) INTERIM APPLICATION.—Notwithstanding any*
19 *other provisions of this section, a State may submit for fis-*
20 *cal year 1995 a one-year interim application and plan for*
21 *the use of funds under this subpart that are consistent with*
22 *the requirements of this section and contain such informa-*
23 *tion as the Secretary may specify in regulations. The pur-*
24 *pose of such interim application and plan shall be to afford*
25 *the State the opportunity to fully develop and review such*

1 *State's application and comprehensive plan otherwise re-*
 2 *quired by this section. A State may not receive a grant*
 3 *under this subpart for a fiscal year subsequent to fiscal year*
 4 *1995 unless the Secretary has approved such State's appli-*
 5 *cation and comprehensive plan in accordance with this sub-*
 6 *part.*

7 ***"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PRO-***
 8 ***GRAMS.***

9 *"(a) USE OF FUNDS.—An amount equal to 80 percent*
 10 *of the total amount allocated to a State under section 5111*
 11 *for each fiscal year shall be used by the State educational*
 12 *agency and its local educational agencies for drug and vio-*
 13 *lence prevention activities in accordance with this section.*

14 *"(b) STATE LEVEL PROGRAMS.—*

15 *"(1) IN GENERAL.—A State educational agency*
 16 *shall use not more than 5 percent of the amount*
 17 *available under subsection (a) for activities such as—*

18 *"(A) training and technical assistance con-*
 19 *cerning drug and violence prevention for local*
 20 *and intermediate educational agencies, including*
 21 *teachers, administrators, coaches and athletic di-*
 22 *rectors, other staff, parents, students, community*
 23 *leaders, health service providers, local law en-*
 24 *forcement officials, and judicial officials;*

1 “(B) the development, identification, dis-
2 semination and evaluation of the most readily
3 available, accurate, and up-to-date curriculum
4 materials, for consideration by local educational
5 agencies;

6 “(C) making available to local educational
7 agencies cost effective programs for youth vio-
8 lence and drug abuse prevention;

9 “(D) demonstration projects in drug and vi-
10 olence prevention;

11 “(E) training, technical assistance, and
12 demonstration projects to address violence associ-
13 ated with prejudice and intolerance;

14 “(F) financial assistance to enhance re-
15 sources available for drug and violence preven-
16 tion in areas serving large numbers of economi-
17 cally disadvantaged children or sparsely popu-
18 lated areas, or to meet other special needs con-
19 sistent with the purposes of this subpart; and

20 “(G) evaluation activities required by this
21 subpart.

22 “(2) SPECIAL RULE.—A State educational agen-
23 cy may carry out activities under this subsection di-
24 rectly, or through grants or contracts.

1 “(c) *STATE ADMINISTRATION.*—A State educational
2 agency may use not more than 5 percent of the amount
3 made available under subsection (a) for the administrative
4 costs of carrying out such agency’s responsibilities under
5 this subpart.

6 “(d) *LOCAL EDUCATIONAL AGENCY PROGRAMS.*—

7 “(1) *IN GENERAL.*—A State educational agency
8 shall distribute not less than 90 percent of the amount
9 made available under subsection (a) for each fiscal
10 year to local educational agencies in accordance with
11 this subsection.

12 “(2) *DISTRIBUTION.*—(A) Of the amount distrib-
13 uted under subsection (d)(1), a State educational
14 agency shall distribute—

15 “(i) 70 percent of such amount to local edu-
16 cational agencies, based on the relative enroll-
17 ments in public and private nonprofit elemen-
18 tary and secondary schools within the bound-
19 aries of such agencies; and

20 “(ii) 30 percent of such amount to local
21 educational agencies that the State educational
22 agency determines have the greatest need for ad-
23 ditional funds to carry out drug and violence
24 prevention programs authorized by this subpart.

1 “(B)(i) A State educational agency shall distrib-
2 ute funds under subparagraph (A)(ii) to not more
3 than 10 percent of the local educational agencies in
4 the State, or five such agencies, whichever is greater.

5 “(ii) In determining which local educational
6 agencies have the greatest need for additional funds,
7 the State educational agency shall consider factors
8 such as—

9 “(I) high rates of alcohol or other drug use
10 among youth;

11 “(II) high rates of victimization of youth by
12 violence and crime;

13 “(III) high rates of arrests and convictions
14 of youth for violent or drug- or alcohol-related
15 crime;

16 “(IV) the extent of illegal gang activity;

17 “(V) high incidence of violence associated
18 with prejudice and intolerance;

19 “(VI) high rates of referrals of youths to
20 drug and alcohol abuse treatment and rehabilita-
21 tion programs;

22 “(VII) high rates of referrals of youths to ju-
23 venile court;

24 “(VIII) high rates of expulsions and suspen-
25 sions of students from schools; and

1 “(IX) *high rates of reported cases of child*
2 *abuse and domestic violence.*

3 “(e) *REALLOCATION OF FUNDS.—If a local edu-*
4 *cational agency chooses not to apply to receive the amount*
5 *allocated to such agency under subsection (d), or if such*
6 *agency’s application under section 5115 is disapproved by*
7 *the State educational agency, the State educational agency*
8 *shall reallocate such amount to one or more of the local edu-*
9 *cational agencies determined by the State educational agen-*
10 *cy under subsection (d)(2)(B) to have the greatest need for*
11 *additional funds.*

12 **“SEC. 5114. GOVERNOR’S PROGRAMS.**

13 “(a) *USE OF FUNDS.—*

14 “(1) *IN GENERAL.—An amount equal to 20 per-*
15 *cent of the total amount allocated to a State under*
16 *section 5111 for each fiscal year shall be used by the*
17 *chief executive officer of such State for drug and vio-*
18 *lence prevention programs and activities in accord-*
19 *ance with this section.*

20 “(2) *ADMINISTRATIVE COSTS.—A chief executive*
21 *officer may use not more than 5 percent of the*
22 *amount reserved under subsection (a)(1) for the ad-*
23 *ministrative costs incurred in carrying out the duties*
24 *of such officer under this section.*

25 “(b) *PROGRAMS AUTHORIZED.—*

1 “(1) *IN GENERAL.*—A chief executive officer shall
2 use funds made available under subsection (a)(1) for
3 grants to or contracts with parent groups, community
4 action and job training agencies, community-based
5 organizations, and other public entities and private
6 nonprofit organizations and consortia thereof. In
7 making such grants and contracts, a chief executive
8 officer shall give priority to programs and activities
9 described in subsection (c) for—

10 “(A) children and youth who are not nor-
11 mally served by State or local educational agen-
12 cies; or

13 “(B) populations that need special services
14 or additional resources (such as preschoolers,
15 youth in juvenile detention facilities, runaway or
16 homeless children and youth, pregnant and
17 parenting teenagers, and school dropouts).

18 “(2) *PEER REVIEW.*—Grants or contracts award-
19 ed under this subsection shall be subject to a peer re-
20 view process.

21 “(c) *AUTHORIZED ACTIVITIES.*—Grants and contracts
22 under subsection (b) shall be used for programs and activi-
23 ties such as—

24 “(1) disseminating information about drug and
25 violence prevention;

1 “(2) training parents, law enforcement officials,
2 judicial officials, social service providers, health serv-
3 ice providers and community leaders about drug and
4 violence prevention, comprehensive health education,
5 early intervention, pupil services, or rehabilitation re-
6 ferral;

7 “(3) developing and implementing comprehen-
8 sive, community-based drug and violence prevention
9 programs that link community resources with schools
10 and integrate services involving education, vocational
11 and job skills training and placement, law enforce-
12 ment, health, mental health, community service,
13 mentoring, and other appropriate services;

14 “(4) planning and implementing drug and vio-
15 lence prevention activities that coordinate the efforts
16 of State agencies with efforts of the State educational
17 agency and its local educational agencies;

18 “(5) activities to protect students traveling to
19 and from school;

20 “(6) before-and-after school recreational, instruc-
21 tional, cultural, and artistic programs that encourage
22 drug- and violence-free lifestyles;

23 “(7) professional development workshops for
24 teachers and curricula that promote the awareness of
25 and sensitivity to alternatives to violence through

1 *courses of study that include related issues of intoler-*
2 *ance and hatred in history;*

3 *“(8) developing and implementing activities to*
4 *prevent and reduce violence associated with prejudice*
5 *and intolerance;*

6 *“(9) developing and implementing strategies to*
7 *prevent illegal gang activity;*

8 *“(10) coordinating and conducting community-*
9 *wide violence and safety assessments and surveys;*

10 *“(11) age appropriate programs to prevent child*
11 *abuse;*

12 *“(12) activities such as community service and*
13 *service-learning projects; and*

14 *“(13) evaluating programs and activities as-*
15 *sisted under this section.*

16 **“SEC. 5115. LOCAL APPLICATIONS.**

17 “(a) *APPLICATION REQUIRED.—*

18 “(1) *IN GENERAL.—In order to be eligible to re-*
19 *ceive a distribution under section 5113(d) for any fis-*
20 *cal year, a local educational agency shall submit, at*
21 *such time as the State educational agency requires,*
22 *an application to the State educational agency for*
23 *approval. Such an application shall be amended, as*
24 *necessary, to reflect changes in the local educational*
25 *agency’s program.*

1 “(2) *DEVELOPMENT.*—(A) *A local educational*
2 *agency shall develop its application under subsection*
3 *(a)(1) in consultation with a local or substate re-*
4 *gional advisory council that includes, to the extent*
5 *possible, representatives of local government, business,*
6 *parents, students, teachers, pupil services personnel,*
7 *appropriate State agencies, private schools, the medi-*
8 *cal profession, law enforcement, community-based or-*
9 *ganizations, and other groups with interest and ex-*
10 *pertise in drug and violence prevention.*

11 “(B) *In addition to assisting the local edu-*
12 *cational agency to develop an application under this*
13 *section, the advisory council established or designated*
14 *under paragraph (2)(A) shall, on an ongoing basis—*

15 “(i) *disseminate information about drug*
16 *and violence prevention programs, projects, and*
17 *activities conducted within the boundaries of the*
18 *local educational agency;*

19 “(ii) *advise the local educational agency on*
20 *how best to coordinate such agency’s activities*
21 *under this subpart with other related programs,*
22 *projects, and activities and the agencies that ad-*
23 *minister such programs, projects, and activities;*
24 *and*

1 “(iii) review program evaluations and other
2 relevant material and make recommendations to
3 the local educational agency on how to improve
4 such agency’s drug and violence prevention pro-
5 grams.

6 “(b) CONTENTS OF APPLICATIONS.—An application
7 under this section shall contain—

8 “(1) a description of the current alcohol, tobacco,
9 and other drug problems as well as the violence, safe-
10 ty, prejudice, and discipline problems among students
11 who attend the schools of the applicant (including
12 private school students who participate in the appli-
13 cant’s drug and violence prevention program);

14 “(2) a detailed explanation of the local edu-
15 cational agency’s comprehensive plan for drug and vi-
16 olence prevention, which shall include a description
17 of—

18 “(A) how that plan is consistent with, and
19 promotes the goals in, the State’s application
20 under section 5112;

21 “(B) the local educational agency’s measur-
22 able goals for drug and violence prevention, and
23 a description of how such agency will assess and
24 publicly report progress toward attaining these
25 goals;

1 “(C) how the local educational agency will
2 use its distribution under this subpart;

3 “(D) how the local educational agency will
4 coordinate such agency’s programs and projects
5 with community-wide efforts to achieve such
6 agency’s goals for drug and violence prevention;
7 and

8 “(E) how the local educational agency will
9 coordinate such agency’s programs and projects
10 with other Federal, State, and local programs for
11 drug-abuse prevention, including health pro-
12 grams; and

13 “(3) such other information and assurances as
14 the State educational agency may reasonably require.

15 “(c) REVIEW OF APPLICATION.—

16 “(1) IN GENERAL.—A State educational agency
17 shall use a peer review process in reviewing local ap-
18 plications under this section.

19 “(2) CONSIDERATIONS.—(A) In determining
20 whether to approve the application of a local edu-
21 cational agency under this section, a State edu-
22 cational agency shall consider the quality of the local
23 educational agency’s comprehensive plan under sub-
24 section (b)(2) and the extent to which such plan is
25 consistent with, and supports, the State’s application

1 under section 5112 and the State's plan under section
2 1111.

3 “(B) A State educational agency may dis-
4 approve a local educational agency application under
5 this section in whole or in part and may withhold,
6 limit, or place restrictions on the use of funds distrib-
7 uted to such a local educational agency in a manner
8 the State educational agency determines will best pro-
9 mote the purposes of this part or the State's plan
10 under section 1111.

11 **“SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**
12 **GRAMS.**

13 “(a) *PROGRAM REQUIREMENTS.*—A local educational
14 agency shall use funds received under this subpart to adopt
15 and carry out a comprehensive drug and violence preven-
16 tion program which shall—

17 “(1) be designed, for all students and employees,
18 to—

19 “(A) prevent the use, possession, and dis-
20 tribution of tobacco, alcohol and illegal drugs by
21 students and to prevent the illegal use, posses-
22 sion, and distribution of such substances by em-
23 ployees;

24 “(B) prevent violence and promote school
25 safety; and

1 “(C) create a disciplined environment con-
2 ducive to learning; and

3 “(2) include activities to promote the involve-
4 ment of parents and coordination with community
5 groups and agencies, including the distribution of in-
6 formation about the local educational agency’s needs,
7 goals, and programs under this subpart.

8 “(b) AUTHORIZED ACTIVITIES.—A comprehensive
9 drug and violence prevention program carried out under
10 this subpart may include—

11 “(1) age-appropriate, developmentally based
12 drug prevention and comprehensive health education
13 programs for all students, from the preschool level
14 through grade 12, that address the legal, social, per-
15 sonal and health consequences of the use of illegal
16 drugs, promote a sense of individual responsibility,
17 and provide information about effective techniques for
18 resisting peer pressure to use illegal drugs;

19 “(2) programs of drug prevention, comprehensive
20 health education, early intervention, pupil services,
21 mentoring, or rehabilitation referral, which emphasize
22 students’ sense of individual responsibility and which
23 may include—

24 “(A) the dissemination of information about
25 drug prevention;

1 “(B) the professional development of school
2 personnel, parents, students, law enforcement of-
3 ficials, judicial officials, health service providers
4 and community leaders in prevention, education,
5 early intervention, pupil services or rehabilita-
6 tion referral; and

7 “(C) the implementation of strategies, in-
8 cluding strategies to integrate the delivery of
9 services from a variety of providers, to combat il-
10 legal alcohol, tobacco and other drug use, such
11 as—

12 “(i) family counseling;

13 “(ii) early intervention activities that
14 prevent family dysfunction, enhance school
15 performance, and boost attachment to school
16 and family; and

17 “(iii) activities, such as community
18 service and service-learning projects, that
19 are designed to increase students’ sense of
20 community;

21 “(3) age-appropriate, developmentally based vio-
22 lence prevention and education programs for all stu-
23 dents, from the preschool level through grade 12, that
24 address the legal, health, personal, and social con-
25 sequences of violent and disruptive behavior, includ-

1 *ing sexual harassment and abuse, and victimization*
2 *associated with prejudice and intolerance, and that*
3 *include activities designed to help students develop a*
4 *sense of individual responsibility and respect for the*
5 *rights of others, and to resolve conflicts without vio-*
6 *lence;*

7 *“(4) violence prevention programs for school-aged*
8 *youth, which emphasize students’ sense of individual*
9 *responsibility and may include—*

10 *“(A) the dissemination of information about*
11 *school safety and discipline;*

12 *“(B) the professional development of school*
13 *personnel, parents, students, law enforcement of-*
14 *ficials, judicial officials, and community leaders*
15 *in designing and implementing strategies to pre-*
16 *vent school violence;*

17 *“(C) the implementation of strategies, such*
18 *as conflict resolution and peer mediation, and*
19 *the use of mentoring programs, to combat school*
20 *violence and other forms of disruptive behavior,*
21 *such as sexual harassment and abuse;*

22 *“(D) the development and implementation*
23 *of character education programs that are tai-*
24 *lored by communities, parents and schools, and*
25 *based on the tenets of democracy, self discipline,*

1 *and personal and civic responsibility, and guid-*
2 *ed by the principles of community and national*
3 *laws, in order to reduce the problems of violence*
4 *and drug abuse; and*

5 *“(E) comprehensive, community-wide strat-*
6 *egies to prevent or reduce illegal gang activities;*

7 *“(5) supporting ‘safe zones of passage’ for stu-*
8 *dents between home and school through such measures*
9 *as Drug- and Weapon-Free School Zones, enhanced*
10 *law enforcement, and neighborhood patrols;*

11 *“(6) acquiring and installing metal detectors*
12 *and hiring security personnel;*

13 *“(7) reimbursing law enforcement authorities for*
14 *their personnel who participate in school violence pre-*
15 *vention activities;*

16 *“(8) professional development workshops for*
17 *teachers and other staff and curricula that promote*
18 *the awareness of and sensitivity to alternatives to vio-*
19 *lence through courses of study that include related is-*
20 *sues of intolerance and hatred in history;*

21 *“(9) the promotion of before-and-after school rec-*
22 *reational, instructional, cultural, and artistic pro-*
23 *grams in supervised community settings;*

24 *“(10) drug abuse resistance education programs,*
25 *designed to teach students to recognize and resist*

1 *pressures to use alcohol or other drugs, which may in-*
2 *clude activities such as classroom instruction by uni-*
3 *formed law enforcement officers, resistance techniques,*
4 *resistance to peer pressure and gang pressure, and*
5 *provision for parental involvement; and*

6 *“(11) the evaluation of any of the activities au-*
7 *thorized under this subsection.*

8 *“(c) LIMITATIONS.—*

9 *“(1) IN GENERAL.—Not more than 10 percent of*
10 *the funds made available to a local educational agen-*
11 *cy under this subpart may be used to carry out the*
12 *activities described in paragraphs (5), (6), and (7) of*
13 *subsection (b).*

14 *“(2) SPECIAL RULE.—A local educational agency*
15 *shall only be able to use funds received under this*
16 *subpart for activities described in paragraphs (5),*
17 *(6), and (7), of subsection (b) if funding for such ac-*
18 *tivities is not received from other Federal agencies.*

19 **“SEC. 5117. EVALUATION AND REPORTING.**

20 *“(a) NATIONAL IMPACT EVALUATION.—*

21 *“(1) BIENNIAL EVALUATION.—The Secretary, in*
22 *consultation with the Secretary of Health and*
23 *Human Services, the Director of the Office of Na-*
24 *tional Drug Control Policy, and the Attorney Gen-*
25 *eral, shall conduct an independent biennial evalua-*

1 *tion of the national impact of programs assisted*
2 *under this subpart and of other recent and new ini-*
3 *tiatives to combat violence in schools and submit a re-*
4 *port of the findings of such evaluation to the Presi-*
5 *dent and the Congress.*

6 *“(2) DATA COLLECTION.—*

7 *“(A) COLLECTION.—The Secretary shall col-*
8 *lect data to determine the frequency, seriousness,*
9 *and incidence of violence in elementary and sec-*
10 *ondary schools in the States. The Secretary shall*
11 *collect the data using, wherever appropriate,*
12 *data submitted by the States pursuant to sub-*
13 *section (b)(2)(B).*

14 *“(B) REPORT.—Not later than January 1,*
15 *1998, the Secretary shall submit to the Congress*
16 *a report on the data collected under this sub-*
17 *section, together with such recommendations as*
18 *the Secretary determines appropriate, including*
19 *estimated costs for implementing any rec-*
20 *ommendation.*

21 *“(b) STATE REPORT.—*

22 *“(1) IN GENERAL.—By October 1, 1997, and*
23 *every third year thereafter, the chief executive officer*
24 *of the State, in cooperation with the State educational*
25 *agency, shall submit to the Secretary a report—*

1 “(A) on the implementation and outcomes
2 of State programs under section 5114 and sec-
3 tion 5113(b) and local programs under section
4 5113(d), as well as an assessment of their effec-
5 tiveness; and

6 “(B) on the State’s progress toward attain-
7 ing its goals for drug and violence prevention
8 under subsections (b)(1) and (c)(1) of section
9 5112.

10 “(2) *SPECIAL RULE.*—The report required by
11 this subsection shall be—

12 “(A) in the form specified by the Secretary;

13 “(B) based on the State’s on-going evalua-
14 tion activities, and shall include data on the
15 prevalence of drug use and violence by youth in
16 schools and communities; and

17 “(C) made readily available to the public.

18 “(c) *LOCAL EDUCATIONAL AGENCY REPORT.*—Each
19 local educational agency receiving funds under this subpart
20 shall submit to the State educational agency whatever infor-
21 mation, and at whatever intervals, the State requires to
22 complete the State report required by subsection (b), includ-
23 ing information on the prevalence of drug use and violence
24 by youth in the schools and the community. Such informa-
25 tion shall be made readily available to the public.

1 **“SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.**

2 “(a) *GENERAL AUTHORITY.*—From the funds made
3 available pursuant to section 5111(a)(3) to carry out this
4 section, the Secretary shall make grants to or enter into
5 cooperative agreements or contracts with organizations pri-
6 marily serving and representing Hawaiian natives which
7 are recognized by the Governor of the State of Hawaii to
8 plan, conduct, and administer programs, or portions there-
9 of, which are authorized by and consistent with the provi-
10 sions of this title for the benefit of Hawaiian natives.

11 “(b) *DEFINITION OF ‘HAWAIIAN NATIVE’.*—For the
12 purposes of this section, the term ‘Hawaiian native’ means
13 any individual any of whose ancestors were natives, prior
14 to 1778, of the area which now comprises the State of Ha-
15 waii.

16 **“Subpart 2—National Programs**

17 **“SEC. 5121. FEDERAL ACTIVITIES.**

18 “(a) *PROGRAM AUTHORIZED.*—From funds made
19 available to carry out this subpart under section 5103, the
20 Secretary, in consultation with the Secretary of Health and
21 Human Services, the Director of the Office of National
22 Drug Control Policy, Chair of the Ounce of Prevention
23 Council, and the Attorney General, shall carry out pro-
24 grams to prevent the illegal use of drugs and violence
25 among, and promote safety and discipline for, students at
26 all educational levels, prekindergarten through postsecond-

1 ary. The Secretary shall carry out such programs directly,
2 or through grants, contracts, or cooperative agreements with
3 public and private nonprofit organizations and individ-
4 uals, or through agreements with other Federal agencies,
5 and shall coordinate such programs with other appropriate
6 Federal activities. Such programs may include—

7 “(1) the development and demonstration of inno-
8 vative strategies for training school personnel, par-
9 ents, and members of the community, including the
10 demonstration of model preservice training programs
11 for prospective school personnel;

12 “(2) demonstrations and rigorous evaluations of
13 innovative approaches to drug and violence preven-
14 tion;

15 “(3) drug and violence prevention research that
16 is coordinated with other Federal agencies and is di-
17 rected toward improving programs and activities
18 under this part;

19 “(4) program evaluations in accordance with
20 section 10701 that address issues not addressed under
21 section 5117(a);

22 “(5) direct services to schools and school systems
23 afflicted with especially severe drug and violence
24 problems;

11 “(8) developing and disseminating drug and vio-
12 lence prevention materials, including model curricula;
13 and

16 “(b) *PEER REVIEW.*—The Secretary shall use a peer
17 review process in reviewing applications for funds under
18 this section.

21 “(a) *IN GENERAL.*—From funds made available to
22 carry out this subpart under section 5103, the Secretary
23 is authorized to make grants to, or enter into contracts
24 with, institutions of higher education, or consortia of such
25 institutions, for drug and violence prevention programs

1 *under this section. Awards under this section shall support*
 2 *the development, implementation, validation, and dissemi-*
 3 *nation of model programs and strategies to promote the*
 4 *safety of students attending institutions of higher education*
 5 *by preventing violent behavior and the illegal use of alcohol*
 6 *and other drugs by such students.*

7 “(b) *APPLICATIONS.*—An institution of higher edu-
 8 cation, or consortium of such institutions, that desires to
 9 receive an award under this section shall submit an appli-
 10 cation to the Secretary at such time, in such manner, and
 11 containing such information as the Secretary may reason-
 12 ably require. The Secretary shall use a peer review process
 13 for reviewing applications for funds under this section.

14 “(c) *EQUITABLE PARTICIPATION.*—The Secretary shall
 15 make every reasonable effort to ensure the equitable partici-
 16 pation in the activities assisted under this section of private
 17 and public institutions of higher education (including com-
 18 munity and junior colleges), institutions of limited enroll-
 19 ment, and institutions in different geographic regions.

20 **“Subpart 3—General Provisions**

21 **“SEC. 5131. DEFINITIONS.**

22 “For the purposes of this part, the following terms have
 23 the following meanings:

24 “(1) The term ‘drug and violence prevention’
 25 means—

1 “(A) with respect to drugs, prevention, early
2 intervention, rehabilitation referral, or education
3 related to the illegal use of alcohol and the use
4 of controlled, illegal, addictive, or harmful sub-
5 stances, including inhalants and anabolic
6 steroids;

7 “(B) prevention, early intervention, smok-
8 ing cessation activities, or education, related to
9 the use of tobacco; and

10 “(C) with respect to violence, the promotion
11 of school safety, such that students and school
12 personnel are free from violent and disruptive
13 acts, including sexual harassment and abuse,
14 and victimization associated with prejudice and
15 intolerance, on school premises, going to and
16 from school, and at school-sponsored activities,
17 through the creation and maintenance of a school
18 environment that is free of weapons and fosters
19 individual responsibility and respect for the
20 rights of others.

21 “(2) The term ‘hate crime’ means a crime as de-
22 scribed in section 1(b) of the Hate Crime Statistics
23 Act of 1990.

24 “(3) The term ‘nonprofit’, as applied to a school,
25 agency, organization, or institution means a school,

1 agency, organization, or institution owned and oper-
2 ated by one or more nonprofit corporations or asso-
3 ciations, no part of the net earnings of which inures,
4 or may lawfully inure, to the benefit of any private
5 shareholder or individual.

6 “(4) The term ‘school-aged population’ means the
7 population aged five through 17, as determined by the
8 Secretary on the basis of the most recent satisfactory
9 data available from the Department of Commerce.

10 “(5) The term ‘school personnel’ includes teach-
11 ers, administrators, guidance counselors, social work-
12 ers, psychologists, nurses, librarians, and other sup-
13 port staff who are employed by a school or who per-
14 form services for the school on a contractual basis.

15 **“SEC. 5132. MATERIALS.**

16 “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-
17 vention programs supported under this part shall convey
18 a clear and consistent message that the illegal use of alcohol
19 and other drugs is wrong and harmful.

20 “(b) CURRICULUM.—The Secretary shall not prescribe
21 the use of specific curricula for programs supported under
22 this part, but may evaluate the effectiveness of such curric-
23 ula and other strategies in drug and violence prevention.

24 **“SEC. 5133. PROHIBITED USES OF FUNDS.**

25 “No funds under this part may be used for—

1 “(1) construction (except for minor remodeling
2 needed to accomplish the purposes of this part); and

3 “(2) medical services, except for pupil services or
4 referral to treatment for students who are victims of
5 or witnesses to crime or who use alcohol, tobacco, or
6 other drugs.

7 **“PART B—ASSISTANCE TO ADDRESS SCHOOL**
8 **DROPOUT PROBLEMS**

9 **“SEC. 5201. SHORT TITLE.**

10 *“This part may be cited as the ‘School Dropout Assist-*
11 *ance Act’.*

12 **“SEC. 5202. PURPOSE.**

13 *“The purpose of this part is to reduce the number of*
14 *children who do not complete their elementary and second-*
15 *ary education by providing grants to local educational*
16 *agencies to establish—*

17 *“(1) effective programs to identify potential stu-*
18 *dent dropouts, including pregnant and parenting*
19 *teenagers, and prevent such students from dropping*
20 *out of school;*

21 *“(2) effective programs to identify and encourage*
22 *children who have already dropped out to reenter*
23 *school and complete their elementary and secondary*
24 *education;*

1 “(3) effective early intervention programs de-
2 signed to identify at-risk students in elementary and
3 secondary schools; and

4 “(4) model systems for collecting and reporting
5 information to local school officials on the number,
6 ages, sex, race or ethnicity, and grade levels of the
7 children not completing their elementary and second-
8 ary education and the reasons why such children have
9 dropped out of school.

10 **“SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

11 “(a) ALLOTMENT TO CATEGORIES OF LOCAL EDU-
12 CATIONAL AGENCIES.—From the amount appropriated
13 under section 5208 for any fiscal year, the Secretary shall
14 first reserve not more than \$2,000,000 for the purposes of
15 evaluating programs carried out with assistance under this
16 part in accordance with section 10701. From the remaining
17 amount, the Secretary shall allot the following percentages
18 to each of the following categories of local educational agen-
19 cies:

20 “(1) Local educational agencies administering
21 schools with a total enrollment of 100,000 or more ele-
22 mentary and secondary school students shall be allot-
23 ted 25 percent of such remaining amount.

24 “(2) Local educational agencies administering
25 schools with a total enrollment of at least 20,000 but

1 *less than 100,000 elementary and secondary school*
2 *students shall be allotted 40 percent of such remain-*
3 *ing amount.*

4 *“(3) Local educational agencies administering*
5 *schools with a total enrollment of less than 20,000 ele-*
6 *mentary and secondary school students shall be allot-*
7 *ted 30 percent of such remaining amount. Grants*
8 *may be made under this paragraph to educational*
9 *service agencies and consortia of not more than 5*
10 *local educational agencies in any case in which the*
11 *total enrollment of the largest such local educational*
12 *agency is less than 20,000 elementary and secondary*
13 *students. Such agencies and consortia may also apply*
14 *in conjunction with the State educational agency. Not*
15 *less than 20 percent of funds available under this*
16 *paragraph shall be awarded to local educational*
17 *agencies administering schools with a total enrollment*
18 *of less than 2,000 elementary and secondary school*
19 *students.*

20 *“(4) Community-based organizations shall be al-*
21 *lotted 5 percent of such remaining amount. Grants*
22 *under this category shall be made after consultation*
23 *between the community-based organization and the*
24 *local educational agency that is to benefit from such*
25 *a grant.*

1 “(b) *SPECIAL CONSIDERATION.*—

2 “(1) *IN GENERAL.*—The Secretary shall give spe-
3 cial consideration to awarding funds available for
4 each category described in paragraphs (1), (2), and
5 (3) of subsection (a) to local educational agencies par-
6 ticipating in an educational partnership.

7 “(2) *EDUCATIONAL PARTNERSHIPS.*—Edu-
8 cational partnerships under this subsection shall in-
9 clude—

10 “(A) a local educational agency; and

11 “(B) a business concern or business organi-
12 zation, community-based organization, nonprofit
13 private organization, institution of higher edu-
14 cation, State educational agency, State or local
15 public agency, private industry council (estab-
16 lished under the Job Training Partnership Act),
17 museum, library, or educational television or
18 broadcasting station.

19 “(c) *AWARD OF GRANT.*—From the amount allotted for
20 any fiscal year to a category of local educational agencies
21 under subsection (a), the Secretary shall award as many
22 grants as practicable within each such category to local edu-
23 cational agencies and educational partnerships whose ap-
24 plications have been approved by the Secretary for such fis-
25 cal year under section 5204 and whose applications propose

1 *a program of sufficient size, scope, and quality to be effec-*
2 *tive. Any local educational agency, educational partner-*
3 *ship, or community-based organization that has received a*
4 *grant under this part shall be eligible for additional funds*
5 *subject to the requirements under this part. The grants shall*
6 *be made under such terms and conditions as the Secretary*
7 *shall prescribe consistent with the provisions of this part.*

8 “(d) *USE OF FUNDS WHEN NOT FULLY ALLOTTED TO*
9 *CATEGORIES UNDER SUBSECTION (a).*—

10 “(1) *IN GENERAL.*—*Whenever the Secretary de-*
11 *termines that the full amount of the sums allotted*
12 *under any category set forth under subsection (a) will*
13 *not be required for applications of the local edu-*
14 *cational agencies in the case of categories described in*
15 *paragraphs (1) through (3) of subsection (a), the Sec-*
16 *retary shall make the amount not so required avail-*
17 *able to another category under subsection (a). In car-*
18 *rying out the provisions of this subsection, the Sec-*
19 *retary shall assure that the transfer of amounts from*
20 *one category to another is made to a category in*
21 *which there is the greatest need for funds.*

22 “(2) *PEER REVIEW.*—*In order to transfer funds*
23 *under this subsection, the Secretary shall use a peer*
24 *review process to determine that such excess funds are*
25 *not needed to fund projects in particular categories*

1 *and shall prepare a list of the categories in which*
2 *funds were not fully expended and the reasons there-*
3 *for, and make such list available to local educational*
4 *agencies and educational partnerships, upon request.*
5 *The Secretary may use the peer review process to de-*
6 *termine grant recipients of funds transferred in ac-*
7 *cordance with this subsection.*

8 “(e) *FEDERAL SHARE.*—

9 “(1) *FEDERAL SHARE.*—*The Federal share of a*
10 *grant under this part may not exceed—*

11 “(A) *90 percent of the total cost of a project*
12 *for the first year for which the project receives*
13 *assistance under this part; and*

14 “(B) *75 percent of such cost in each such*
15 *succeeding fiscal year.*

16 “(2) *REMAINING COSTS.*—*The remaining cost of*
17 *a project that receives assistance under this part may*
18 *be paid from any source other than funds made avail-*
19 *able under this part, except that not more than 10*
20 *percent of the remaining cost in any fiscal year may*
21 *be provided from Federal sources other than this part.*

22 “(3) *NON-FEDERAL SHARE.*—*The share of pay-*
23 *ments from sources other than funds made available*
24 *under this part may be in cash or in kind fairly eval-*
25 *uated, including plant, equipment or services.*

1 **“SEC. 5204. APPLICATION.**

2 “(a) *APPLICATION REQUIRED.*—

3 “(1) *IN GENERAL.*—A grant under this part may
4 be made only to a local educational agency or an edu-
5 cational partnership which submits an application to
6 the Secretary containing such information as may be
7 required by the Secretary by regulation.

8 “(2) *DURATION.*—Each such application shall be
9 for a 3-year period.

10 “(b) *CONTENTS.*—Each such application shall—

11 “(1) provide documentation of—

12 “(A) the number of children who were en-
13 rolled in the schools of the applicant for the 5
14 academic years prior to the date application is
15 made who have not completed their elementary
16 or secondary education and who are classified as
17 school dropouts; and

18 “(B) the percentage that such number of
19 children is of the total school-age population in
20 the applicant’s schools;

21 “(2) include a plan for the development and im-
22 plementation of a school dropout information collec-
23 tion and reporting system for documenting the extent
24 and nature of the dropout problem, which system
25 shall collect and cross tabulate data, where feasible, by

1 *sex according to race or ethnicity and socioeconomic*
2 *status;*

3 “(3) *include a plan for coordinated activities in-*
4 *volving at least 1 secondary school and its feeder jun-*
5 *ior high or middle schools and elementary schools for*
6 *local educational agencies that have feeder systems;*

7 “(4) *when applicable, describe how programs as-*
8 *sisted under this part will be coordinated with, and*
9 *not duplicate, programs assisted under title I;*

10 “(5) *include a description of how the program*
11 *assisted under this part is consistent with the second*
12 *National Education Goal and other Federal programs*
13 *as appropriate; and*

14 “(6) *contain such other information as the Sec-*
15 *retary considers necessary to determine the nature of*
16 *the local needs, the quality of the proposed project,*
17 *and the capability of the applicant to carry out the*
18 *project.*

19 “(c) *PRIORITY.—The Secretary shall, in approving ap-*
20 *plications under this section, give priority to applications*
21 *which both show the replication of successful programs con-*
22 *ducted in other local educational agencies or the expansion*
23 *of successful programs within a local educational agency*
24 *and reflect very high numbers or very high percentages of*

1 *school dropouts in the schools of the applicant in each cat-*
2 *egory described in section 5203(a).*

3 “(d) *SPECIAL CONSIDERATION.*—*The Secretary shall*
4 *give additional special consideration to applications that*
5 *include—*

6 “(1) *provisions which emphasize early interven-*
7 *tion services designed to identify at-risk students in*
8 *elementary or early secondary schools; and*

9 “(2) *provisions for significant parental involve-*
10 *ment.*

11 “(e) *GRANTS FOR NEW GRANTEES.*—*In awarding*
12 *grants under this part the Secretary shall utilize only those*
13 *priorities and special considerations described in sub-*
14 *sections (c) and (d).*

15 **“SEC. 5205. AUTHORIZED ACTIVITIES.**

16 “*Grants under this part shall be used to carry out*
17 *plans set forth in applications approved under section 5204.*
18 *In addition, grants may be used for educational, occupa-*
19 *tional, and basic skills testing services and activities, in-*
20 *cluding, but not limited to—*

21 “(1) *the establishment of systemwide or school-*
22 *level policies, procedures, and plans for dropout pre-*
23 *vention and school reentry;*

24 “(2) *the development and implementation of ac-*
25 *tivities, including extended day or summer programs,*

1 *designed to address poor achievement, basic skills de-*
2 *ficiencies, language deficiencies, or course failures, in*
3 *order to assist students at risk of dropping out of*
4 *school and students reentering school;*

5 *“(3) the establishment or expansion of work-*
6 *study, apprentice, or internship programs;*

7 *“(4) the use of resources of the community, in-*
8 *cluding contracting with public or private entities or*
9 *community-based organizations of demonstrated per-*
10 *formance, to provide services to the grant recipient or*
11 *the target population;*

12 *“(5) the evaluation and revision of program*
13 *placement of students at risk;*

14 *“(6) the evaluation of program effectiveness of*
15 *dropout programs;*

16 *“(7) the development and implementation of pro-*
17 *grams for traditionally underserved groups of stu-*
18 *dents;*

19 *“(8) the implementation of activities which will*
20 *improve student motivation and the school learning*
21 *environment;*

22 *“(9) the provision of training for school person-*
23 *nel on strategies and techniques designed to—*

24 *“(A) identify children at risk of dropping*
25 *out;*

1 “(B) intervene in the instructional program
2 with support and remedial services;

3 “(C) develop realistic expectations for stu-
4 dent performance; and

5 “(D) improve student-staff interactions;

6 “(10) the study of the relationship between drugs
7 and dropouts and between youth gangs and dropouts,
8 and the coordination of dropout prevention and re-
9 entry programs with appropriate drug prevention
10 and community organizations for the prevention of
11 youth gangs;

12 “(11) the study of the relationship between dis-
13 abling conditions and student dropouts;

14 “(12) the study of the relationship between the
15 dropout rate for gifted and talented students com-
16 pared to the dropout rate for the general student en-
17 rollment;

18 “(13) the use of educational telecommunications
19 and broadcasting technologies and educational mate-
20 rials designed to extend, motivate, and reinforce
21 school, community, and home dropout prevention and
22 reentry activities;

23 “(14) the development and implementation of ef-
24 forts to identify and address factors in a student’s de-

1 *cision to drop out of school that are related to gender*
2 *and family roles;*

3 *“(15) the provision of other educational, occupa-*
4 *tional and testing services and activities which di-*
5 *rectly relate to the purpose of this part;*

6 *“(16) activities which offer jobs and college ad-*
7 *missions for successful completion of the program for*
8 *which assistance is sought;*

9 *“(17) summer employment programs;*

10 *“(18) occupational training programs;*

11 *“(19) career opportunity and skills counseling;*

12 *“(20) job placement services;*

13 *“(21) the development of skill employment com-*
14 *petency testing programs;*

15 *“(22) special school staff training projects; and*

16 *“(23) mentoring programs.*

17 **“SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION**
18 **ON COSTS.**

19 *“(a) DISTRIBUTION OF ASSISTANCE.—The Secretary*
20 *shall ensure that, to the extent practicable, in approving*
21 *grant applications under this part—*

22 *“(1) grants are equitably distributed on a geo-*
23 *graphic basis within each category set forth in section*
24 *5203(a);*

1 “(2) the amount of a grant to a local educational
2 agency for a fiscal year is proportionate to the extent
3 and severity of the local school dropout problem;

4 “(3) not less than 30 percent of the amount
5 available for grants in each fiscal year is used for ac-
6 tivities relating to school dropout prevention; and

7 “(4) not less than 30 percent of the amount
8 available for grants in each fiscal year is used for ac-
9 tivities relating to persuading school dropouts to re-
10 turn to school and assisting former school dropouts
11 with specialized services once school dropouts return
12 to school.

13 “(b) *ADMINISTRATIVE COSTS.*—Not more than 5 per-
14 cent of any grant made under this part may be used for
15 administrative costs.

16 **“SEC. 5207. REPORTS.**

17 “(a) *ANNUAL REPORTS.*—The Secretary shall submit
18 to the Congress a report by January 1 of each year, begin-
19 ning on January 1, 1995, which sets forth the progress of
20 the Commissioner of Education Statistics, established under
21 section 14003(b), to implement a definition and data collec-
22 tion process for school dropouts in elementary and second-
23 ary schools, including statistical information for the num-
24 ber and percentage of elementary and secondary school stu-

1 dents by race and ethnic origin who drop out of school each
2 year including dropouts—

3 “(1) throughout the Nation by rural and urban
4 location as defined by the Secretary; and

5 “(2) in each of the individual States and the
6 District of Columbia.

7 “(b) *RECOMMENDATIONS.*—The report under sub-
8 section (a) shall also contain recommendations on ways in
9 which the Federal Government, States and localities can
10 further support the implementation of an effective methodol-
11 ogy to accurately measure dropout and retention rates on
12 the national, State, and local levels.

13 **“SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated \$50,000,000
15 for fiscal year 1995, and such sums as may be necessary
16 for each of the 4 succeeding fiscal years, to carry out this
17 part.

18 **“TITLE VI—INDIAN EDUCATION**

19 **“SEC. 6001. FINDINGS.**

20 “The Congress finds that—

21 “(1) the Federal Government has a special re-
22 sponsibility to ensure that educational programs for
23 all American Indian and Alaska Native children and
24 adults—

1 “(A) are based on high-quality, internation-
2 ally competitive content standards and student
3 performance standards and build on Indian cul-
4 ture and the Indian community;

5 “(B) assist local educational agencies, In-
6 dian tribes, and other entities and individuals in
7 providing Indian students the opportunity to
8 achieve such standards; and

9 “(C) meet the special educational and cul-
10 turally related academic needs of American In-
11 dian and Alaska Native students;

12 “(2) since the date of enactment of the initial In-
13 dian Education Act in 1972, the level of involvement
14 of Indian parents in the planning, development, and
15 implementation of educational programs that affect
16 such parents and their children has increased signifi-
17 cantly, and schools should continue to foster such in-
18 volvement;

19 “(3) although the number of Indian teachers, ad-
20 ministrators, and university professors has increased
21 since 1972, teacher training programs are not recruit-
22 ing, training, or retraining a sufficient number of In-
23 dian individuals as educators to meet the needs of a
24 growing Indian student population in elementary,
25 secondary, vocational, adult, and higher education;

1 “(4) the dropout rate for Indian students is un-
2 acceptably high, for example, nine percent of Indian
3 students who were eighth graders in 1988 had already
4 dropped out of school by 1990;

5 “(5) during the period from 1980 to 1990, the
6 percentage of Indian individuals living at or below
7 the poverty level increased from 24 percent to 31 per-
8 cent, and the readiness of Indian children to learn is
9 hampered by the high incidence of poverty, unemploy-
10 ment, and health problems among Indian children
11 and their families; and

12 “(6) research related specifically to the education
13 of Indian children and adults is very limited, and
14 much of the research is of poor quality or is focused
15 on limited local or regional issues.

16 **“SEC. 6002. PURPOSE.**

17 “(a) *PURPOSE.*—It is the purpose of this title to sup-
18 port the efforts of local educational agencies, Indian tribes
19 and organizations, postsecondary institutions, and other
20 entities to meet the special educational and culturally relat-
21 ed academic needs of American Indians and Alaska Na-
22 tives, so that such students can achieve to the same challeng-
23 ing State performance standards expected of all students.

1 “(b) *PROGRAMS.*—This title carries out the purpose de-
 2 scribed in subsection (a) by authorizing programs of direct
 3 assistance for—

4 “(1) *meeting the special educational and cul-*
 5 *turally related academic needs of American Indians*
 6 *and Alaska Natives;*

7 “(2) *the education of Indian children and adults;*

8 “(3) *the training of Indian persons as educators*
 9 *and counselors, and in other professions serving In-*
 10 *dian people; and*

11 “(4) *research, evaluation, data collection, and*
 12 *technical assistance.*

13 **“PART A—FORMULA GRANTS TO LOCAL**
 14 **EDUCATIONAL AGENCIES**

15 **“SEC. 6101. PURPOSE.**

16 *“It is the purpose of this part to support local edu-*
 17 *cational agencies in their efforts to reform elementary and*
 18 *secondary school programs that serve Indian students in*
 19 *order to ensure that such programs—*

20 “(1) *are based on challenging State content*
 21 *standards and State student performance standards*
 22 *that are used for all students; and*

23 “(2) *are designed to assist Indian students meet*
 24 *those standards and assist the Nation in reaching the*
 25 *National Education Goals.*

1 ***“SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.***

2 “(a) *IN GENERAL.*—A local educational agency shall
3 be eligible for a grant under this part for any fiscal year
4 if the number of Indian children who are eligible under sec-
5 tion 6106 and were enrolled in the schools of such agency
6 and to whom the agency provided a free public education,
7 during the preceding fiscal year—

8 “(1) was at least 10; or

9 “(2) constituted not less than 25 percent of the
10 total number of individuals enrolled in the schools of
11 such agency.

12 “(b) *INDIAN TRIBES.*—If a local educational agency
13 that is eligible for a grant under this part does not apply
14 for such grant, an Indian tribe that has children who are
15 served by such local educational agency may apply for such
16 grant.

17 ***“SEC. 6103. AMOUNT OF GRANTS.***

18 “(a) *AMOUNT OF GRANT AWARDS.*—

19 “(1) *IN GENERAL.*—Except as provided in sub-
20 section (b) and paragraph (2), the Secretary shall al-
21 locate to each local educational agency with respect to
22 which the Secretary has approved an application
23 under this part an amount equal to the product of—

24 “(A) the number of Indian children who are
25 eligible under section 6106 and served by such
26 agency; and

1 “(B) the greater of—

2 “(i) the average per-pupil expenditure
3 of the State in which such agency is located;
4 or

5 “(ii) 80 percent of the average per-
6 pupil expenditure in the United States.

7 “(2) REDUCTION.—The Secretary shall reduce
8 the amount of each allocation determined under para-
9 graph (1) in accordance with subsection (e).

10 “(b) MINIMUM GRANT.—A local educational agency or
11 an Indian tribe (as authorized under section 6102(b)) that
12 is eligible for a grant under section 6102, and a school that
13 is operated or supported by the Bureau of Indian Affairs
14 that is eligible for a grant under subsection (d), that sub-
15 mits an application that is approved by the Secretary,
16 shall, subject to appropriations, receive a grant under this
17 part in an amount that is not less than \$4,000.

18 “(c) DEFINITION.—For the purpose of this section, the
19 average per-pupil expenditure of a State shall be an amount
20 equal to—

21 “(1) the sum of the aggregate current expendi-
22 tures of all the local educational agencies in the State,
23 plus any direct current expenditures by the State for
24 the operation of such agencies, without regard to the
25 sources of funds from which such local or State ex-

1 *penditures were made, during the second fiscal year*
2 *preceding the fiscal year for which the computation is*
3 *made; divided by*

4 *“(2) the aggregate number of children who were*
5 *included in average daily attendance for whom such*
6 *agencies provided free public education during such*
7 *preceding fiscal year.*

8 *“(d) SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
9 *REAU OF INDIAN AFFAIRS.—*

10 *“(1) IN GENERAL.—In addition to the grants*
11 *awarded under subsection (a), and subject to para-*
12 *graph (2), the Secretary shall allocate to the Secretary*
13 *of the Interior an amount equal to the product of—*

14 *“(A) the total number of Indian children*
15 *enrolled in schools that are operated by—*

16 *“(i) the Bureau of Indian Affairs; or*

17 *“(ii) an Indian tribe, or an organiza-*
18 *tion controlled or sanctioned by an Indian*
19 *tribal government, for the children of such*
20 *tribe under a contract with, or grant from,*
21 *the Department of the Interior under the*
22 *Indian Self-Determination Act or the Trib-*
23 *ally Controlled Schools Act of 1988 (part B*
24 *of title V of the Augustus F. Hawkins-Rob-*
25 *ert T. Stafford Elementary and Secondary*

1 *School Improvement Amendments of 1988);*

2 *and*

3 *“(B) the greater of—*

4 *“(i) the average per-pupil expenditure*
5 *of the State in which the school is located;*

6 *or*

7 *“(ii) 80 percent of the average per-*
8 *pupil expenditure in the United States.*

9 *“(2) TRANSFER.— The Secretary shall transfer*
10 *the amount determined under paragraph (1), subject*
11 *to any reduction that may be necessary under sub-*
12 *section (e), to the Secretary of the Interior in accord-*
13 *ance with, and subject to, section 10205.*

14 *“(e) Ratable Reductions.—If the sums appro-*
15 *priated for any fiscal year under section 6602(a) are insuf-*
16 *ficient to pay in full the amounts determined for local edu-*
17 *cational agencies under subsection (a)(1) and for the Sec-*
18 *retary of the Interior under subsection (d), each of those*
19 *amounts shall be ratably reduced.*

20 **“SEC. 6104. APPLICATIONS.**

21 *“(a) APPLICATION REQUIRED.—Each local edu-*
22 *cational agency that desires to receive a grant under this*
23 *part shall submit an application to the Secretary at such*
24 *time, in such manner, and containing such information as*
25 *the Secretary may reasonably require.*

1 “(b) *COMPREHENSIVE PROGRAM REQUIRED.*—Each
2 application submitted under subsection (a) shall include a
3 comprehensive program for meeting the needs of Indian
4 children served by the local educational agency, including
5 the language and cultural needs of the children, that—

6 “(1) provides programs and activities to meet the
7 culturally related academic needs of American Indian
8 and Alaska Native students;

9 “(2) explains how Federal, State, and local pro-
10 grams, especially programs under title I, will meet
11 the needs of such children;

12 “(3) demonstrates how funds made available
13 under this part will be used for activities described in
14 section 6105;

15 “(4) describes the professional development op-
16 portunities that will be provided, as needed, to ensure
17 that—

18 “(A) teachers and other school professionals
19 who are new to the Indian community are pre-
20 pared to work with Indian children; and

21 “(B) all teachers who will be involved in the
22 program assisted under this part have been
23 properly trained to carry out such program; and

24 “(5) describes how the local educational agen-
25 cy—

1 “(A) will periodically assess the progress of
2 all Indian children enrolled in the schools of the
3 local educational agency, including Indian chil-
4 dren who do not participate in programs as-
5 sisted under this part, in meeting the goals de-
6 scribed in paragraph (2);

7 “(B) will provide the results of each assess-
8 ment referred to in subparagraph (A) to—

9 “(i) the committee of parents described
10 in subsection (c)(4); and

11 “(ii) the community served by the local
12 educational agency; and

13 “(C) is responding to findings of any pre-
14 vious assessments that are similar to the assess-
15 ments described in subparagraph (A).

16 “(c) ASSURANCES.—Each application submitted
17 under subparagraph (a) shall include assurances that—

18 “(1) the local educational agency will use funds
19 received under this part only to supplement the level
20 of funds that, in the absence of the Federal funds
21 made available under this part, such agency would
22 make available for the education of Indian children,
23 and not to supplant such funds;

24 “(2) the local educational agency will submit
25 such reports to the Secretary, in such form and con-

1 *taining such information, as the Secretary may re-*
2 *quire to—*

3 *“(A) carry out the functions of the Sec-*
4 *retary under this part; and*

5 *“(B) determine the extent to which funds*
6 *provided to the local educational agency under*
7 *this part are effective in improving the edu-*
8 *cational achievement of Indian students served*
9 *by such agency;*

10 *“(3) the program for which assistance is*
11 *sought—*

12 *“(A) is based on a local assessment and*
13 *prioritization of the special educational and cul-*
14 *turally related academic needs of the American*
15 *Indian and Alaska Native students for whom the*
16 *local educational agency is providing an edu-*
17 *cation;*

18 *“(B) will use the best available talents and*
19 *resources, including individuals from the Indian*
20 *community; and*

21 *“(C) was developed by such agency in open*
22 *consultation with parents of Indian children and*
23 *teachers, and, if appropriate, Indian students*
24 *from secondary schools, including public hear-*
25 *ings held by such agency to provide the individ-*

1 *uals described in this subparagraph a full oppor-*
2 *tunity to understand the program and to offer*
3 *recommendations regarding the program; and*

4 *“(4) the local educational agency developed the*
5 *program with the participation and written approval*
6 *of a committee—*

7 *“(A) that is composed of, and selected by—*

8 *“(i) Indian parents of Indian children*
9 *in the schools of the local educational agen-*
10 *cy, and teachers; and*

11 *“(ii) if appropriate, Indian students*
12 *attending secondary schools;*

13 *“(B) the membership of which is at least*
14 *three-fourths Indian parents of Indian children;*

15 *“(C) that sets forth such policies and proce-*
16 *dures, including policies and procedures relating*
17 *to the hiring of personnel, as will ensure that the*
18 *program for which assistance is sought will be*
19 *operated and evaluated in consultation with, and*
20 *with the involvement of, parents of the children,*
21 *and representatives of the area, to be served;*

22 *“(D) with respect to an application describ-*
23 *ing a schoolwide program in accordance with*
24 *section 6105(c), has—*

25 *“(i) reviewed the program; and*

1 “(ii) determined that the program will
 2 not diminish the availability of culturally
 3 related activities for American Indians and
 4 Alaskan Native students; and

5 “(E) has adopted reasonable bylaws for the
 6 conduct of the activities of the committee and
 7 abides by such bylaws.

8 **“SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.**

9 “(a) *GENERAL REQUIREMENTS.*—Each local edu-
 10 cational agency that receives a grant under this part shall
 11 use the grant funds, in a manner consistent with the pur-
 12 pose specified in section 6101, for services and activities
 13 that—

14 “(1) are designed to carry out the comprehensive
 15 plan of the local educational agency for Indian stu-
 16 dents, and described in the application of the local
 17 educational agency submitted to the Secretary under
 18 section 6104(b);

19 “(2) are designed with special regard for the lan-
 20 guage and cultural needs of the Indian students; and

21 “(3) supplement and enrich the regular school
 22 program of such agency.

23 “(b) *PARTICULAR ACTIVITIES.*—The services and ac-
 24 tivities referred to in subsection (a) may include—

1 “(1) culturally related activities that support the
2 program described in the application submitted by
3 the local educational agency;

4 “(2) early childhood and family programs that
5 emphasize school readiness;

6 “(3) enrichment programs that focus on problem-
7 solving and cognitive skills development and directly
8 support the attainment of challenging State content
9 standards and State student performance standards;

10 “(4) integrated educational services in combina-
11 tion with other programs that meet the needs of In-
12 dian children and their families;

13 “(5) school-to-work transition activities to enable
14 Indian students to participate in programs such as
15 the programs supported by the School-to-Work Oppor-
16 tunities Act of 1994 and the Carl D. Perkins Voca-
17 tional and Applied Technology Education Act, in-
18 cluding programs for technical preparation,
19 mentoring, and apprenticeship;

20 “(6) activities to educate individuals concerning
21 substance abuse and to prevent substance abuse; and

22 “(7) the acquisition of equipment, but only if the
23 acquisition of the equipment is essential to meet the
24 purpose described in section 6101.

1 “(c) *SCHOOLWIDE PROGRAMS.*—Notwithstanding any
 2 other provision of law, a local educational agency may use
 3 funds made available to the agency under this part to sup-
 4 port a schoolwide program under section 1114 if—

5 “(1) at least 50 percent of the enrollment of the
 6 school that is the subject of the schoolwide program is
 7 comprised of Indian children;

8 “(2) the committee composed of parents estab-
 9 lished pursuant to section 6104(c)(4) approves the use
 10 of the funds for the schoolwide program; and

11 “(3) the schoolwide program is consistent with
 12 the purpose described in section 6101.

13 **“SEC. 6106. STUDENT ELIGIBILITY AND FORMS.**

14 “(a) *IN GENERAL.*—The Secretary shall require that,
 15 as part of an application for a grant under this part, each
 16 applicant shall maintain a file, with respect to each Indian
 17 child for whom the local educational agency provides a free
 18 public education, that contains a form that sets forth infor-
 19 mation establishing the status of the child as an Indian
 20 child eligible for assistance under this part and that other-
 21 wise meets the requirements of subsection (b).

22 “(b) *FORMS.*—

23 “(1) *IN GENERAL.*—The form described in sub-
 24 section (a) shall include—

25 “(A) either—

1 “(i)(I) the name of the tribe or band of
2 Indians (as defined in section 6601(4)) with
3 respect to which the child claims member-
4 ship;

5 “(II) the enrollment number establish-
6 ing the membership of the child (if readily
7 available); and

8 “(III) the name and address of the or-
9 ganization that maintains updated and ac-
10 curate membership data for such tribe or
11 band of Indians; or

12 “(ii) if the child is not a member of a
13 tribe or band of Indians, the name, the en-
14 rollment number (if readily available), and
15 the organization (and address thereof) re-
16 sponsible for maintaining updated and ac-
17 curate membership rolls of any parent or
18 grandparent of the child from whom the
19 child claims eligibility;

20 “(B) a statement of whether the tribe or
21 band of Indians with respect to which the child,
22 parent or grandparent of the child claims mem-
23 bership is federally recognized;

24 “(C) the name and address of the parent or
25 legal guardian of the child;

1 “(D) a signature of the parent or legal
2 guardian of the child that verifies the accuracy
3 of the information supplied; and

4 “(E) any other information that the Sec-
5 retary considers necessary to provide an accurate
6 program profile.

7 “(2) *MINIMUM INFORMATION.*—In order for a
8 child to be eligible to be counted for the purpose of
9 computing the amount of a grant award made under
10 section 6103, an eligibility form prepared pursuant to
11 this section for a child shall include—

12 “(A) the name of the child;

13 “(B) the name of the tribe or band of Indi-
14 ans (as defined in section 6601(4)) with respect
15 to which the child claims eligibility; and

16 “(C) the dated signature of the parent or
17 guardian of the child.

18 “(3) *FAILURE.*—The failure of an applicant to
19 furnish any information described in this subsection
20 other than the information described in paragraph
21 (2) with respect to any child shall have no bearing on
22 the determination of whether the child is an eligible
23 Indian child for the purposes of determining the
24 amount of a grant award made under section 6103.

1 “(c) *STATUTORY CONSTRUCTION.*—Nothing in this
2 subsection shall be construed to affect a definition contained
3 in section 6601.

4 “(d) *FORMS AND STANDARDS OF PROOF.*—The forms
5 and the standards of proof (including the standard of good
6 faith compliance) that were in use during the 1985–1986
7 academic year to establish the eligibility of a child for enti-
8 tlement under the Indian Elementary and Secondary
9 School Assistance Act shall be the forms and standards of
10 proof used—

11 “(1) to establish such eligibility; and

12 “(2) to meet the requirements of subsection (a).

13 “(e) *DOCUMENTATION.*—For purposes of determining
14 whether a child is eligible to be counted for the purpose of
15 computing the amount of a grant under section 6103, the
16 membership of the child, or any parent or grandparent of
17 the child, in a tribe or band of Indians may be established
18 by proof other than an enrollment number, notwithstanding
19 the availability of an enrollment number for a member of
20 such tribe, band, or group. Nothing in subsection (b) shall
21 be construed to require the furnishing of an enrollment
22 number.

23 “(f) *MONITORING AND EVALUATION REVIEW.*—

24 “(1) *IN GENERAL.*—(A) For each fiscal year, in
25 order to provide such information as is necessary to

1 *carry out the responsibility of the Secretary to pro-*
2 *vide technical assistance under this part, the Sec-*
3 *retary shall conduct a monitoring and evaluation re-*
4 *view of a sampling of the recipients of grants under*
5 *this part. The sampling conducted under this sub-*
6 *paragraph shall take into account size of the local*
7 *educational agency and the geographic location of*
8 *such agency.*

9 *“(B) Notwithstanding any other provision of*
10 *law, a local educational agency may not be held liable*
11 *to the United States or be subject to any penalty, by*
12 *reason of the findings of an audit that relates to the*
13 *date of completion, or the date of submission, of any*
14 *forms used to establish, before April 28, 1988, the eli-*
15 *gibility of a child for entitlement under the Indian*
16 *Elementary and Secondary School Assistance Act.*

17 *“(2) FALSE INFORMATION.—Any local edu-*
18 *cational agency that provides false information in an*
19 *application for a grant under this subpart shall—*

20 *“(A) be ineligible to apply for any other*
21 *grant under this part; and*

22 *“(B) be liable to the United States for any*
23 *funds provided to the local educational agency*
24 *that have not been expended.*

1 “(3) *EXCLUDED CHILDREN*.—A student who pro-
 2 vides false information for the form required under
 3 subsection (d) shall not be counted for the purpose of
 4 computing the amount of a grant under section 6103.

5 “(g) *DISTRIBUTION*.—For the purposes of the distribu-
 6 tion of funds under this part to schools that receive funding
 7 from the Bureau of Indian Affairs pursuant to—

8 “(1) section 1130 of the Education Amendments
 9 of 1978; and

10 “(2) the Act of April 16, 1934 (48 Stat. 596,
 11 chapter 147),
 12 the Secretary shall, in lieu of meeting the requirements of
 13 this section for counting Indian children, use a count of
 14 the number of students in such schools certified by the Bu-
 15 reau of Indian Affairs.

16 **“SEC. 6107. PAYMENTS.**

17 “(a) *IN GENERAL*.—Subject to subsections (b) and (c),
 18 the Secretary shall pay to each local educational agency
 19 that submits an application that is approved by the Sec-
 20 retary under this part the amount determined under section
 21 6103. The Secretary shall notify the local educational agen-
 22 cy of the amount of the payment not later than June 1
 23 of the year for which the Secretary makes the payment.

24 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
 25 *STATE*.—The Secretary may not make a grant under this

1 *part to a local educational agency for a fiscal year if, for*
2 *such fiscal year, the State in which the local educational*
3 *agency is located takes into consideration payments made*
4 *under this part (or under subpart 1 of the Indian Edu-*
5 *cation Act of 1988) in determining the eligibility of the*
6 *local educational agency for State aid, or the amount of*
7 *the State aid, with respect to the free public education of*
8 *children during such fiscal year or the preceding fiscal year.*

9 “(c) *REDUCTION OF PAYMENT FOR FAILURE TO MAIN-*
10 *TAIN FISCAL EFFORT.—*

11 “(1) *IN GENERAL.—The Secretary may not pay*
12 *a local educational agency the full amount of a grant*
13 *award determined under section 6103 for any fiscal*
14 *year unless the State educational agency notifies the*
15 *Secretary, and the Secretary determines, that with re-*
16 *spect to the provision of free public education by the*
17 *local educational agency for the preceding fiscal year,*
18 *the combined fiscal effort of the local educational*
19 *agency, computed on either a per student or aggregate*
20 *expenditure basis was not less than 90 percent of the*
21 *amount of the combined fiscal effort, computed on the*
22 *same basis, for the second preceding fiscal year.*

23 “(2) *FAILURE.—If, for any fiscal year, the Sec-*
24 *retary determines that a local educational agency*
25 *failed to maintain the fiscal effort of such agency at*

1 *the level specified in paragraph (1), the Secretary*
2 *shall—*

3 *“(A) reduce the amount of the grant that*
4 *would otherwise be made to the agency under*
5 *this part in the exact proportion of such agency’s*
6 *failure to maintain its fiscal effort at such level;*
7 *and*

8 *“(B) not use the reduced amount of the*
9 *agency’s expenditures for the preceding year to*
10 *determine compliance with paragraph (1) for*
11 *any succeeding fiscal year, but shall use the*
12 *amount of expenditures that would have been re-*
13 *quired to comply with paragraph (1).*

14 *“(3) WAIVER.—(A) The Secretary may waive the*
15 *requirement of paragraph (1), for not more than one*
16 *year at a time, if the Secretary determines that the*
17 *failure to comply with such requirement is due to ex-*
18 *ceptional or uncontrollable circumstances, such as a*
19 *natural disaster or a precipitous and unforeseen de-*
20 *cline in the agency’s financial resources.*

21 *“(B) The Secretary shall not use the reduced*
22 *amount of such agency’s expenditures for the fiscal*
23 *year preceding the fiscal year for which a waiver is*
24 *granted to determine compliance with paragraph (1)*
25 *for any succeeding fiscal year, but shall use the*

1 *amount of expenditures that would have been required*
 2 *to comply with paragraph (1) in the absence of the*
 3 *waiver.*

4 “(d) *REALLOCATIONS.*—*The Secretary may reallocate,*
 5 *in a manner that the Secretary determines will best carry*
 6 *out the purpose of this part, any amounts that—*

7 “(1) *based on estimates made by local edu-*
 8 *cational agencies or other information, the Secretary*
 9 *determines will not be needed by such agencies to*
 10 *carry out approved programs under this part; or*

11 “(2) *otherwise become available for reallocation*
 12 *under this part.*

13 **“PART B—SPECIAL PROGRAMS AND PROJECTS**
 14 **TO IMPROVE EDUCATIONAL OPPORTUNITIES**
 15 **FOR INDIAN CHILDREN**

16 **“SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
 17 **TIES FOR INDIAN CHILDREN.**

18 “(a) *PURPOSE.*—

19 “(1) *IN GENERAL.*—*It is the purpose of this sec-*
 20 *tion to support projects to develop, test, and dem-*
 21 *onstrate the effectiveness of services and programs to*
 22 *improve educational opportunities and achievement of*
 23 *Indian children.*

1 “(2) *COORDINATION.*—*The Secretary shall take*
2 *such actions as are necessary to achieve the coordina-*
3 *tion of activities assisted under this part with—*

4 “(A) *other programs funded under this Act;*
5 *and*

6 “(B) *other Federal programs operated for*
7 *the benefit of American Indian and Alaska Na-*
8 *tive children.*

9 “(b) *ELIGIBLE ENTITIES.*—*For the purpose of this sec-*
10 *tion, the term ‘eligible entity’ means a State educational*
11 *agency, local educational agency, Indian tribe, Indian or-*
12 *ganization, federally supported elementary and secondary*
13 *school for Indian students, Indian institution, including an*
14 *Indian institutions of higher education, or a consortium of*
15 *such institutions.*

16 “(c) *GRANTS AUTHORIZED.*—

17 “(1) *IN GENERAL.*—*The Secretary shall award*
18 *grants to eligible entities to enable such entities to*
19 *carry out activities that meet the purpose specified in*
20 *subsection (a)(1), including—*

21 “(A) *innovative programs related to the*
22 *educational needs of educationally deprived chil-*
23 *dren;*

24 “(B) *educational services that are not avail-*
25 *able to such children in sufficient quantity or*

1 *quality, including remedial instruction, to raise*
2 *the achievement of Indian children in one or*
3 *more of the core academic subjects as such sub-*
4 *jects are described in the third National Edu-*
5 *cation Goal described in section 102(3) of the*
6 *Goals 2000: Educate America Act;*

7 *“(C) bilingual and bicultural programs and*
8 *projects;*

9 *“(D) special health and nutrition services,*
10 *and other related activities, that address the spe-*
11 *cial health, social, and psychological problems of*
12 *Indian children;*

13 *“(E) special compensatory and other pro-*
14 *grams and projects designed to assist and en-*
15 *courage Indian children to enter, remain in, or*
16 *reenter school, and to increase the rate of second-*
17 *ary school graduation;*

18 *“(F) comprehensive guidance, counseling,*
19 *and testing services;*

20 *“(G) early childhood and kindergarten pro-*
21 *grams, including family-based preschool pro-*
22 *grams that emphasize school readiness and pa-*
23 *rental skills, and the provision of services to In-*
24 *Indian children with disabilities;*

1 “(H) partnership projects between local edu-
2 cational agencies and institutions of higher edu-
3 cation that allow secondary school students to
4 enroll in courses at the postsecondary level to aid
5 such students in the transition from secondary
6 school to postsecondary education;

7 “(I) partnership projects between schools
8 and local businesses for school-to-work transition
9 programs designed to provide Indian youth with
10 the knowledge and skills the youth need to make
11 an effective transition from school to a first job
12 in a high-skill, high-wage career;

13 “(J) programs designed to encourage and
14 assist Indian students to work toward, and gain
15 entrance into, an institution of higher education;
16 and

17 “(K) other services that meet the purpose
18 described in subsection (a)(1).

19 “(2) *PRESERVICE OR INSERVICE TRAINING.*—
20 Preservice or inservice training of professional and
21 paraprofessional personnel may be a part of any pro-
22 gram assisted under this section.

23 “(d) *GRANT REQUIREMENTS AND APPLICATIONS.*—

24 “(1) *GRANT REQUIREMENTS.*—(A) The Secretary
25 may make multiyear grants under this section for the

1 *planning, development, pilot operation, or demonstra-*
2 *tion of any activity described in subsection (c) for a*
3 *period not to exceed 5 years.*

4 *“(B) In making multiyear grants under this sec-*
5 *tion, the Secretary shall give priority to applications*
6 *that present a plan for combining two or more of the*
7 *activities described in subsection (c) over a period of*
8 *more than 1 year.*

9 *“(C) The Secretary shall make a grant payment*
10 *to an eligible entity after the initial year of the*
11 *multiyear grant only if the Secretary determines that*
12 *the eligible entity has made substantial progress in*
13 *carrying out the activities assisted under the grant in*
14 *accordance with the application submitted under*
15 *paragraph (2) and any subsequent modifications to*
16 *such application.*

17 *“(D)(i) In addition to awarding the multiyear*
18 *grants described in subparagraph (A), the Secretary*
19 *may award grants to eligible entities for the dissemi-*
20 *nation of exemplary materials or programs assisted*
21 *under this section.*

22 *“(ii) The Secretary may award a dissemination*
23 *grant under this subparagraph if, prior to awarding*
24 *the grant, the Secretary determines that the material*

1 or program to be disseminated has been adequately
2 reviewed and has a demonstrated—

3 “(I) educational merit; and

4 “(II) the ability to be replicated.

5 “(2) APPLICATION.—(A) Any eligible entity that
6 desires to receive a grant under this subsection shall
7 submit an application to the Secretary at such time
8 and in such manner as the Secretary may require.

9 “(B) Each application submitted to the Sec-
10 retary under subparagraph (A) shall contain—

11 “(i) a description of how parents of Indian
12 children and representatives of Indian tribes
13 have been, and will be, involved in developing
14 and implementing the activities for which assist-
15 ance is sought;

16 “(ii) assurances that the applicant will par-
17 ticipate, at the request of the Secretary, in any
18 national evaluation of activities assisted under
19 this section; and

20 “(iii) such other assurances and informa-
21 tion as the Secretary may reasonably require.

22 **“SEC. 6202. PROFESSIONAL DEVELOPMENT.**

23 “(a) PURPOSES.—The purposes of this section are—

24 “(1) to increase the number of qualified Indian
25 individuals in professions that serve Indian people;

1 “(2) to provide training to qualified Indian in-
2 dividuals to enable such individuals to become teach-
3 ers, administrators, teacher aides, social workers, and
4 ancillary educational personnel; and

5 “(3) to improve the skills of qualified Indian in-
6 dividuals who serve in the capacities described in
7 paragraph (2).

8 “(b) *ELIGIBLE ENTITIES*.—For the purpose of this sec-
9 tion, the term ‘eligible entity’ means—

10 “(1) an institution of higher education, includ-
11 ing an Indian institution of higher education;

12 “(2) a State or local educational agency, in con-
13 sortium with an institutions of higher education; and

14 “(3) an Indian tribe or organization, in consor-
15 tium with an institution of higher education.

16 “(c) *PROGRAM AUTHORIZED*.—The Secretary is au-
17 thorized to award grants to eligible entities having applica-
18 tions approved under this section to enable such entities to
19 carry out the activities described in subsection (d).

20 “(d) *AUTHORIZED ACTIVITIES*.—

21 “(1) *IN GENERAL*.—Grant funds under this sec-
22 tion shall be used to provide support and training for
23 Indian individuals in a manner consistent with the
24 purposes of this section. Such activities may include

1 continuing programs, symposia, workshops, con-
2 ferences, and direct financial support.

3 “(2) *SPECIAL RULES.*—(A) For education per-
4 sonnel, the training received pursuant to a grant
5 under this section may be inservice or preservice
6 training.

7 “(B) For individuals who are being trained to
8 enter any field other than education, the training re-
9 ceived pursuant to a grant under this section shall be
10 in a program that results in a graduate degree.

11 “(e) *APPLICATION.*—

12 “(1) *IN GENERAL.*—Each eligible entity desiring
13 a grant under this section shall submit an applica-
14 tion to the Secretary at such time, in such manner
15 and accompanied by such information, as the Sec-
16 retary may reasonably require.

17 “(2) *PREFERENCE.*—In awarding grants under
18 this section, the Secretary shall give preference to ap-
19 plications describing programs that train Indian in-
20 dividuals.

21 “(f) *SPECIAL RULE.*—In making grants under this
22 section, the Secretary—

23 “(1) shall consider the prior performance of the
24 eligible entity; and

1 “(2) may not limit eligibility to receive a grant
2 under this section on the basis of—

3 “(A) the number of previous grants the Sec-
4 retary has awarded such entity; or

5 “(B) the length of any period during which
6 such entity received such grants.

7 “(g) GRANT PERIOD.—Each grant under this section
8 shall be awarded for a program of not more than 5 years.

9 “(h) SERVICE OBLIGATION.—

10 “(1) IN GENERAL.—The Secretary shall require,
11 by regulation, that an individual who receives train-
12 ing pursuant to a grant made under this section—

13 “(A) perform work—

14 “(i) related to the training received
15 under this section; and

16 “(ii) that benefits Indian people; or

17 “(B) repay all or a prorated part of the as-
18 sistance received.

19 “(2) REPORTING.—The Secretary shall establish,
20 by regulation, a reporting procedure under which a
21 grant recipient under this section shall, not later than
22 12 months after the date of completion of the train-
23 ing, and periodically thereafter, provide information
24 concerning the compliance of such recipient with the
25 work requirement under paragraph (1).

1 ***“SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.***

2 *“(a) FELLOWSHIPS.—*

3 *“(1) AUTHORITY.—The Secretary is authorized*
4 *to award fellowships to Indian students to enable such*
5 *students to study in graduate and professional pro-*
6 *grams at institutions of higher education.*

7 *“(2) REQUIREMENTS.—The fellowships described*
8 *in paragraph (1) shall be awarded to Indian students*
9 *to enable such students to pursue a course of study—*

10 *“(A) of not more than 4 academic years;*
11 *and*

12 *“(B) that leads—*

13 *“(i) toward a postbaccalaureate degree*
14 *in medicine, clinical psychology, psychol-*
15 *ogy, law, education, and related fields; or*

16 *“(ii) to an undergraduate or graduate*
17 *degree in engineering, business administra-*
18 *tion, natural resources, and related fields.*

19 *“(b) STIPENDS.—The Secretary shall pay to Indian*
20 *students awarded fellowships under subsection (a) such sti-*
21 *pends (including allowances for subsistence of such students*
22 *and dependents of such students) as the Secretary deter-*
23 *mines to be consistent with prevailing practices under com-*
24 *parable federally supported programs.*

25 *“(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-*
26 *TION.—The Secretary shall pay to the institution of higher*

1 *education at which the holder of a fellowship is pursuing*
2 *a course of study, such amount as the Secretary determines*
3 *to be necessary to cover the cost of education provided the*
4 *fellowship recipient.*

5 “(d) *SPECIAL RULES.*—

6 “(1) *IN GENERAL.*—If a fellowship awarded
7 under subsection (a) is vacated prior to the end of the
8 period for which the fellowship is awarded, the Sec-
9 retary may award an additional fellowship for the
10 unexpired portion of the period of the fellowship.

11 “(2) *WRITTEN NOTICE.*—Not later than 45 days
12 before the commencement of an academic term, the
13 Secretary shall provide to each individual who is
14 awarded a fellowship under subsection (a) for such
15 academic term written notice of—

16 “(A) *the amount of the fellowship; and*

17 “(B) *any stipends or other payments that*
18 *will be made under this section to, or for the ben-*
19 *efit of, the individual for the academic term.*

20 “(3) *PRIORITY.*—In awarding fellowships under
21 subsection (a), the Secretary shall give priority to
22 awarding not more than 10 percent of such fellow-
23 ships to Indian students who are receiving training
24 in guidance counseling with a specialty in the area

1 *of alcohol and substance abuse counseling and edu-*
2 *cation.*

3 “(e) *SERVICE OBLIGATION.*—

4 “(1) *IN GENERAL.*—*The Secretary shall require,*
5 *by regulation, that an individual who receives finan-*
6 *cial assistance under this section—*

7 “(A) *perform work—*

8 “(i) *related to the training for which*
9 *the individual receives assistance under this*
10 *section; and*

11 “(ii) *that benefits Indian people; or*

12 “(B) *repay all or a prorated portion of such*
13 *assistance.*

14 “(2) *REPORTING PROCEDURE.*—*The Secretary*
15 *shall establish, by regulation, a reporting procedure*
16 *under which the recipient of training assistance*
17 *under this section, not later than 12 months after the*
18 *date of completion of the training and periodically*
19 *thereafter, shall provide information concerning the*
20 *compliance of such recipient with the work require-*
21 *ment under paragraph (1).*

22 “(f) *ADMINISTRATION OF FELLOWSHIPS.*—*The Sec-*
23 *retary may administer the fellowships authorized under*
24 *this section through a grant to, or contract or cooperative*
25 *agreement with, an Indian organization with demonstrated*

1 *qualifications to administer all facets of the program as-*
2 *sisted under this section.*

3 ***“SEC. 6204. GIFTED AND TALENTED.***

4 *“(a) PROGRAM AUTHORIZED.—The Secretary is au-*
5 *thorized to—*

6 *“(1) establish two centers for gifted and talented*
7 *Indian students at tribally controlled community col-*
8 *leges in accordance with this section; and*

9 *“(2) support demonstration projects described in*
10 *subsection (c).*

11 *“(b) ELIGIBLE ENTITIES.—The Secretary shall make*
12 *grants to, or enter into contracts, for the activities described*
13 *in subsection (a), with—*

14 *“(1) two tribally controlled community colleges*
15 *that—*

16 *“(A) are eligible for funding under the Trib-*
17 *ally Controlled Community College Assistance*
18 *Act of 1978; and*

19 *“(B) are accredited by a State or regional*
20 *accrediting agency or organization; or*

21 *“(2) if the Secretary does not receive applica-*
22 *tions that the Secretary determines to be approvable*
23 *from two colleges that meet the requirements of para-*
24 *graph (1), the American Indian Higher Education*
25 *Consortium.*

1 “(c) *USE OF FUNDS.*—

2 “(1) *IN GENERAL.*—The grants made, or con-
3 tracts entered into, by the Secretary under subsection
4 (a) shall be used for—

5 “(A) the establishment of centers described
6 in subsection (a); and

7 “(B) carrying out demonstration projects
8 designed to—

9 “(i) address the special needs of Indian
10 students in elementary and secondary
11 schools who are gifted and talented; and

12 “(ii) provide such support services to
13 the families of the students described in
14 clause (i) as are needed to enable such stu-
15 dents to benefit from the projects.

16 “(2) *SUBCONTRACTS.*—Each recipient of a grant
17 or contract under subsection (a) may enter into a
18 contract with any other entity, including the Chil-
19 dren’s Television Workshop, to carry out the dem-
20 onstration project under this subsection.

21 “(3) *DEMONSTRATION PROJECTS.*—Demonstra-
22 tion projects assisted under subsection (a) may in-
23 clude—

24 “(A) the identification of the special needs
25 of gifted and talented Indian students, particu-

1 *larly at the elementary school level, giving atten-*
2 *tion to—*

3 *“(i) the emotional and psychosocial*
4 *needs of such students; and*

5 *“(ii) providing such support services to*
6 *the families of such students as are needed*
7 *to enable such students to benefit from the*
8 *project;*

9 *“(B) the conduct of educational,*
10 *psychosocial, and developmental activities that*
11 *the Secretary determines holds a reasonable*
12 *promise of resulting in substantial progress to-*
13 *ward meeting the educational needs of such gift-*
14 *ed and talented children, including—*

15 *“(i) demonstrating and exploring the*
16 *use of Indian languages and exposure to In-*
17 *dian cultural traditions; and*

18 *“(ii) mentoring and apprenticeship*
19 *programs;*

20 *“(C) the provision of technical assistance*
21 *and the coordination of activities at schools that*
22 *receive grants under subsection (d) with respect*
23 *to the activities assisted under such grants, the*
24 *evaluation of programs assisted under such*
25 *grants, or the dissemination of such evaluations;*

1 “(D) the use of public television in meeting
2 the special educational needs of such gifted and
3 talented children;

4 “(E) leadership programs designed to rep-
5 licate programs for such children throughout the
6 United States, including disseminating informa-
7 tion derived from the demonstration projects con-
8 ducted under subsection (a); and

9 “(F) appropriate research, evaluation, and
10 related activities pertaining to the needs of such
11 children and to the provision of such support
12 services to the families of such children that are
13 needed to enable such children to benefit from the
14 project.

15 “(4) APPLICATION.—Each entity desiring a
16 grant under subsection (a) shall submit an applica-
17 tion to the Secretary at such time and in such man-
18 ner as the Secretary may prescribe.

19 “(d) ADDITIONAL GRANTS.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Secretary of the Interior, shall award
22 5 grants to schools funded by the Bureau of Indian
23 Affairs (hereafter in this section referred to as ‘Bu-
24 reau schools’) for program research and development

1 *and the development and dissemination of curriculum*
2 *and teacher training material, regarding—*

3 “(A) *gifted and talented students;*

4 “(B) *college preparatory studies (including*
5 *programs for Indian students with an interest in*
6 *pursuing teaching careers);*

7 “(C) *students with special culturally related*
8 *academic needs, including students with social,*
9 *lingual, and cultural needs; or*

10 “(D) *mathematics and science education.*

11 “(2) *APPLICATIONS.—Each Bureau school desir-*
12 *ing a grant under this subsection shall submit an ap-*
13 *plication to the Secretary in such form and at such*
14 *time as the Secretary may prescribe.*

15 “(3) *SPECIAL RULE.—Each application de-*
16 *scribed in paragraph (2) shall be developed, and each*
17 *grant under this subsection shall be administered,*
18 *jointly by the supervisor of the Bureau school and the*
19 *local educational agency serving such school.*

20 “(4) *REQUIREMENTS.—In awarding grants*
21 *under paragraph (1), the Secretary shall achieve a*
22 *mixture of the programs described in paragraph (1)*
23 *that ensures that Indian students at all grade levels*
24 *and in all geographic areas of the United States are*

1 *able to participate in a program assisted under this*
2 *subsection.*

3 “(5) *GRANT PERIOD.*—*Subject to the availability*
4 *of appropriations, grants under paragraph (1) shall*
5 *be awarded for a 3-year period and may be renewed*
6 *by the Secretary for additional 3-year periods if the*
7 *Secretary determines that the performance of the*
8 *grant recipient has been satisfactory.*

9 “(6) *DISSEMINATION.*—*The dissemination of any*
10 *materials developed from activities assisted under*
11 *paragraph (1) shall be carried out in cooperation*
12 *with entities that receive funds pursuant to subsection*
13 *(b).*

14 “(7) *EVALUATION COSTS.*—(A) *The costs of eval-*
15 *uating any activities assisted under paragraph (1)*
16 *shall be divided between the Bureau schools conduct-*
17 *ing such activities and the recipients of grants or con-*
18 *tracts under subsection (b) who conduct demonstra-*
19 *tion projects under such subsection.*

20 “(B) *If no funds are provided under subsection*
21 *(b) for—*

22 “(i) *the evaluation of activities assisted*
23 *under paragraph (1);*

24 “(ii) *technical assistance and coordination*
25 *with respect to such activities; or*

1 “(iii) the dissemination of the evaluations
2 referred to in clause (i),
3 then the Secretary shall make such grants, or enter
4 into such contracts, as are necessary to provide for the
5 evaluations, technical assistance, and coordination of
6 such activities, and the dissemination of the evalua-
7 tions.

8 “(e) *INFORMATION NETWORK.*—The Secretary shall
9 encourage each recipient of a grant or contract under this
10 section to work cooperatively as part of a national network
11 to ensure that the information developed by the grant or
12 contract recipient is readily available to the entire edu-
13 cational community of the United States.

14 **“SEC. 6205. GRANTS FOR EVALUATION AND TECHNICAL AS-**
15 **SISTANCE.**

16 “(a) *IN GENERAL.*—The Secretary may award grants
17 to, and enter into contracts with, public agencies, State edu-
18 cational agencies in States in which more than 5,000 In-
19 dian children are enrolled in public elementary and second-
20 ary schools, Indian tribes, Indian institutions, Indian orga-
21 nizations, and private institutions and organizations, to es-
22 tablish, on a regional basis, information centers that
23 shall—

1 “(1) evaluate programs that receive assistance
2 under this title and evaluate other Indian education
3 programs in order to—

4 “(A) determine the effectiveness of the pro-
5 grams in meeting the special educational and
6 culturally related academic needs of Indian chil-
7 dren and adults; and

8 “(B) conduct research to determine the
9 needs described in subparagraph (A);

10 “(2) provide technical assistance in the form of
11 materials and personnel resources, upon request, to
12 local educational agencies and Indian tribes, Indian
13 organizations, Indian institutions, and committees
14 described in section 6104(c)(4) in evaluating and car-
15 rying out activities assisted under this title; and

16 “(3) disseminate information, upon request, to
17 the entities described in paragraph (1) concerning all
18 Federal education programs that affect the education
19 of Indian children and adults, including information
20 concerning successful models and programs designed
21 to meet the special educational needs of Indian chil-
22 dren.

23 “(b) *PERIOD OF GRANT OR CONTRACT.*—Each grant
24 or contract under this section may be for a period of not
25 more than 3 years, and may be renewed for an additional

1 3-year period if the Secretary annually reviews the per-
2 formance of the grant recipient and determines that satis-
3 factory progress has been made.

4 “(c) *USE OF FUNDS.*—The Secretary may award
5 grants and enter into contracts with Indian tribes, institu-
6 tions, and organizations, and public agencies and institu-
7 tions for—

8 “(1) the dissemination, on a national basis, of
9 information concerning education programs, services,
10 and resources available to Indian children and adults,
11 including evaluations of such programs, services, and
12 resources; and

13 “(2) the evaluation of the effectiveness of feder-
14 ally assisted programs in which Indian children and
15 adults may participate in achieving the purposes of
16 such programs relating to Indian children and adults.

17 “(d) *STATE AGENCY GRANTS AND CONTRACTS.*—The
18 Secretary shall award not more than 15 percent of the funds
19 appropriated under subsection (g) for each fiscal year to
20 State educational agencies.

21 “(e) *APPLICATION.*—

22 “(1) *IN GENERAL.*—Each entity desiring assist-
23 ance under this section shall submit an application to
24 the Secretary at such time, in such manner, and ac-

1 *accompanied by such information as the Secretary may*
2 *reasonably require.*

3 “(2) *PRIORITY.*—*In approving applications*
4 *under this section, the Secretary shall give priority to*
5 *Indian educational agencies, organizations, and insti-*
6 *tutions.*

7 “(3) *APPROVAL.*—*The Secretary may approve an*
8 *application under this section, only if the Secretary*
9 *determines that the funds made available under this*
10 *section will be used to supplement the level of funds*
11 *from State, local, and other Federal sources that*
12 *would, in the absence of Federal funds provided under*
13 *this section, be made available by the State or local*
14 *educational agency for the activities described in this*
15 *section, and in no case will be used to supplant such*
16 *funds.*

17 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
18 *authorized to be appropriated to the Department of Edu-*
19 *cation \$8,000,000 for each of the fiscal years 1995 through*
20 *1999 to carry out this section.*

21 **“SEC. 6206. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
22 **TRATIVE PLANNING AND DEVELOPMENT.**

23 “(a) *IN GENERAL.*—*The Secretary may make grants*
24 *to Indian tribes, and tribal organizations approved by In-*

1 *dian tribes, to plan and develop a centralized tribal admin-*
2 *istrative entity to—*

3 “(1) *coordinate all education programs operated*
4 *by the tribe or within the territorial jurisdiction of*
5 *the tribe;*

6 “(2) *develop education codes for schools within*
7 *the territorial jurisdiction of the tribe;*

8 “(3) *provide support services and technical as-*
9 *sistance to schools serving children of the tribe; and*

10 “(4) *perform child-find screening services for the*
11 *preschool-aged children of the tribe to—*

12 “(A) *ensure placement in appropriate edu-*
13 *cational facilities; and*

14 “(B) *coordinate the provision of any needed*
15 *special services for conditions such as disabilities*
16 *and English language skill deficiencies.*

17 “(b) *PERIOD OF GRANT.—Each grant under this sec-*
18 *tion may be awarded for a period of not more than 3 years,*
19 *except that such grant may be renewed upon the termi-*
20 *nation of the initial period of the grant if the grant recipi-*
21 *ent demonstrates to the satisfaction of the Secretary that*
22 *renewing the grant for an additional 3-year period is nec-*
23 *essary to carry out the objectives of the grant described in*
24 *subsection (c)(2)(A).*

25 “(c) *APPLICATION FOR GRANT.—*

1 “(1) *IN GENERAL.*—Each Indian tribe and tribal
2 organization desiring a grant under this section shall
3 submit an application to the Secretary at such time,
4 in such manner, containing such information, and
5 consistent with such criteria, as the Secretary may
6 prescribe in regulations.

7 “(2) *CONTENTS.*—Each application described in
8 paragraph (1) shall contain—

9 “(A) a statement describing the activities to
10 be conducted, and the objectives to be achieved,
11 under the grant; and

12 “(B) a description of the method to be used
13 for evaluating the effectiveness of the activities
14 for which assistance is sought and determining
15 whether such objectives are achieved.

16 “(3) *APPROVAL.*—The Secretary may approve an
17 application submitted by a tribe or tribal organiza-
18 tion pursuant to this section only if the Secretary is
19 satisfied that such application, including any docu-
20 mentation submitted with the application—

21 “(A) demonstrates that the applicant has
22 consulted with other education entities, if any,
23 within the territorial jurisdiction of the appli-
24 cant who will be affected by the activities to be
25 conducted under the grant;

1 “(B) provides for consultation with such
2 other education entities in the operation and
3 evaluation of the activities conducted under the
4 grant; and

5 “(C) demonstrates that there will be ade-
6 quate resources provided under this section or
7 from other sources to complete the activities for
8 which assistance is sought, except that the avail-
9 ability of such other resources shall not be a
10 basis for disapproval of such application.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Department of
13 Education \$3,000,000 for each of the fiscal years 1995
14 through 1999 to carry out this section.

15 **“PART C—SPECIAL PROGRAMS RELATING TO**
16 **ADULT EDUCATION FOR INDIANS**

17 **“SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
18 **TIES FOR ADULT INDIANS.**

19 “(a) IN GENERAL.—The Secretary shall award grants
20 to State and local educational agencies, and to Indian
21 tribes, institutions, and organizations—

22 “(1) to support planning, pilot, and demonstra-
23 tion projects that are designed to test and demonstrate
24 the effectiveness of programs for improving employ-

1 *ment and educational opportunities for adult Indi-*
2 *ans;*

3 *“(2) to assist in the establishment and operation*
4 *of programs that are designed to stimulate—*

5 *“(A) basic literacy opportunities for all*
6 *nonliterate Indian adults; and*

7 *“(B) the provision of opportunities to all*
8 *Indian adults to qualify for a secondary school*
9 *diploma, or its recognized equivalent, in the*
10 *shortest period of time feasible;*

11 *“(3) to support a major research and develop-*
12 *ment program to develop more innovative and effec-*
13 *tive techniques for achieving literacy and secondary*
14 *school equivalency for Indians;*

15 *“(4) to provide for basic surveys and evaluations*
16 *to define accurately the extent of the problems of illit-*
17 *eracy and lack of secondary school completion among*
18 *Indians; and*

19 *“(5) to encourage the dissemination of informa-*
20 *tion and materials relating to, and the evaluation of,*
21 *the effectiveness of education programs that may offer*
22 *educational opportunities to Indian adults.*

23 *“(b) EDUCATIONAL SERVICES.—The Secretary may*
24 *make grants to Indian tribes, institutions, and organiza-*
25 *tions to develop and establish educational services and pro-*

1 *grams specifically designed to improve educational oppor-*
2 *tunities for Indian adults.*

3 “(c) *INFORMATION AND EVALUATION.*—*The Secretary*
4 *may make grants to, and enter into contracts with, public*
5 *agencies and institutions and Indian tribes, institutions,*
6 *and organizations, for—*

7 “(1) *the dissemination of information concerning*
8 *educational programs, services, and resources avail-*
9 *able to Indian adults, including evaluations of the*
10 *programs, services, and resources; and*

11 “(2) *the evaluation of federally assisted programs*
12 *in which Indian adults may participate to determine*
13 *the effectiveness of the programs in achieving the pur-*
14 *poses of the programs with respect to Indian adults.*

15 “(d) *APPLICATIONS.*—

16 “(1) *IN GENERAL.*—*Each entity desiring a grant*
17 *under this section shall submit to the Secretary an*
18 *application at such time, in such manner, containing*
19 *such information, and consistent with such criteria,*
20 *as the Secretary may prescribe in regulations.*

21 “(2) *CONTENTS.*—*Each application described in*
22 *paragraph (1) shall contain—*

23 “(A) *a statement describing the activities to*
24 *be conducted, and the objectives to be achieved,*
25 *under the grant; and*

1 “(B) a description of the method to be used
2 for evaluating the effectiveness of the activities
3 for which assistance is sought and determining
4 whether the objectives of the grant are achieved.

5 “(3) *APPROVAL.*—The Secretary shall not ap-
6 prove an application described in paragraph (1) un-
7 less the Secretary determines that such application,
8 including any documentation submitted with the ap-
9 plication, indicates—

10 “(A) there has been adequate participation,
11 by the individuals to be served and appropriate
12 tribal communities, in the planning and develop-
13 ment of the activities to be assisted; and

14 “(B) the individuals and tribal commu-
15 nities referred to in subparagraph (A) will par-
16 ticipate in the operation and evaluation of the
17 activities to be assisted.

18 “(4) *PRIORITY.*—In approving applications
19 under paragraph (1), the Secretary shall give priority
20 to applications from Indian educational agencies, or-
21 ganizations, and institutions.

1 **“PART D—NATIONAL RESEARCH ACTIVITIES**

2 **“SEC. 6401. NATIONAL ACTIVITIES.**

3 “(a) *AUTHORIZED ACTIVITIES.*—*The Secretary may*
4 *use funds made available under section 6602(b) for each*
5 *fiscal year to—*

6 “(1) *conduct research related to effective ap-*
7 *proaches for the education of Indian children and*
8 *adults;*

9 “(2) *evaluate federally assisted education pro-*
10 *grams from which Indian children and adults may*
11 *benefit;*

12 “(3) *collect and analyze data on the educational*
13 *status and needs of Indians; and*

14 “(4) *carry out other activities that are consistent*
15 *with the purpose of this title.*

16 “(b) *ELIGIBILITY.*—*The Secretary may carry out any*
17 *of the activities described in subsection (a) directly or*
18 *through grants to, or contracts or cooperative agreements*
19 *with Indian tribes, Indian organizations, State educational*
20 *agencies, local educational agencies, institutions of higher*
21 *education, including Indian institutions of higher edu-*
22 *cation, and other public and private agencies and*
23 *institutions.*

24 “(c) *COORDINATION.*—*Research activities supported*
25 *under this section—*

1 “(1) shall be carried out in consultation with the
2 Assistant Secretary for Educational Research and
3 Improvement to ensure that such activities are coordi-
4 nated with and enhance the research and development
5 activities supported by the Office of Educational Re-
6 search and Improvement; and

7 “(2) may include collaborative research activities
8 that are jointly funded and carried out by the Office
9 of Indian Education and the Office of Educational
10 Research and Improvement.

11 **“PART E—FEDERAL ADMINISTRATION**

12 **“SEC. 6501. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
13 **CATION.**

14 “(a) MEMBERSHIP.—There is established a National
15 Advisory Council on Indian Education (hereafter in this
16 section referred to as the ‘Council’), which shall—

17 “(1) consist of 15 Indian members, who shall be
18 appointed by the President from lists of nominees fur-
19 nished, from time to time, by Indian tribes and orga-
20 nizations; and

21 “(2) represent different geographic areas of the
22 United States.

23 “(b) DUTIES.—The Council shall—

24 “(1) advise the Secretary concerning the funding
25 and administration (including the development of

1 *regulations and administrative policies and practices)*
2 *of any program, including any program established*
3 *under this title—*

4 “(A) *with respect to which the Secretary has*
5 *jurisdiction; and*

6 “(B)(i) *that includes Indian children or*
7 *adults as participants; or*

8 “(ii) *that may benefit Indian children or*
9 *adults;*

10 “(2) *make recommendations to the Secretary for*
11 *filling the position of Director of Indian Education*
12 *whenever a vacancy occurs; and*

13 “(3) *submit to the Congress, not later than June*
14 *30 of each year, a report on the activities of the Coun-*
15 *cil, including—*

16 “(A) *any recommendations that the Council*
17 *considers appropriate for the improvement of*
18 *Federal education programs that include Indian*
19 *children or adults as participants, or that may*
20 *benefit Indian children or adults; and*

21 “(B) *recommendations concerning the fund-*
22 *ing of any program described in subparagraph*
23 *(A).*

1 ***“SEC. 6502. PEER REVIEW.***

2 *“The Secretary may use a peer review process to re-*
 3 *view applications submitted to the Secretary under part B,*
 4 *C, or D.*

5 ***“SEC. 6503. PREFERENCE FOR INDIAN APPLICANTS.***

6 *“In making grants under part B, C, or D, the Sec-*
 7 *retary shall give a preference to Indian tribes, organiza-*
 8 *tions, and institutions of higher education under any pro-*
 9 *gram with respect to which Indian tribes, organizations,*
 10 *and institutions are eligible to apply for grants.*

11 ***“SEC. 6504. MINIMUM GRANT CRITERIA.***

12 *“The Secretary may not approve an application for*
 13 *a grant under part B or C unless the application is for*
 14 *a grant that is—*

15 *“(1) of sufficient size, scope, and quality to*
 16 *achieve the purpose or objectives of such grant; and*

17 *“(2) based on relevant research findings.*

18 ***“PART F—DEFINITIONS; AUTHORIZATIONS OF***
 19 ***APPROPRIATIONS***

20 ***“SEC. 6601. DEFINITIONS.***

21 *“As used in this title:*

22 *“(1) ADULT.—The term ‘adult’ means an indi-*
 23 *vidual who—*

24 *“(A) has attained the age of 16 years; or*

1 “(B) *has attained an age that is greater*
2 *than the age of compulsory school attendance*
3 *under an applicable State law.*

4 “(2) *ADULT EDUCATION.*—*The term ‘adult edu-*
5 *cation’ has the meaning given such term in section*
6 *312(2) of the Adult Education Act.*

7 “(3) *FREE PUBLIC EDUCATION.*—*The term ‘free*
8 *public education’ means education that is—*

9 “(A) *provided at public expense, under pub-*
10 *lic supervision and direction, and without tui-*
11 *tion charge; and*

12 “(B) *provided as elementary or secondary*
13 *education in the applicable State or to preschool*
14 *children.*

15 “(4) *INDIAN.*—*The term ‘Indian’ means an indi-*
16 *vidual who is—*

17 “(A) *a member of an Indian tribe or band,*
18 *as membership is defined by the tribe or band,*
19 *including—*

20 “(i) *any tribe or band terminated since*
21 *1940; and*

22 “(ii) *any tribe or band recognized by*
23 *the State in which the tribe or band resides;*

1 “(B) a descendant, in the first or second de-
 2 gree, of an individual described in subparagraph
 3 (A);

4 “(C) considered by the Secretary of the Inte-
 5 rior to be an Indian for any purpose;

6 “(D) an Eskimo, Aleut, or other Alaska Na-
 7 tive; or

8 “(E) a member of an organized Indian
 9 group that received a grant under this title prior
 10 to the date of enactment of the Act entitled the
 11 ‘Improving America’s Schools Act of 1994’.

12 **“SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.**

13 “(a) *PART A.*—For the purpose of carrying out part
 14 A of this title, there are authorized to be appropriated to
 15 the Department of Education \$61,300,000 for fiscal year
 16 1995 and such sums as may be necessary for each of the
 17 4 succeeding fiscal years.

18 “(b) *PARTS B THROUGH D.*—For the purpose of car-
 19 rying out parts B, C, and D of this title, there are author-
 20 ized to be appropriated to the Department of Education
 21 \$31,925,000 for fiscal year 1995 and such sums as may be
 22 necessary for each of the 4 succeeding fiscal years.

23 “(c) *PART E.*—For the purpose of carrying out part
 24 E of this title, there are authorized to be appropriated to
 25 the Department of Education \$3,775,000 for fiscal year

1 1995 and such sums as may be necessary for each of the
 2 4 succeeding fiscal years.

3 ***“SEC. 6603. CROSS REFERENCES.***

4 *“The Tribally Controlled Schools Act of 1988 is*
 5 *amended—*

6 *“(1) in subparagraph (C) of section 5204(a)(3)*
 7 *(20 U.S.C. 2503(a)(3)(C)), by striking “chapter 1 of”;*
 8 *and*

9 *“(2) in section 5205 (20 U.S.C. 2504)—*

10 *“(A) in subsection (a)(3), by striking*
 11 *“chapter 1 of”; and*

12 *“(B) in subsection (b)—*

13 *“(i) in paragraph (2), by striking*
 14 *“chapter 1 of”; and*

15 *“(ii) in paragraph (3)(A), by striking*
 16 *“chapter 1 of”.*

17 ***“TITLE VII—LANGUAGE EN-***
 18 ***HANCEMENT AND ACQUI-***
 19 ***SITION PROGRAMS***

20 ***“PART A—BILINGUAL EDUCATION PROGRAMS***

21 ***“SEC. 7101. SHORT TITLE.***

22 *“This part may be cited as the ‘Bilingual Education*
 23 *Act’.*

24 ***“SEC. 7102. FINDINGS.***

25 *“The Congress finds that—*

1 “(1) there are large and growing numbers of
2 children and youth of limited-English proficiency,
3 many of whom have a cultural heritage that differs
4 from that of their English proficient peers;

5 “(2) limited-English proficient children and
6 youth face a number of challenges in receiving an
7 education that will enable such children and youth to
8 participate fully in American society, including—

9 “(A) segregated education programs;

10 “(B) disproportionate and improper place-
11 ment in special education and other special pro-
12 grams due to the use of inappropriate evaluation
13 procedures;

14 “(C) the limited-English proficiency of their
15 own parents, which hinders the parents’ ability
16 to fully participate in the education of their chil-
17 dren; and

18 “(D) a shortage of teachers and other staff
19 who are professionally trained and qualified to
20 serve such children and youth;

21 “(3) the Federal Government, as exemplified by
22 title VI of the Civil Rights Act of 1964 and section
23 204(f) of the Equal Education Opportunities Act of
24 1974, has a special and continuing obligation to en-
25 sure that States and local school districts take appro-

1 *priate action to provide equal educational opportuni-*
2 *ties to children and youth of limited-English pro-*
3 *ficiency;*

4 *“(4) the Federal Government also, as exemplified*
5 *by the Federal Government’s efforts under this title,*
6 *has a special and continuing obligation to assist*
7 *States and local school districts in developing the ca-*
8 *capacity to provide programs of instruction that offer*
9 *limited-English proficient children and youth an*
10 *equal educational opportunity;*

11 *“(5) in carrying out the Federal Government’s*
12 *responsibilities with respect to ensuring equal edu-*
13 *cational opportunity for children and youth of lim-*
14 *ited-English proficiency, the Federal Government has*
15 *learned that—*

16 *“(A) large numbers of such children and*
17 *youth have needs that must be met by a program*
18 *of instruction designed specifically for such chil-*
19 *dren and youth;*

20 *“(B) a primary purpose of such programs*
21 *must be developing the English language skills of*
22 *such children and youth;*

23 *“(C) the use of a child or youth’s native*
24 *language and culture in classroom instruction*
25 *can—*

1 “(i) promote self-esteem and contribute
2 to academic achievement and learning Eng-
3 lish by limited-English proficient children
4 and youth;

5 “(ii) benefit English proficient children
6 and youth who also participate in such pro-
7 grams; and

8 “(iii) develop our Nation’s national
9 language resources, thus promoting our Na-
10 tion’s competitiveness in the global econ-
11 omy;

12 “(D) parent and community participation
13 in bilingual education programs contributes to
14 program effectiveness; and

15 “(E) research, evaluation, and data-collec-
16 tion capabilities in the field of bilingual edu-
17 cation need to be strengthened so that educators
18 and other staff can better identify and promote
19 those programs, program implementation strate-
20 gies, and instructional practices that result in ef-
21 fective education; and

22 “(6) Native Americans and Native American
23 languages (as such terms are defined in section 103
24 of the Native American Languages Act) have a unique
25 status under Federal law that requires special policies

1 *within the broad purposes of this Act to serve the edu-*
2 *cation needs of language minority students in the*
3 *United States.*

4 ***“SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.***

5 *“(a) POLICY.—The Congress declares it to be the policy*
6 *of the United States, in order to ensure equal educational*
7 *opportunity for all children and youth and to promote edu-*
8 *cational excellence, to assist State and local educational*
9 *agencies and consortia of local educational agencies, insti-*
10 *tutions of higher education and community based organiza-*
11 *tions to build their capacity to establish, implement, and*
12 *sustain programs of instruction for children and youth of*
13 *limited-English proficiency that—*

14 *“(1) develop the English of such children and*
15 *youth and, to the extent possible, the native language*
16 *skills of such children and youth;*

17 *“(2) educate such children and youth to meet the*
18 *same rigorous standards for academic performance*
19 *expected of all children and youth, including meeting*
20 *challenging State content standards and challenging*
21 *State student performance standards in academic*
22 *areas;*

23 *“(3) develop bilingual skills and multicultural*
24 *understanding; and*

1 “(4) *provide similar assistance to Native Ameri-*
2 *cans with certain modifications relative to the unique*
3 *status of Native American languages under Federal*
4 *law.*

5 “(b) *AUTHORIZATION OF APPROPRIATIONS.—For the*
6 *purpose of carrying out this part, there are authorized to*
7 *be appropriated \$215,000,000 for fiscal year 1995 and such*
8 *sums as may be necessary for each of the 4 succeeding fiscal*
9 *years.*

10 **“SEC. 7104. DEFINITIONS.**

11 *“For the purpose of this title:*

12 “(1) *BILINGUAL EDUCATION PROGRAM.—(A) The*
13 *term ‘bilingual education program’—*

14 *“(i) means a program of instruction de-*
15 *signed specifically for children and youth of lim-*
16 *ited-English proficiency at any grade level, in-*
17 *cluding the preschool, elementary, or secondary*
18 *school levels, that is intended—*

19 *“(I) to help such children and youth*
20 *develop proficiency in English and, to the*
21 *extent possible, the native language of such*
22 *children and youth; and*

23 *“(II) to achieve to high academic*
24 *standards in all courses of study; and*

1 “(ii) may include activities to assist the
2 parents of such children and youth enrolled in
3 bilingual education programs to participate in
4 the education of their children.

5 “(B)(i) A bilingual education program may be
6 conducted in English, the native language, or both
7 languages, except that all bilingual education pro-
8 grams shall develop proficiency in the English lan-
9 guage. The native language may be used in the in-
10 structional program to facilitate the acquisition of
11 English, to develop overall linguistic competence, and
12 to develop competence in the academic curriculum.

13 “(ii) A bilingual education program shall, to the
14 extent possible, incorporate the cultural heritage of the
15 children or youth of limited-English proficiency
16 served by the program, as well as the cultural heritage
17 of other children in American society.

18 “(C) Children and youth proficient in English
19 may participate in a bilingual education program to
20 enable all children and youth participating in a bi-
21 lingual education program to become proficient in
22 English and a second language.

23 “(2) CHILDREN AND YOUTH.—The term ‘children
24 and youth’ means individuals aged three through 21.

1 “(3) *DIRECTOR*.—The term ‘Director’ means the
2 Director of the Office of Bilingual Education and Mi-
3 nority Languages Affairs established under section
4 210 of the Department of Education Organization
5 Act.

6 “(4) *JURISDICTION WHERE A NATIVE AMERICAN*
7 *LANGUAGE HAS OFFICIAL STATUS*.—The term ‘juris-
8 diction where a Native American language has offi-
9 cial status’ refers to States, territories, common-
10 wealths, cities, counties, reservations, Alaska Native
11 villages, school districts, and other jurisdictions simi-
12 lar to those described in this paragraph that have le-
13 gally recognized a Native American language for con-
14 ducting an aspect of their official business.

15 “(5) *LIMITED-ENGLISH PROFICIENCY AND LIM-*
16 *ITED-ENGLISH PROFICIENT*.—The terms ‘limited-Eng-
17 lish proficiency’ and ‘limited-English proficient’,
18 when used with reference to an individual, mean an
19 individual—

20 “(A) who—

21 “(i) was not born in the United States
22 or whose native language is a language
23 other than English and comes from an envi-
24 ronment where a language other than Eng-
25 lish is dominant; or

1 “(ii) is a Native American or Alaska
2 Native and comes from an environment
3 where a language other than English has
4 had a significant impact on such individ-
5 ual’s level of English language proficiency;
6 or

7 “(iii) is migratory and whose native
8 language is other than English and comes
9 from an environment where a language
10 other than English is dominant; and

11 “(B) who, by reason thereof, has sufficient
12 difficulty speaking, reading, writing, or under-
13 standing the English language to deny such indi-
14 vidual the opportunity to learn successfully in
15 classrooms where the language of instruction is
16 English or to participate fully in our society.

17 “(6) NATIVE AMERICAN AND NATIVE AMERICAN
18 LANGUAGE.—The terms ‘Native American’ and ‘Na-
19 tive American language’ shall have the same meaning
20 given such terms in section 103 of the Native Amer-
21 ican Languages Act of 1990.

22 “(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PA-
23 CIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL OR-
24 GANIZATION.—The term ‘Native Hawaiian or Native
25 American Pacific Islander native language edu-

“(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term ‘other programs for persons of limited-English proficiency’ means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

22 “(a) *ELIGIBLE ENTITIES.*—For the purpose of carry-
23 ing out programs under this part for individuals served by
24 elementary and secondary schools operated predominately
25 for Native American or Alaska Native children and youth,

1 *an Indian tribe, a tribally sanctioned educational author-*
2 *ity, a Native Hawaiian or Native American Pacific Is-*
3 *lander native language education organization, or an ele-*
4 *mentary or secondary school that is operated or funded by*
5 *the Bureau of Indian Affairs shall be considered to be a*
6 *local educational agency as such term is used in this part,*
7 *subject to the following qualifications:*

8 “(1) *INDIAN TRIBE.*—The term ‘Indian tribe’
9 *means any Indian tribe, band, nation, or other orga-*
10 *nized group or community, including any Alaska Na-*
11 *tive village or regional or village corporation as de-*
12 *finied in or established pursuant to the Alaska Native*
13 *Claims Settlement Act (43 U.S.C. 1601 et seq.), that*
14 *is recognized for the special programs and services*
15 *provided by the United States to Indians because of*
16 *their status as Indians.*

17 “(2) *TRIBALLY SANCTIONED EDUCATIONAL AU-*
18 *THORITY.*—The term ‘tribally sanctioned educational
19 *authority’ means—*

20 “(A) *any department or division of edu-*
21 *cation operating within the administrative*
22 *structure of the duly constituted governing body*
23 *of an Indian tribe; and*

24 “(B) *any nonprofit institution or organiza-*
25 *tion that is—*

1 “(i) chartered by the governing body of
2 an Indian tribe to operate any such school
3 or otherwise to oversee the delivery of edu-
4 cational services to members of that tribe;
5 and

6 “(ii) approved by the Secretary for the
7 purpose of this section.

8 “(b) *ELIGIBLE ENTITY APPLICATION.*—Notwithstand-
9 ing any other provision of this part, each eligible entity
10 described in subsection (a) shall submit any application for
11 assistance under this part directly to the Secretary along
12 with timely comments on the need for the proposed pro-
13 gram.

14 ***“Subpart 1—Financial Assistance for Bilingual***
15 ***Education***

16 ***“SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDU-***
17 ***CATION.***

18 “(a) *PURPOSE.*—The purpose of this subpart is to as-
19 sist local educational agencies, through the grants author-
20 ized by subsections (b), (c), and (d), to—

21 “(1) develop and enhance their capacity to pro-
22 vide high-quality instruction to children and youth of
23 limited-English proficiency; and

24 “(2) to help such children and youth—

1 “(A) develop proficiency in English, and to
2 the extent possible, their native language; and

3 “(B) meet the same challenging State con-
4 tent standards and challenging State student
5 performance standards expected for all children
6 and youth as required by section 1111(b).

7 “(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

8 “(1) IN GENERAL.—The Secretary is authorized
9 to make grants to local educational agencies, or com-
10 munity based organizations in consortia with one or
11 more local educational agencies and an institution of
12 higher education, to—

13 “(A) develop new bilingual education pro-
14 grams;

15 “(B) enhance or expand existing bilingual
16 education programs to meet new conditions, such
17 as the need to serve additional language groups
18 or different age or grade levels; and

19 “(C) meet the short-term needs of local edu-
20 cational agencies without bilingual education
21 programs to serve children and youth of limited-
22 English proficiency.

23 “(2) DURATION.—Grants awarded under this
24 subsection shall be for a period of not more than 2
25 years, except that grants to carry out paragraph

1 (1)(A) shall be awarded for a period of not more than
2 3 years.

3 “(c) *COMPREHENSIVE SCHOOL GRANTS.*—

4 “(1) *IN GENERAL.*—The Secretary is authorized
5 to make grants to local educational agencies for the
6 purpose of implementing schoolwide bilingual edu-
7 cation programs that serve all (or virtually all) chil-
8 dren and youth of limited-English proficiency in
9 schools with significant concentrations of such chil-
10 dren and youth.

11 “(2) *DURATION.*—Grants awarded under this
12 subsection shall be for a period of not more than 5
13 years, except that the Secretary shall terminate grants
14 to local educational agencies if the Secretary deter-
15 mines that—

16 “(A) the program evaluation required by
17 section 7126 indicates that students in the
18 schoolwide program are not being taught to and
19 achieving challenging State content standards
20 and challenging State student performance
21 standards; or

22 “(B) in the case of a program to promote
23 dual language facility, such program is not pro-
24 moting such facility.

25 “(d) *COMPREHENSIVE DISTRICT GRANTS.*—

1 “(1) *IN GENERAL.*—*The Secretary is authorized*
2 *to make grants to local educational agencies for the*
3 *purpose of implementing district-wide bilingual edu-*
4 *cation programs that serve a significant number of*
5 *children and youth of limited-English proficiency in*
6 *districts with significant concentrations of such chil-*
7 *dren and youth.*

8 “(2) *DURATION.*—*Grants awarded under this*
9 *subsection shall be for a period of not more than 5*
10 *years, except that the Secretary shall terminate grants*
11 *to local educational agencies where the Secretary de-*
12 *termines that—*

13 “(A) *the program evaluation required by*
14 *section 7126 indicates that students in the pro-*
15 *gram are not being taught to and achieving chal-*
16 *lenging State content standards and challenging*
17 *State student performance standards; or*

18 “(B) *in the case of a program to promote*
19 *dual language facility, such program is not pro-*
20 *moting such facility.*

21 “(e) *USE OF FUNDS.*—

22 “(1) *IN GENERAL.*—*Recipients of grant funds*
23 *under subsections (b), (c), and (d) may use such funds*
24 *for—*

1 “(A) *identification and acquisition of cur-*
2 *ricular materials, educational software, and*
3 *technologies to advance the education of children*
4 *and youth of limited-English proficiency;*

5 “(B) *parent outreach and training activi-*
6 *ties designed to assist parents to become active*
7 *participants in the education of their children;*

8 “(C) *salaries of personnel, including teacher*
9 *aides who have been specifically trained, or are*
10 *being trained, to provide services to children and*
11 *youth of limited-English proficiency;*

12 “(D) *tutorials and academic or career coun-*
13 *seling for children and youth of limited-English*
14 *proficiency; and*

15 “(E) *such other activities, related to the*
16 *purposes of this part, as the Secretary may ap-*
17 *prove.*

18 “(2) *ADDITIONAL ACTIVITIES.—Recipients of*
19 *funds under subsections (c) and (d) may—*

20 “(A) *use such funds for preservice and in-*
21 *service professional development of staff partici-*
22 *pating, or preparing to participate, in the pro-*
23 *gram, including staff who will not directly par-*
24 *ticipate in the bilingual instructional program*
25 *(which in the case of teachers who are partici-*

1 *pating in the program may include release time*
2 *with pay), if such activities are directly related*
3 *to serving children and youth of limited-English*
4 *proficiency and will help accomplish the pur-*
5 *poses of this subpart; and*

6 *“(B) during the first 12 months of such a*
7 *grant, engage exclusively in activities pre-*
8 *paratory to the delivery of services, which may*
9 *include program design, the development of ma-*
10 *terials and procedures, and activities to involve*
11 *parents in the educational program and to en-*
12 *able parents and family members to assist in the*
13 *education of children and youth of limited-Eng-*
14 *lish proficiency.*

15 *“(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the*
16 *extent possible, the Secretary shall award grants under this*
17 *section throughout the Nation in a manner that—*

18 *“(1) reflects the geographic distribution of chil-*
19 *dren and youth of limited-English proficiency*
20 *throughout the Nation;*

21 *“(2) takes into account significant increases in*
22 *limited-English proficient children and youth in*
23 *areas with low concentrations of such children and*
24 *youth; and*

1 “(3) ensures that activities assisted under this
2 part address the full needs of school systems of all
3 sizes and geographic areas, including rural schools.

4 “(g) CONSTRUCTION.—Nothing in this subpart shall be
5 construed to prohibit a local educational agency from serv-
6 ing limited-English proficient children and youth simulta-
7 neously with students with similar educational needs, in
8 the same educational settings where appropriate.

9 “(h) APPLICATIONS.—

10 “(1) IN GENERAL.—Any local educational agen-
11 cy or community based organization that desires a
12 grant under this section shall submit, through its
13 State educational agency, an application to the Sec-
14 retary, in such form, at such time, and containing
15 such information and assurances as the Secretary
16 may require.

17 “(2) CONTENTS.—Each such application shall—

18 “(A) describe—

19 “(i) the need for the proposed program,
20 including data on the number of the chil-
21 dren and youth of limited-English pro-
22 ficiency in the school or district to be served
23 and the characteristics of such children and
24 youth, such as language spoken, dropout
25 rates, proficiency in English and the native

1 *language, academic standing in relation to*
2 *English proficient peers, and, where appli-*
3 *cable, the recency of immigration; and*

4 “(ii) the program to be implemented
5 and how such program’s design—

6 “(I) relates to the linguistic and
7 academic needs of the children and
8 youth of limited-English proficiency to
9 be served; and

10 “(II) is consistent with, and pro-
11 motes the goals in, the local edu-
12 cational agency’s improvement plan
13 under section 1112, particularly as
14 such plan relates to the education of
15 children and youth of limited-English
16 proficiency;

17 “(B) provide an assurance that the appli-
18 cant will not reduce the level of State and local
19 funds that the applicant expends for bilingual
20 education programs if the applicant receives an
21 award under this subpart; and

22 “(C) provide an assurance that the appli-
23 cant will employ teachers in the proposed pro-
24 gram that, individually or in combination, are

1 *proficient in English, including written, as well*
2 *as oral, communication skills.*

3 “(3) *ADDITIONAL INFORMATION.—Each applica-*
4 *tion for a grant under subsection (c) or (d) shall—*

5 “(A) *describe—*

6 “(i) *current services the applicant pro-*
7 *vides to children and youth of limited-Eng-*
8 *lish proficiency;*

9 “(ii) *what services children and youth*
10 *of limited-English proficiency will receive*
11 *under the grant that such children or youth*
12 *will not otherwise receive;*

13 “(iii) *how funds received under this*
14 *subpart will be integrated with all other*
15 *Federal, State, local, and private resources*
16 *that may be used to serve children and*
17 *youth of limited-English proficiency; and*

18 “(iv) *specific achievement and school*
19 *retention goals for the children and youth to*
20 *be served by the proposed program and how*
21 *progress toward achieving such goals will be*
22 *measured; and*

23 “(B) *provide assurances that—*

1 “(i) the program funded will be inte-
2 grated with the overall educational pro-
3 gram; and

4 “(ii) the application has been devel-
5 oped in consultation with an advisory coun-
6 cil, the majority of whose members are par-
7 ents and other representatives of the chil-
8 dren and youth to be served in such pro-
9 grams.

10 “(i) *LIMITATION ON FUNDING.*—

11 “(1) *DEVELOPMENT AND ENHANCEMENT*
12 *GRANTS.*—Not more than 25 percent of the total
13 amount of funds that the Secretary awards under
14 subsection (b) for any fiscal year shall be used to pro-
15 vide funding to bilingual education programs that do
16 not use the native language.

17 “(2) *COMPREHENSIVE SCHOOL GRANTS.*—Not
18 more than 25 percent of the total amount of funds
19 that the Secretary awards under subsection (c) for
20 any fiscal year shall be used to provide funding to bi-
21 lingual education programs that do not use the native
22 language.

23 “(3) *SPECIAL RULE.*—Notwithstanding para-
24 graphs (1) and (2), the Secretary is authorized to
25 award grants for bilingual education programs that

1 *are not conducted in the native language if an appli-*
2 *cant has demonstrated that the applicant cannot de-*
3 *velop and implement a bilingual education program*
4 *that is conducted in the native language because—*

5 *“(A) the diversity of limited-English pro-*
6 *ficient students’ native languages and the small*
7 *number of students speaking each respective lan-*
8 *guage make instruction in the native language*
9 *impractical; or*

10 *“(B) despite documented efforts, the appli-*
11 *cant has not been able to hire qualified instruc-*
12 *tional personnel who are able to communicate in*
13 *the students’ native language.*

14 *“(j) STATE REVIEW OF APPLICATIONS UNDER PART*
15 *A.—In order for an eligible applicant to apply for funds*
16 *under this subpart, such applicant shall submit the applica-*
17 *tion to the State educational agency for review. The State*
18 *educational agency shall transmit such application to the*
19 *Secretary along with such agency’s timely comments on the*
20 *need within the State for the proposed program and whether*
21 *the proposed program is consistent with the State plan*
22 *under section 1111.*

23 *“(k) CAPACITY BUILDING.—*

24 *“(1) IN GENERAL.—Each recipient of a grant*
25 *under this section shall use the grant funds in ways*

1 *that will build such recipient's capacity to continue*
2 *to offer high quality bilingual education programs*
3 *and services to children and youth of limited-English*
4 *proficiency once Federal assistance is reduced or*
5 *eliminated.*

6 “(2) *SPECIAL RULE.*—*In making awards under*
7 *this subpart for any fiscal year, the Secretary shall,*
8 *consistent with the quality of applications and the*
9 *funds available under this part, increase the amount*
10 *of funds used to support grants under subsections (c)*
11 *and (d) over the amount used to support grants under*
12 *subsection (c) and (d) in the previous fiscal year.*

13 “(1) *CONSORTIA.*—*A local educational agency that re-*
14 *ceives a grant under this subpart may collaborate or form*
15 *a consortium with one or more local education agencies,*
16 *institutions of higher education, and nonprofit organiza-*
17 *tions to carry out a program described in an application*
18 *approved under this subpart.*

19 “(m) *SUBGRANTS.*—*A local educational agency that*
20 *receives a grant under this subpart may, with the approval*
21 *of the Secretary, make a subgrant to, or enter into a con-*
22 *tract with, an institution of higher education, a nonprofit*
23 *organization, or a consortium of such entities to carry out*
24 *a program described in an application approved under this*
25 *subpart, including a program to serve out-of-school youth.*

1 “(n) *PARENTAL NOTIFICATION.*—

2 “(1) *IN GENERAL.*—Parents of a child or youth
3 of limited-English proficiency identified for enroll-
4 ment in bilingual education programs shall be in-
5 formed of the—

6 “(A) benefits, nature, and past academic re-
7 sults of the bilingual educational program and of
8 the instructional alternatives; and

9 “(B) reasons for the selection of their child
10 as being in need of bilingual education.

11 “(2) *OPTION TO DECLINE.*—(A) Parents of a
12 child or youth of limited-English proficiency identi-
13 fied for enrollment in bilingual education programs
14 shall be informed that such parents have the option
15 of declining enrollment of their children in such pro-
16 grams and shall be given an opportunity to do so if
17 such parents so choose.

18 “(B) Nothing in this section shall be construed to
19 relieve a local educational agency, community based
20 organization or consortium receiving assistance under
21 this part of any of their obligations under title VI of
22 the Civil Rights Act of 1964 because parents choose
23 not to enroll their children in bilingual education
24 programs.

1 “(3) *INFORMATION.—Parents of a child or youth*
2 *of limited-English proficiency identified for enroll-*
3 *ment in bilingual education programs shall receive,*
4 *in a manner and form understandable to such par-*
5 *ents, including, if necessary and to the extent feasible,*
6 *in the native language of such parents, the informa-*
7 *tion required by this subsection. At a minimum, such*
8 *parents shall receive—*

9 “(A) *timely information about projects*
10 *funded under this subpart; and*

11 “(B) *if the parents of participating children*
12 *so desire, notice of opportunities for regular*
13 *meetings for the purpose of formulating and re-*
14 *sponding to recommendations from such parents.*

15 “(o) *PROGRAMS FOR NATIVE AMERICANS AND PUERTO*
16 *RICO.—Programs authorized under this title that serve Na-*
17 *tive American children, and children in the Commonwealth*
18 *of Puerto Rico, notwithstanding any other provision of this*
19 *title, may include programs of instruction, teacher train-*
20 *ing, curriculum development, evaluation, and testing de-*
21 *signed for Native American children and youth learning*
22 *and studying Native American languages and children and*
23 *youth of limited-Spanish proficiency, except that one out-*
24 *come of such programs serving Native American children*
25 *shall be increased English proficiency among such children.*

1 **“Subpart 2—Research and Evaluation**

2 **“SEC. 7121. AUTHORITY.**

3 *“The Secretary is authorized to conduct data collec-*
4 *tion, dissemination, research, and evaluation activities for*
5 *the purpose of improving bilingual education programs for*
6 *children and youth of limited-English proficiency.*

7 **“SEC. 7122. RESEARCH.**

8 *“(a) AWARDS.—The Secretary may award grants and*
9 *enter into contracts and cooperative agreements for research*
10 *and evaluation activities related to improving and main-*
11 *taining high quality bilingual educational programs for*
12 *persons of limited-English proficiency.*

13 *“(b) CONSULTATION.—The Secretary shall consult*
14 *with agencies and organizations that are engaged in bilin-*
15 *gual education research and practice, or related research,*
16 *and bilingual education researchers and practitioners to*
17 *identify areas of study and activities to be funded under*
18 *this section.*

19 *“(c) RESEARCH AND DISSEMINATION.—The Secretary,*
20 *through the Office of Educational Research and Improve-*
21 *ment, if appropriate, shall—*

22 *“(1) conduct research on effective instruction*
23 *practices for multilingual classes, and on effective in-*
24 *struction strategies to be used by teachers and other*
25 *staff who do not know the native language of a lim-*
26 *ited-English proficient child in their classrooms; and*

1 “(2) disseminate the findings of such research.

2 **“SEC. 7123. ACADEMIC EXCELLENCE AWARDS.**

3 “(a) AWARDS.—The Secretary may award grants to,
4 and enter into contracts and cooperative agreements with,
5 State and local educational agencies, nonprofit organiza-
6 tions, and institutions of higher education to promote the
7 adoption and implementation of bilingual education pro-
8 grams that demonstrate great promise of assisting children
9 and youth of limited-English proficiency to meet challeng-
10 ing State content standards and challenging State student
11 performance standards.

12 “(b) APPLICATIONS.—

13 “(1) IN GENERAL.—Each entity desiring an
14 award under this section shall submit an application
15 to the Secretary in such form, at such time, and con-
16 taining such information and assurances as the Sec-
17 retary may require.

18 “(2) PEER REVIEW.—The Secretary shall use a
19 peer review process, using effectiveness criteria that
20 the Secretary shall establish, to review applications
21 under this section.

22 “(c) USE OF FUNDS.—Funds under this section shall
23 be used to enhance the capacity of States and local edu-
24 cation agencies to provide high quality academic programs

1 *for children and youth of limited-English proficiency,*
2 *which may include—*

3 “(1) *completing the development of such pro-*
4 *grams;*

5 “(2) *professional development of staff participat-*
6 *ing in bilingual education programs;*

7 “(3) *sharing strategies and materials; and*

8 “(4) *supporting professional networks.*

9 “(d) *COORDINATION.—Recipients of funds under this*
10 *section shall coordinate the activities assisted under this sec-*
11 *tion with activities carried out by comprehensive regional*
12 *centers assisted under subpart 1 of part C of title II.*

13 **“SEC. 7124. STATE GRANT PROGRAM.**

14 “(a) *STATE GRANT PROGRAM.—The Secretary is au-*
15 *thorized to make an award to a State educational agency*
16 *that demonstrates, to the satisfaction of the Secretary, that*
17 *such agency effectively provides for the education of children*
18 *and youth of limited-English proficiency within the State.*

19 “(b) *PAYMENTS.—The amount paid to a State edu-*
20 *cational agency under subsection (a) shall not exceed 5 per-*
21 *cent of the total amount awarded to local educational agen-*
22 *cies within the State under subpart 1 for the previous fiscal*
23 *year, except that in no case shall the amount paid by the*
24 *Secretary to any State educational agency under this sub-*
25 *section for any fiscal year be less than \$100,000.*

1 “(c) *USE OF FUNDS.*—

2 “(1) *IN GENERAL.*—A State educational agency
3 may use funds for programs authorized by this sec-
4 tion to—

5 “(A) assist local educational agencies in the
6 State with program design, capacity building,
7 assessment of student performance, and program
8 evaluation;

9 “(B) operate a bilingual education advisory
10 panel under subsection (d); and

11 “(C) collect data concerning children and
12 youth of limited-English proficiency.

13 “(2) *SPECIAL RULE.*—Recipients of awards
14 under this section shall not restrict the provision of
15 services under this section to federally funded pro-
16 grams.

17 “(d) *STATE BILINGUAL EDUCATION ADVISORY*
18 *PANEL.*—Each State educational agency that receives funds
19 under this section shall appoint a broad-based bilingual
20 education advisory panel, with substantial representation
21 from persons knowledgeable about the education of limited-
22 English proficient students, to develop and recommend to
23 the State educational agency guidelines for reviewing, and
24 providing the Secretary with comments regarding, applica-

1 *tions for funds under subparts 1 and 3 that come from with-*
 2 *in the State.*

3 “(e) *APPLICATIONS.*—A State educational agency de-
 4 *siring to receive an award under this section shall submit*
 5 *an application to the Secretary in such form, at such time,*
 6 *containing such information and assurances as the Sec-*
 7 *retary may require.*

8 **“SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL**
 9 **EDUCATION.**

10 “(a) *ESTABLISHMENT.*—The Secretary shall establish
 11 *and support the operation of a National Clearinghouse for*
 12 *Bilingual Education, which shall collect, analyze, syn-*
 13 *thesize, and disseminate information about bilingual edu-*
 14 *cation and related programs.*

15 “(b) *FUNCTIONS.*—The National Clearinghouse for Bi-
 16 *lingual Education shall—*

17 “(1) *coordinate its activities with Federal data*
 18 *and information clearinghouses and dissemination*
 19 *networks and systems;*

20 “(2) *develop a data base management and mon-*
 21 *itoring system for improving the operation and effec-*
 22 *tiveness of programs assisted under this part; and*

23 “(3) *develop, maintain, and disseminate,*
 24 *through comprehensive regional centers described in*
 25 *section 2303(a) if appropriate, a listing by geographi-*

1 *cal area of education professionals, parents, teachers,*
 2 *administrators, community members and others who*
 3 *are native speakers of languages other than English*
 4 *for use as a resource by local educational agencies*
 5 *and schools in the development and implementation*
 6 *of bilingual education programs.*

7 ***“SEC. 7126. EVALUATIONS.***

8 *“(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—*

9 *“(1) IN GENERAL.—Each recipient of funds*
 10 *under subpart 1 shall provide the Secretary with an*
 11 *evaluation, in the form prescribed by the Secretary, of*
 12 *the program assisted under such subpart every 2*
 13 *years.*

14 *“(2) USE.—Such evaluation shall be used by a*
 15 *recipient of funds under subpart 1—*

16 *“(A) to improve such program;*

17 *“(B) to further define such program’s goals*
 18 *and objectives; and*

19 *“(C) to determine program effectiveness.*

20 *“(3) CONTENTS.—Such evaluation shall in-*
 21 *clude—*

22 *“(A) student outcome indicators that meas-*
 23 *ure progress toward the challenging State stu-*
 24 *dent performance standards set out in the State*
 25 *plan approved or being developed under section*

1 1111, including data comparing children and
2 youth of limited-English proficiency with
3 nonlimited-English proficient children and youth
4 with regard to school retention, academic
5 achievement, and gains in English (and, where
6 applicable, native language) proficiency;

7 “(B) program implementation indicators
8 that provide information for informing and im-
9 proving program management and effectiveness,
10 including data on appropriateness of curriculum
11 in relationship to grade and course requirements,
12 appropriateness of program management, appro-
13 priateness of the professional development of the
14 program staff, and appropriateness of the lan-
15 guage of instruction;

16 “(C) program context indicators that de-
17 scribe the relationship of the activities funded
18 under the grant to the overall school program
19 and other Federal, State, or local programs serv-
20 ing children and youth of limited-English pro-
21 ficiency; and

22 “(D) such other information as the Sec-
23 retary may require.

24 “(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

1 “(1) *IN GENERAL.*—Each recipient of funds
 2 under subpart 3 shall provide the Secretary with an
 3 evaluation of the program assisted under such subpart
 4 every 2 years.

5 “(2) *DATA.*—Such evaluation shall include data
 6 on—

7 “(A) post-program placement of persons
 8 trained;

9 “(B) how the training relates to the employ-
 10 ment of persons served by the program;

11 “(C) program completion; and

12 “(D) such other information as the Sec-
 13 retary may require.

14 **“Subpart 3—Professional Development**

15 **“SEC. 7131. PURPOSE.**

16 “The purpose of this subpart is to improve the quality
 17 of instruction for children and youth of limited-English
 18 proficiency—

19 “(1) through professional development programs
 20 designed—

21 “(A) for persons preparing to provide serv-
 22 ices for children and youth of limited-English
 23 proficiency;

1 “(B) to improve the skills of persons provid-
2 ing services to children and youth of limited-
3 English proficiency; and

4 “(C) for other staff in schools serving chil-
5 dren and youth of limited-English proficiency;
6 and

7 “(2) by disseminating information on appro-
8 priate instructional practices and activities for chil-
9 dren and youth of limited-English proficiency to
10 other school personnel, including teachers not serving
11 such children and youth.

12 **“SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.**

13 “(a) GRANTS TO INSTITUTIONS OF HIGHER EDU-
14 CATION.—The Secretary is authorized to make grants to in-
15 stitutions of higher education for—

16 “(1) preservice and inservice professional devel-
17 opment for individuals who are either involved in, or
18 preparing to be involved in, the provision of edu-
19 cational services for children and youth of limited-
20 English proficiency, which in the case of teachers who
21 are involved in the provision of such services may in-
22 clude release time with pay; and

23 “(2) national professional development institutes
24 that assist schools or departments of education in in-
25 stitutions of higher education to improve the quality

1 *of professional development programs for personnel*
2 *serving, preparing to serve, or who may serve, chil-*
3 *dren and youth of limited-English proficiency.*

4 “(b) *GRANTS TO STATE AND LOCAL EDUCATIONAL*
5 *AGENCIES.—The Secretary may make grants to State and*
6 *local educational agencies for inservice professional develop-*
7 *ment programs that prepare school personnel to provide ef-*
8 *fective services to limited-English proficient students.*

9 “(c) *USE OF FUNDS FOR SECOND LANGUAGE COM-*
10 *PETENCE.—Awards under this section may be used to de-*
11 *velop a program participant’s competence in a second lan-*
12 *guage.*

13 “(d) *APPLICATIONS.—*

14 “(1) *IN GENERAL.—An institution of higher edu-*
15 *cation, or a State or local educational agency desir-*
16 *ing to receive an award under this section shall sub-*
17 *mit, through its State educational agency, an appli-*
18 *cation to the Secretary, in such form, at such time,*
19 *and containing such information and assurances as*
20 *the Secretary may require.*

21 “(2) *CONSULTATION AND ASSESSMENT.—Each*
22 *such application shall contain a description of how*
23 *the applicant has consulted with, and assessed the*
24 *needs of, public and private schools serving children*
25 *and youth of limited-English proficiency to determine*

1 *such school's need for, and the design of, the program*
2 *for which funds are sought.*

3 “(3) *SPECIAL RULE.—(A) An application for a*
4 *grant under subsection (a) from an applicant who*
5 *proposes to conduct a masters or doctoral-level pro-*
6 *gram with funds received under this section shall pro-*
7 *vide an assurance that such program will include, as*
8 *a part of the program, a training practicum in a*
9 *local school program serving children and youth of*
10 *limited-English proficiency.*

11 “(B) *A recipient of a grant under subsection (a)*
12 *may waive the requirement of a training practicum*
13 *for a degree candidate with significant experience in*
14 *a local school program serving children and youth of*
15 *limited-English proficiency.*

16 “(4) *REVIEW.—In order for an institution of*
17 *higher education or a local educational agency to*
18 *apply for funds under this section, the State edu-*
19 *cational agency serving such institution shall review*
20 *the application and provide the Secretary with timely*
21 *comments on the need within the State for the pro-*
22 *posed program and whether the proposed program is*
23 *consistent with the State plan under section 1111 and*
24 *section 2125(b)(1).*

1 **“SEC. 7133. FELLOWSHIPS.**

2 “(a) *ACADEMIC FELLOWSHIPS.*—The Secretary may
3 *award fellowships for masters, doctoral, and post-doctoral*
4 *study related to instruction of children and youth of lim-*
5 *ited-English proficiency in such areas as teacher training,*
6 *program administration, research and evaluation, and cur-*
7 *riculum development, and for the support of dissertation*
8 *research related to such study.*

9 “(b) *REPAYMENT.*—

10 “(1) *IN GENERAL.*—Any person receiving a fel-
11 *lowship under this section shall agree to—*

12 “(A) *work in an activity related to the area*
13 *for which the assistance was awarded or in an*
14 *activity such as those authorized under this part*
15 *for a period of time equivalent to the period of*
16 *time during which such person receives assist-*
17 *ance under this section; or*

18 “(B) *repay such assistance.*

19 “(2) *TERMS AND CONDITIONS.*—The Secretary
20 *shall establish in regulations such terms and condi-*
21 *tions for such agreement as the Secretary deems rea-*
22 *sonable and necessary and may waive the require-*
23 *ment of paragraph (1) in extraordinary cir-*
24 *cumstances.*

1 **“SEC. 7134. STIPENDS.**

2 *“The Secretary shall provide for the payment of such*
3 *stipends (including allowances for subsistence and other ex-*
4 *penses for such persons and their dependents), as the Sec-*
5 *retary determines to be appropriate, to persons participat-*
6 *ing in training programs under this subpart.*

7 **“PART B—FOREIGN LANGUAGE ASSISTANCE**
8 **PROGRAM**

9 **“SEC. 7201. SHORT TITLE.**

10 *“This part may be cited as the ‘Foreign Language As-*
11 *sistance Act of 1994’.*

12 **“SEC. 7202. FINDINGS.**

13 *“The Congress finds as follows:*

14 *“(1) Foreign language proficiency is crucial to*
15 *our Nation’s economic competitiveness and national*
16 *security. Significant improvement in the quantity*
17 *and quality of foreign language instruction offered in*
18 *our Nation’s elementary and secondary schools is nec-*
19 *essary.*

20 *“(2) All Americans need a global perspective. To*
21 *understand the world around us, we must acquaint*
22 *ourselves with the languages, cultures, and history of*
23 *other nations.*

24 *“(3) Proficiency in two or more languages*
25 *should be promoted for all American students.*
26 *Multilingualism enhances cognitive and social*

1 *growth, competitiveness in the global marketplace, na-*
2 *tional security, and understanding of diverse people*
3 *and cultures.*

4 *“(4) The United States lags behind other devel-*
5 *oped countries in offering foreign language study to*
6 *elementary and secondary school students.*

7 *“(5) Four out of five new jobs in the United*
8 *States are created from foreign trade.*

9 *“(6) The optimum time to begin learning a sec-*
10 *ond language is in elementary school, when children*
11 *have the ability to learn and excel in several foreign*
12 *language acquisition skills, including pronunciation,*
13 *and when children are most open to appreciating and*
14 *valuing a culture other than their own.*

15 *“(7) Foreign language study can increase chil-*
16 *dren’s capacity for critical and creative thinking*
17 *skills and children who study a second language show*
18 *greater cognitive development in areas such as mental*
19 *flexibility, creativity, tolerance, and higher order*
20 *thinking skills.*

21 *“(8) Children who have studied a foreign lan-*
22 *guage in elementary school achieve expected gains and*
23 *score higher on standardized tests of reading, lan-*
24 *guage arts, and mathematics than children who have*
25 *not studied a foreign language.*

1 **“SEC. 7203. PROGRAM AUTHORIZED.**

2 “(a) *PROGRAM AUTHORITY.*—

3 “(1) *IN GENERAL.*—*The Secretary shall make*
4 *grants, on a competitive basis, to State educational*
5 *agencies or local educational agencies to pay the Fed-*
6 *eral share of the cost of innovative model programs*
7 *providing for the establishment, improvement or ex-*
8 *pansion of foreign language study for elementary and*
9 *secondary school students.*

10 “(2) *DURATION.*—*Each grant under paragraph*
11 *(1) shall be awarded for a period of 3 years.*

12 “(b) *REQUIREMENTS.*—

13 “(1) *GRANTS TO STATE EDUCATIONAL AGEN-*
14 *CIES.*—*In awarding a grant under subsection (a) to*
15 *a State educational agency, the Secretary shall sup-*
16 *port programs that promote systemic approaches to*
17 *improving foreign language learning in the State.*

18 “(2) *GRANTS TO LOCAL EDUCATIONAL AGEN-*
19 *CIES.*—*In awarding a grant under subsection (a) to*
20 *a local educational agency, the Secretary shall sup-*
21 *port programs that—*

22 “(A) *show the promise of being continued*
23 *beyond the grant period;*

24 “(B) *demonstrate approaches that can be*
25 *disseminated and duplicated in other local edu-*
26 *cational agencies; and*

1 “(C) may include a professional develop-
2 ment component.

3 “(c) *FEDERAL SHARE.*—

4 “(1) *IN GENERAL.*—The Federal share for each
5 fiscal year shall be 50 percent.

6 “(2) *WAIVER.*—The Secretary may waive the re-
7 quirement of paragraph (1) for any local educational
8 agency which the Secretary determines does not have
9 adequate resources to pay the non-Federal share of the
10 cost of the activities assisted under this part.

11 “(3) *SPECIAL RULE.*—Not less than three-fourths
12 of the funds appropriated under section 7206 shall be
13 used for the expansion of foreign language learning in
14 the elementary grades.

15 “(4) *RESERVATION.*—The Secretary may reserve
16 not more than 5 percent of funds appropriated under
17 section 7206 to evaluate the efficacy of programs
18 under this part.

19 **“SEC. 7204. APPLICATIONS.**

20 “(a) *IN GENERAL.*—Any State educational agency or
21 local educational agency desiring a grant under this part
22 shall submit an application to the Secretary at such time,
23 in such form, and containing such information and assur-
24 ances as the Secretary may require.

1 “(b) *SPECIAL CONSIDERATION.*—The Secretary shall
2 *give special consideration to applications describing pro-*
3 *grams that—*

4 “(1) *include intensive summer foreign language*
5 *programs for professional development;*

6 “(2) *link non-native English speakers in the*
7 *community with the schools in order to promote two-*
8 *way language learning; or*

9 “(3) *promote the sequential study of a foreign*
10 *language for students, beginning in elementary*
11 *schools.*

12 **“SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE IN-**
13 **CENTIVE PROGRAM.**

14 “(a) *INCENTIVE PAYMENTS.*—From amounts appro-
15 *priated under section 7206 the Secretary shall make an in-*
16 *centive payment for each fiscal year to each public elemen-*
17 *tary school that provides to students attending such school*
18 *a program designed to lead to communicative competency*
19 *in a foreign language.*

20 “(b) *AMOUNT.*—The Secretary shall determine the
21 *amount of the incentive payment under subsection (a) for*
22 *each public elementary school for each fiscal year on the*
23 *basis of the number of students participating in a program*
24 *described in such subsection at such school for such year*

1 *compared to the total number of such students at all such*
2 *schools in the United States for such year.*

3 “(c) *REQUIREMENT.*—*The Secretary shall consider a*
4 *program to be designed to lead to communicative com-*
5 *petency in a foreign language if such program is com-*
6 *parable to a program that provides at least 45 minutes of*
7 *instruction in a foreign language at least 4 days per week*
8 *throughout an academic year.*

9 **“SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.**

10 *“There are authorized to be appropriated \$35,000,000*
11 *for the fiscal year 1995, and such sums as may be necessary*
12 *for each of the 4 succeeding fiscal years, to carry out this*
13 *part, of which not more than \$20,000,000 may be used in*
14 *each fiscal year to carry out section 7205.*

15 **“PART C—ADMINISTRATION**

16 **“SEC. 7301. COORDINATION WITH RELATED PROGRAMS.**

17 *“In order to maximize the effectiveness of Federal ef-*
18 *forts aimed at serving the educational needs of children and*
19 *youth of limited-English proficiency, the Secretary shall co-*
20 *ordinate and ensure close cooperation with other programs*
21 *administered by the Department, including programs in*
22 *such areas as teacher training, program content, research,*
23 *and curriculum.*

1 ***“SEC. 7302. REPORT ON BILINGUAL EDUCATION.***

2 *“The Secretary shall, within three years of the date*
3 *of enactment of the Improving America’s Schools Act of*
4 *1994, and every third year thereafter, submit to the Con-*
5 *gress a report on the condition of bilingual education. The*
6 *report shall include—*

7 *“(1) information regarding—*

8 *“(A) the grants, contracts, and cooperative*
9 *agreements made pursuant to this title in the*
10 *preceding 3 fiscal years;*

11 *“(B) the number of individuals benefiting*
12 *from the programs assisted under this title;*

13 *“(C) the evaluation of activities carried out*
14 *under this title during the preceding 3 fiscal*
15 *years and the extent to which each such activity*
16 *achieves the policy set forth in section 7103(a);*

17 *“(D) an estimate of the number of teachers*
18 *and other school personnel for bilingual edu-*
19 *cation that will be necessary for the 3 succeeding*
20 *fiscal years; and*

21 *“(E) the research activities carried out*
22 *under this title during the preceding 3 fiscal*
23 *years and the major findings of such research ac-*
24 *tivities; and*

25 *“(2) an analysis and synthesis of such informa-*
26 *tion.*

1 **“SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDA-**
2 **TIONS; PEER REVIEW.**

3 “(a) *STATE EDUCATIONAL AGENCY RECOMMENDA-*
4 *TIONS.*—In making awards under part A, the Secretary
5 shall take State educational agency recommendations into
6 account.

7 “(b) *PEER REVIEW.*—

8 “(1) *IN GENERAL.*—In making awards under
9 part A and in making funding decisions for continu-
10 ation grants under such parts, the Secretary may so-
11 licit recommendations from peer review panels com-
12 posed of individuals experienced in aspects of the edu-
13 cation of limited-English proficient students.

14 “(2) *FUNDING.*—The Secretary may use not
15 more than 0.2 percent of the total amount of funds
16 appropriated for each fiscal year for programs au-
17 thorized under this title for peer review of applica-
18 tions for assistance under such programs.

19 **“PART D—SPECIAL RULE**

20 **“SEC. 7401. SPECIAL RULE.**

21 “Notwithstanding any other provision of law, no re-
22 cipient of a grant under title VII of this Act (as such title
23 was in effect on the day preceding the date of enactment
24 of the Improving America’s Schools Act of 1994) shall be
25 eligible for fourth- and fifth-year renewals authorized by
26 section 7021(d)(1)(C) of such title (as such section was in

1 *effect on the day preceding the date of enactment of such*
2 *Act).*

3 ***“TITLE VIII—PROGRAMS OF***
4 ***NATIONAL SIGNIFICANCE***

5 ***“PART A—ARTS IN EDUCATION***

6 ***“SEC. 8101. SUPPORT FOR ARTS EDUCATION.***

7 *“(a) FINDINGS.—The Congress finds that—*

8 *“(1) the arts are forms of understanding and*
9 *ways of knowing that are fundamentally important to*
10 *education;*

11 *“(2) the arts are important to excellent edu-*
12 *cation and to effective school reform;*

13 *“(3) the most significant contribution of the arts*
14 *to education reform is the transformation of teaching*
15 *and learning;*

16 *“(4) such transformation is best realized in the*
17 *context of comprehensive, systemic education reform;*

18 *“(5) demonstrated competency in the arts for*
19 *American students is among the National Education*
20 *Goals;*

21 *“(6) arts education should be an integral part of*
22 *the elementary and secondary school curriculum;*

23 *“(7) participation in performing arts activities*
24 *has proven to be an effective strategy for promoting*

1 *the inclusion of persons with disabilities in main-*
2 *stream settings; and*

3 “(8) opportunities in the arts have enabled per-
4 *sons of all ages with disabilities to participate more*
5 *fully in school and community activities.*

6 “(b) *PURPOSE.*—*The purposes of this part are to—*

7 “(1) support systemic education reform by
8 *strengthening arts education as an integral part of*
9 *the elementary and secondary school curriculum;*

10 “(2) help ensure that all students have the oppor-
11 *tunity to learn to challenging State content standards*
12 *and challenging State student performance standards*
13 *in the arts; and*

14 “(3) support the national effort to enable all stu-
15 *dents to demonstrate competence in the arts in ac-*
16 *cordance with the National Education Goals.*

17 “(c) *ELIGIBLE RECIPIENTS.*—*In order to carry out the*
18 *purposes of this part, the Secretary is authorized to award*
19 *grants to, or enter into contracts or cooperative agreements*
20 *with—*

21 “(1) *State educational agencies;*

22 “(2) *local educational agencies;*

23 “(3) *institutions of higher education;*

24 “(4) *museums and other cultural institutions;*

25 *and*

1 “(5) other public and private agencies, institu-
2 tions, and organizations.

3 “(d) *AUTHORIZED ACTIVITIES.*—Funds under this
4 part may be used for—

5 “(1) research on arts education;

6 “(2) the development of, and dissemination of in-
7 formation about, model arts education programs;

8 “(3) the development of model arts education as-
9 sessments based on high standards;

10 “(4) the development and implementation of cur-
11 riculum frameworks for arts education;

12 “(5) the development of model preservice and in-
13 service professional development programs for arts
14 educators and other instructional staff;

15 “(6) supporting collaborative activities with
16 other Federal agencies or institutions involved in arts
17 education, such as the National Endowment for the
18 Arts, the Institute of Museum Services, the John F.
19 Kennedy Center for the Performing Arts, Very Special
20 Arts, and the National Gallery of Art;

21 “(7) supporting model projects and programs in
22 the performing arts for children and youth through
23 arrangements made with the John F. Kennedy Center
24 for the Performing Arts;

1 “(8) *supporting model projects and programs de-*
2 *veloped by Very Special Arts which assure the par-*
3 *ticipation in mainstream settings in arts and edu-*
4 *cation programs of persons of all ages with disabil-*
5 *ities;*

6 “(9) *supporting model projects and programs to*
7 *integrate arts education into the regular elementary*
8 *and secondary school curriculum; and*

9 “(10) *other activities that further the purposes of*
10 *this part.*

11 “(e) *COORDINATION.—*

12 “(1) *IN GENERAL.—A recipient of funds under*
13 *this part shall, to the extent possible, coordinate*
14 *projects assisted under this part with appropriate ac-*
15 *tivities of public and private cultural agencies, insti-*
16 *tutions, and organizations, including museums, arts*
17 *education associations, libraries, and theaters.*

18 “(2) *SPECIAL RULE.—In carrying out this part,*
19 *the Secretary shall coordinate with the National En-*
20 *dowment for the Arts, the Institute of Museum Serv-*
21 *ices, the John F. Kennedy Center for the Performing*
22 *Arts, Very Special Arts, and the National Gallery of*
23 *Art.*

24 “(f) *AUTHORIZATION.—*

11 ***“PART B—INEXPENSIVE BOOK DISTRIBUTION***

13 ***“SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM***

15 “(a) *AUTHORIZATION.*—*The Secretary is authorized to*
16 *enter into a contract with Reading is Fundamental (RIF)*
17 *(hereafter in this section referred to as ‘the contractor’) to*
18 *support and promote programs, which include the distribu-*
19 *tion of inexpensive books to students, that motivate children*
20 *to read.*

23 “(1) provide that the contractor will enter into
24 subcontracts with local private nonprofit groups or
25 organizations or with public agencies under which

1 *each subcontractor will agree to establish, operate,*
2 *and provide the non-Federal share of the cost of read-*
3 *ing motivation programs that include the distribution*
4 *of books, by gift, to the extent feasible, or loan, to chil-*
5 *dren from birth through secondary school age;*

6 *“(2) provide that funds made available to sub-*
7 *contractors will be used only to pay the Federal share*
8 *of the cost of such programs;*

9 *“(3) provide that in selecting subcontractors for*
10 *initial funding, the contractor will give priority to*
11 *programs that will serve a substantial number or per-*
12 *centage of children with special needs, such as—*

13 *“(A) low-income children, particularly in*
14 *high-poverty areas;*

15 *“(B) children at risk of school failure;*

16 *“(C) children with disabilities;*

17 *“(D) foster children;*

18 *“(E) homeless children;*

19 *“(F) migrant children;*

20 *“(G) children without access to libraries;*

21 *“(H) institutionalized or incarcerated chil-*
22 *dren; and*

23 *“(I) children whose parents are institu-*
24 *tionalized or incarcerated;*

1 “(4) provide that the contractor will provide
2 such technical assistance to subcontractors as may be
3 necessary to carry out the purpose of this section;

4 “(5) provide that the contractor will annually
5 report to the Secretary the number of, and describe,
6 programs funded under paragraph (3); and

7 “(6) include such other terms and conditions as
8 the Secretary determines to be appropriate to ensure
9 the effectiveness of such programs.

10 “(c) *RESTRICTION ON PAYMENTS.*—The Secretary
11 shall make no payment of the Federal share of the cost of
12 acquiring and distributing books under any contract under
13 this section unless the Secretary determines that the con-
14 tractor or subcontractor, as the case may be, has made ar-
15 rangements with book publishers or distributors to obtain
16 books at discounts at least as favorable as discounts that
17 are customarily given by such publisher or distributor for
18 book purchases made under similar circumstances in the
19 absence of Federal assistance.

20 “(d) *DEFINITION OF ‘FEDERAL SHARE’.*—For the pur-
21 pose of this section, the term ‘Federal share’ means, with
22 respect to the cost to a subcontractor of purchasing books
23 to be paid under this section, 75 percent of such costs to
24 the subcontractor, except that the Federal share for pro-

1 *grams serving children of migrant or seasonal farmworkers*
2 *shall be 100 percent of such costs to the subcontractor.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—For the*
4 *purpose of carrying out this section, there are authorized*
5 *to be appropriated \$11,000,000 for fiscal year 1995 and*
6 *such sums as may be necessary for each of the 4 succeeding*
7 *fiscal years.*

8 **“PART C—PUBLIC CHARTER SCHOOLS**

9 **“SEC. 8201. FINDINGS AND PURPOSE.**

10 “(a) *FINDINGS.—The Congress finds that—*

11 “(1) *enhancement of parent and student choices*
12 *among public schools can assist in promoting com-*
13 *prehensive educational reform and give more students*
14 *the opportunity to learn to challenging State content*
15 *standards and challenging State student performance*
16 *standards, if sufficiently diverse and high-quality*
17 *choices, and genuine opportunities to take advantage*
18 *of such choices, are available to all students;*

19 “(2) *useful examples of such choices can come*
20 *from States and communities that experiment with*
21 *methods of offering teachers and other educators, par-*
22 *ents, and other members of the public the opportunity*
23 *to design and implement new public schools and to*
24 *transform existing public schools;*

1 “(3) the new schools developed through such proc-
2 ess should be free to test a variety of educational ap-
3 proaches and should, therefore, be exempted from re-
4 strictive rules and regulations if the leadership of
5 such schools commits to attaining specific and ambi-
6 tious educational results for students consistent with
7 challenging State content standards and challenging
8 State student performance standards for all students;

9 “(4) charter schools, as such schools have been
10 implemented in a few States, can embody the nec-
11 essary mixture of enhanced choice, exemption from re-
12 strictive regulations, and a focus on learning gains;

13 “(5) charter schools, including charter schools
14 that are schools-within-schools, can help reduce school
15 size, which reduction can have a significant effect on
16 student achievement;

17 “(6) the Federal Government should test, evalu-
18 ate, and disseminate information on a variety of
19 charter school models in order to help demonstrate the
20 benefits of this promising educational reform; and

21 “(7) there is a strong documented need for cash
22 flow assistance to charter schools that are starting up,
23 because State and local operating revenue streams are
24 not immediately available.

1 “(b) *PURPOSE.*—It is the purpose of this part to in-
2 crease national understanding of the charter schools model
3 by—

4 “(1) *providing financial assistance for the design*
5 *and initial implementation of charter schools; and*

6 “(2) *evaluating the effects of such schools, includ-*
7 *ing the effects on students, staff, and parents.*

8 **“SEC. 8202. PROGRAM AUTHORIZED.**

9 “(a) *IN GENERAL.*—The Secretary may award grants
10 to State educational agencies having applications approved
11 pursuant to section 8203 to enable such agencies to conduct
12 a charter school grant program in accordance with this
13 part.

14 “(b) *SPECIAL RULE.*—If a State educational agency
15 elects not to participate in the program authorized by this
16 part or does not have an application approved under sec-
17 tion 8203, the Secretary may award a grant to an eligible
18 applicant that serves such State and has an application
19 approved pursuant to section 8203(c).

20 “(c) *PROGRAM PERIODS.*—

21 “(1) *GRANTS TO STATES.*—Grants awarded to
22 State educational agencies under this part shall be
23 awarded for a period of not more than 3 years.

24 “(2) *GRANTS TO ELIGIBLE APPLICANTS.*—Grants
25 awarded by the Secretary to eligible applicants or

1 *subgrants awarded by State educational agencies to*
2 *eligible applicants under this part shall be awarded*
3 *for a period of not more than 3 years, of which the*
4 *eligible applicant may use—*

5 *“(A) not more than 18 months for planning*
6 *and program design; and*

7 *“(B) not more than 2 years for the initial*
8 *implementation of a charter school.*

9 *“(d) LIMITATION.—The Secretary shall not award*
10 *more than one grant and State educational agencies shall*
11 *not award more than one subgrant under this part to sup-*
12 *port a particular charter school.*

13 *“(e) USE OF FUNDS.—*

14 *“(1) STATE EDUCATIONAL AGENCIES.—Each*
15 *State educational agency receiving a grant under this*
16 *part shall use such grant funds to award subgrants*
17 *to one or more eligible applicants in the State to en-*
18 *able such applicant to plan and implement a charter*
19 *school in accordance with this part.*

20 *“(2) ELIGIBLE APPLICANTS.—Each eligible ap-*
21 *plicant receiving funds from the Secretary or a State*
22 *educational agency shall use such funds to plan and*
23 *implement a charter school in accordance with this*
24 *part.*

1 “(3) *ALLOWABLE ACTIVITIES.*—An eligible appli-
2 cant receiving a grant or subgrant under this part
3 may use the grant or subgrant funds only for—

4 “(A) *post-award planning and design of the*
5 *educational program, which may include—*

6 “(i) *refinement of the desired edu-*
7 *cational results and of the methods for*
8 *measuring progress toward achieving those*
9 *results; and*

10 “(ii) *professional development of teach-*
11 *ers and other staff who will work in the*
12 *charter school; and*

13 “(B) *initial implementation of the charter*
14 *school, which may include—*

15 “(i) *informing the community about*
16 *the school;*

17 “(ii) *acquiring necessary equipment*
18 *and educational materials and supplies;*

19 “(iii) *acquiring or developing curricu-*
20 *lum materials;*

21 “(iv) *minor remodeling or renovation*
22 *of facilities needed to meet State or local*
23 *health or safety laws or regulations; and*

24 “(v) *other initial operational costs that*
25 *cannot be met from State or local sources.*

1 “(4) *ADMINISTRATIVE EXPENSES.*—Each State
2 educational agency receiving a grant pursuant to this
3 part may reserve not more than 5 percent of such
4 grant funds for administrative expenses associated
5 with the charter school grant program assisted under
6 this part.

7 “(5) *REVOLVING LOAN FUNDS.*—Each State edu-
8 cational agency receiving a grant pursuant to this
9 part may reserve not more than 20 percent of the
10 grant amount for the establishment of a revolving
11 loan fund. Such fund may be used to make loans to
12 eligible applicants that have received a subgrant
13 under this part, under such terms as may be deter-
14 mined by the State educational agency, for the initial
15 operation of the charter school grant program of such
16 recipient until such time as the recipient begins re-
17 ceiving ongoing operational support from State or
18 local financing sources.

19 **“SEC. 8203. APPLICATIONS.**

20 “(a) *APPLICATIONS FROM STATE AGENCIES.*—Each
21 State educational agency desiring a grant under this part
22 shall submit to the Secretary an application at such time,
23 in such manner, and containing or accompanied by such
24 information as the Secretary may require.

1 “(b) *CONTENTS OF A STATE EDUCATIONAL AGENCY*
2 *APPLICATION.*—Each application submitted pursuant to
3 subsection (a) shall—

4 “(1) *describe the objectives of the State edu-*
5 *cational agency’s charter school grant program and a*
6 *description of how such objectives will be fulfilled, in-*
7 *cluding steps taken by the State educational agency*
8 *to inform teachers, parents, and communities of the*
9 *State educational agency’s charter school grant pro-*
10 *gram;*

11 “(2) *contain assurances that the State edu-*
12 *cational agency—*

13 “(A) *will grant, or will obtain, waivers of*
14 *State statutory or regulatory requirements pro-*
15 *vided for in the State’s charter schools law; and*

16 “(B) *will assist each subgrantee in the State*
17 *in receiving a waiver under section 8204(e);*

18 “(3) *contain assurances that the State edu-*
19 *cational agency will require each eligible applicant*
20 *desiring to receive a subgrant to submit an applica-*
21 *tion to the State educational agency containing—*

22 “(A) *a description of the educational pro-*
23 *gram to be implemented by the proposed charter*
24 *school, including—*

1 “(i) how the program will enable all
2 students to meet challenging State student
3 performance standards;

4 “(ii) the grade levels or ages of children
5 to be served; and

6 “(iii) the curriculum and instructional
7 practices to be used;

8 “(B) a description of how the charter school
9 will be managed;

10 “(C) a description of—

11 “(i) the objectives of the charter school;
12 and

13 “(ii) the methods by which the charter
14 school will determine its progress toward
15 achieving those objectives;

16 “(D) a description of the administrative re-
17 lationship between the charter school and the au-
18 thorized public chartering agency;

19 “(E) a description of how parents and other
20 members of the community will be involved in
21 the design and implementation of the charter
22 school;

23 “(F) a description of how the authorized
24 public chartering agency will provide for contin-
25 ued operation of the school once the Federal

1 *grant has expired, if such agency determines that*
2 *the school has met the objectives described in sub-*
3 *paragraph (C)(i);*

4 *“(G) a request and justification for waivers*
5 *of any Federal statutory or regulatory require-*
6 *ments that the applicant believes are necessary*
7 *for the successful operation of the charter school;*

8 *“(H) a description of how the subgrant*
9 *funds or grant funds, as appropriate, will be*
10 *used, including a description of how such funds*
11 *will be used in conjunction with other Federal*
12 *programs administered by the Secretary;*

13 *“(I) a description of how students in the*
14 *community will be—*

15 *“(i) informed about the charter school;*
16 *and*

17 *“(ii) given an equal opportunity to at-*
18 *tend the charter school;*

19 *“(J) an assurance that the eligible appli-*
20 *cant will annually provide the Secretary and the*
21 *State educational agency such information as*
22 *may be required to determine if the charter*
23 *school is making satisfactory progress toward*
24 *achieving the objectives described in subpara-*
25 *graph (C)(i);*

1 “(K) an assurance that the applicant will
 2 cooperate with the Secretary and the State edu-
 3 cational agency in evaluating the program as-
 4 sisted under this part; and

5 “(L) such other information and assurances
 6 as the Secretary and the State educational agen-
 7 cy may require.

8 “(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—

9 “(1) IN GENERAL.—Each eligible applicant de-
 10 siring a grant pursuant to section 8202(e)(1) or
 11 8202(b) shall submit an application to the State edu-
 12 cational agency or Secretary, respectively, at such
 13 time, in such manner, and accompanied by such in-
 14 formation as the State educational agency or Sec-
 15 retary, respectively, may reasonably require.

16 “(d) CONTENTS OF ELIGIBLE AGENCY APPLICATION.—

17 Each application submitted pursuant to subsection (c) shall
 18 contain the information and assurances described in sub-
 19 paragraphs (A) through (L) of subsection (b)(3), except that
 20 for purpose of this sentence subparagraphs (J), (K), and
 21 (L) of such subsection shall be applied by striking “and the
 22 State educational agency” each place such term appears.

23 **“SEC. 8204. ADMINISTRATION.**

24 “(a) SELECTION CRITERIA FOR STATE EDUCATIONAL
 25 AGENCIES.—The Secretary shall award grants to State edu-

1 cational agencies under this part on the basis of the quality
2 of the applications submitted under section 8203, after tak-
3 ing into consideration such factors as—

4 “(1) the contribution that the charter schools
5 grant program will make to achieving State content
6 standards and State student performance standards
7 and, in general, a State’s education improvement
8 plan;

9 “(2) the degree of flexibility afforded by the State
10 educational agency to charter schools under the
11 State’s charter schools law;

12 “(3) the ambitiousness of the objectives for the
13 State charter school grant program;

14 “(4) the quality of the process for assessing
15 achievement of those objectives; and

16 “(5) the likelihood that the charter school grant
17 program will meet those objectives and improve edu-
18 cational results for students.

19 “(b) *SELECTION CRITERIA FOR ELIGIBLE APPLI-*
20 *CANTS.*—The Secretary shall award grants to eligible appli-
21 cants under this part on the basis of the quality of the ap-
22 plications submitted under section 8203, after taking into
23 consideration such factors as—

24 “(1) the quality of the proposed curriculum and
25 instructional practices;

1 “(2) the degree of flexibility afforded by the State
2 educational agency and, if applicable, the local edu-
3 cational agency to the charter school;

4 “(3) the extent of community support for the ap-
5 plication;

6 “(4) the ambitiousness of the objectives for the
7 charter school;

8 “(5) the quality of the process for assessing
9 achievement of those objectives; and

10 “(6) the likelihood that the charter school will
11 meet those objectives and improve educational results
12 for students.

13 “(c) *PEER REVIEW*.—The Secretary, and each State
14 educational agency receiving a grant under this part, shall
15 use a peer review process to review applications for assist-
16 ance under this part.

17 “(d) *DIVERSITY OF PROJECTS*.—The Secretary and
18 each State educational agency receiving a grant under this
19 part, shall award subgrants under this part in a manner
20 that, to the extent possible, ensures that such grants and
21 subgrants—

22 “(1) are distributed throughout different areas of
23 the Nation and each State, including urban and rural
24 areas; and

1 “(2) will assist charter schools representing a va-
2 riety of educational approaches, such as approaches
3 designed to reduce school size.

4 “(e) *WAIVERS.*—The Secretary may waive any statu-
5 tory or regulatory requirement over which the Secretary ex-
6 ercises administrative authority except any such require-
7 ment relating to the elements of a charter school described
8 in section 8206(1), if—

9 “(1) the waiver is requested in an approved ap-
10 plication under this part; and

11 “(2) the Secretary determines that granting such
12 a waiver will promote the purpose of this part.

13 **“SEC. 8205. NATIONAL ACTIVITIES.**

14 “The Secretary may reserve not more than 10 percent
15 of the funds available to carry out this part for any fiscal
16 year for—

17 “(1) peer review of applications under section
18 8204(c);

19 “(2) an evaluation of charter schools, including
20 those assisted under this part; and

21 “(3) other activities designed to enhance the suc-
22 cess of the activities assisted under this part, such
23 as—

24 “(A) development and dissemination of
25 model State charter school laws and model con-

1 *tracts or other means of authorizing and mon-*
2 *itoring the performance of charter schools;*

3 *“(B) collection and dissemination of infor-*
4 *mation on successful charter schools; and*

5 *“(C) conferences, publications, and use of*
6 *telecommunications and other means to share*
7 *ideas and information among grant recipients*
8 *and others about charter schools.*

9 ***“SEC. 8206. DEFINITIONS.***

10 *“As used in this part:*

11 *“(1) The term ‘charter school’ means a public*
12 *school that—*

13 *“(A) in accordance with an enabling State*
14 *statute, is exempted from significant State or*
15 *local rules that inhibit the flexible operation and*
16 *management of public schools, but not from any*
17 *rules relating to the other requirements of this*
18 *paragraph;*

19 *“(B) is created by a developer as a public*
20 *school, or is adapted by a developer from an ex-*
21 *isting public school, and is operated under pub-*
22 *lic supervision and direction;*

23 *“(C) operates in pursuit of a specific set of*
24 *educational objectives determined by the school’s*

1 *developer and agreed to by the authorized public*
2 *chartering agency;*

3 *“(D) provides a program of elementary or*
4 *secondary education, or both;*

5 *“(E) is nonsectarian in its programs, ad-*
6 *missions policies, employment practices, and all*
7 *other operations, and is not affiliated with a sec-*
8 *tarian school or religious institution;*

9 *“(F) does not charge tuition;*

10 *“(G) complies with the Age Discrimination*
11 *Act of 1975, title VI of the Civil Rights Act of*
12 *1964, title IX of the Education Amendments of*
13 *1972, section 504 of the Rehabilitation Act of*
14 *1973, and part B of the Individuals with Dis-*
15 *abilities Education Act;*

16 *“(H) admits students on the basis of a lot-*
17 *tery, if more students apply for admission than*
18 *can be accommodated;*

19 *“(I) agrees to comply with the same Federal*
20 *and State audit requirements as do other schools*
21 *in the State, unless such requirements are spe-*
22 *cifically waived for the purpose of this program;*
23 *and*

24 *“(J) meets all applicable Federal, State,*
25 *and local health and safety requirements.*

1 “(2) The term ‘developer’ means an individual
2 or group of individuals (including a public or private
3 nonprofit organization), which may include teachers,
4 administrators and other school staff, parents, or
5 other members of the local community in which a
6 charter school project will be carried out.

7 “(3) The term ‘eligible applicant’ means an au-
8 thorized public chartering agency participating in a
9 partnership with a developer to establish a charter
10 school in accordance with this part.

11 “(4) The term ‘authorized public chartering
12 agency’ means a State educational agency, local edu-
13 cational agency, or other public entity that has the
14 authority pursuant to State law to authorize or ap-
15 prove a charter school.

16 **“SEC. 8207. AUTHORIZATION OF APPROPRIATIONS.**

17 “For the purpose of carrying out this part, there are
18 authorized to be appropriated \$15,000,000 for fiscal year
19 1995 and such sums as may be necessary for each of the
20 4 succeeding fiscal years.

21 **“PART D—CIVIC EDUCATION**

22 **“SEC. 8251. INSTRUCTION ON THE HISTORY AND PRIN-**
23 **CIPLES OF DEMOCRACY IN THE UNITED**
24 **STATES.**

25 “(a) GENERAL AUTHORITY.—

1 “(1) *PROGRAM ESTABLISHED.*—(A) *The Sec-*
2 *retary is authorized to carry out a program to en-*
3 *hance the attainment of the third and sixth National*
4 *Education Goals by educating students about the his-*
5 *tory and principles of the Constitution of the United*
6 *States, including the Bill of Rights, and to foster civic*
7 *competence and responsibility.*

8 “(B) *Such program shall be known as ‘We the*
9 *People . . . The Citizen and the Constitution’.*

10 “(2) *EDUCATIONAL ACTIVITIES.*—*The program*
11 *required by paragraph (1) shall—*

12 “(A) *continue and expand the educational*
13 *activities of the ‘We the People . . . The Citizen*
14 *and the Constitution’ program administered by*
15 *the Center for Civic Education; and*

16 “(B) *enhance student attainment of chal-*
17 *lenging content standards in civics and govern-*
18 *ment.*

19 “(3) *CONTRACT OR GRANT AUTHORIZED.*—*The*
20 *Secretary is authorized to enter into a contract or*
21 *grant with the Center for Civic Education to carry*
22 *out the program described in paragraph (1).*

23 “(b) *PROGRAM CONTENT.*—*The education program*
24 *authorized by this section shall provide—*

1 “(1) a course of instruction on the basic prin-
2 ciples of our constitutional democracy and the history
3 of the Constitution and the Bill of Rights;

4 “(2) at the request of a participating school,
5 school and community simulated congressional hear-
6 ings following the course of study; and

7 “(3) an annual national competition of simu-
8 lated congressional hearings for secondary students
9 who wish to participate in such program.

10 “(c) *PROGRAM CONTENT*.—The education program au-
11 thorized by this section shall be made available to public
12 and private elementary and secondary schools in the 435
13 congressional districts, the Commonwealth of Puerto Rico,
14 the Virgin Islands, Guam, American Samoa, and the Dis-
15 trict of Columbia.

16 “(d) *SPECIAL RULE*.—After the provisions of sub-
17 section (b) have been implemented, funds provided under
18 this section may be used for—

19 “(1) advanced training of teachers about the
20 United States Constitution and the political system
21 the United States created; or

22 “(2) a course of instruction at the middle school
23 level on the roles of State and local governments in
24 the Federal system established by the Constitution,
25 which course shall provide for—

1 “(A) optional school and community simu-
2 lated State legislative hearings;

3 “(B) an annual competition of simulated
4 legislative hearings at the State legislative dis-
5 trict, State, and national levels for middle school
6 students who wish to participate in the program;
7 and

8 “(C) participation by public and private
9 middle schools in the 50 States, the District of
10 Columbia, Commonwealth of Puerto Rico, Guam,
11 American Samoa, the Virgin Islands, the Com-
12 monwealth of the Northern Mariana Islands, the
13 Republic of the Marshall Islands, the Federated
14 States of Micronesia, and Palau.

15 **“SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND**
16 **THE LAW.**

17 “(a) *PROGRAM ESTABLISHED.*—The Secretary is au-
18 thorized to carry out a program of grants and contracts
19 to assist State and local educational agencies and other
20 public and private nonprofit agencies, organizations and
21 institutions to enhance—

22 “(1) attainment by students of challenging State
23 content standards and challenging State student per-
24 formance standards in civics, government, and the
25 law; and

1 “(2) attainment by the Nation of the third and
2 the sixth National Education Goals.

3 “(b) *AUTHORIZED ACTIVITIES*.—Assistance under this
4 section may support new and ongoing programs in elemen-
5 tary and secondary schools that provide for—

6 “(1) the development and implementation of cur-
7 ricular programs that enhance student understanding
8 of—

9 “(A) the values and principles which under-
10 lie, and the institutions and processes which
11 comprise, our Nation’s system of government;

12 “(B) the role of law in our constitutional
13 democracy, including activities to promote—

14 “(i) legal literacy;

15 “(ii) a dedication by students to the
16 use of nonviolent means of conflict resolu-
17 tion such as arbitration, mediation, nego-
18 tiation, trials, and appellate hearings; and

19 “(iii) respect for cultural diversity and
20 acceptance of cultural differences; and

21 “(C) the rights and responsibilities of citi-
22 zenship;

23 “(2) professional development for teachers, in-
24 cluding preservice and inservice training;

1 “(3) *outside-the-classroom learning experiences*
2 *for students, including community service activities;*

3 “(4) *the active participation of community lead-*
4 *ers, from the public and private sectors, in the schools;*
5 *and*

6 “(5) *the provision of technical assistance to State*
7 *and local educational agencies and other institutions*
8 *and organizations working to further the progress of*
9 *the Nation in attaining the third and sixth National*
10 *Education Goals regarding civics and government.*

11 “(c) *APPLICATIONS, PEER REVIEW AND PRIORITY.—*

12 “(1) *SUBMISSION OF APPLICATIONS.—A State or*
13 *local educational agency, other public or private non-*
14 *profit agency, organization, or institution that desires*
15 *to receive a grant or enter into a contract under this*
16 *section shall submit an application to the Secretary*
17 *at such time, in such manner, and containing or ac-*
18 *companied by such information as the Secretary may*
19 *reasonably require.*

20 “(2) *PEER REVIEW.—(A) The Secretary shall*
21 *convene a panel of individuals for purpose of review-*
22 *ing and rating applications submitted under para-*
23 *graph (1).*

1 “(B) *Such individuals shall have experience with*
2 *education programs in civics, government, and the*
3 *law.*

4 “(3) *PRIORITY.—In making grants or awarding*
5 *contracts under this section, the Secretary shall give*
6 *priority consideration to applications which propose*
7 *the operation of statewide programs.*

8 “(d) *DURATION OF GRANTS AND EXCEPTION.—*

9 “(1) *DURATION.—Except as provided in para-*
10 *graph (2), the Secretary shall make grants and enter*
11 *into contracts under this section for periods of two or*
12 *three years.*

13 “(2) *EXCEPTION.—The Secretary may make a*
14 *grant or enter into a contract under this section for*
15 *a period of less than 2 years if the Secretary deter-*
16 *mines that special circumstances exist which warrant*
17 *a 1-year grant or contract award.*

18 **“SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIA-**
19 **TIONS.**

20 “(a) *REPORT.—The Secretary shall report, on a bien-*
21 *nial basis and in accordance with section 10701, to the*
22 *Committee on Education and Labor of the House of Rep-*
23 *resentatives and to the Committee on Labor and Human*
24 *Resources of the Senate regarding the distribution and use*
25 *of funds authorized under this part.*

1 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—

2 “(1) *IN GENERAL.*—To carry out this part, there
3 are authorized to be appropriated \$20,000,000 for fis-
4 cal year 1995 and such sums as necessary for each of
5 the 4 succeeding fiscal years.

6 “(2) *ALLOCATION.*—From the amount appro-
7 priated under subsection (a), the Secretary shall allo-
8 cate—

9 “(A) 50 percent of such amount to carry out
10 section 8251; and

11 “(B) 50 percent of such amount to carry
12 out section 8252.

13 **“PART E—ALLEN J. ELLENDER FELLOWSHIP**
14 **PROGRAM**

15 **“SEC. 8301. FINDINGS.**

16 *“The Congress finds as follows:*

17 “(1) *It is a worthwhile goal to ensure that all*
18 *students in America are prepared for responsible citi-*
19 *zenship and that all students should have the oppor-*
20 *tunity to be involved in activities that promote and*
21 *demonstrate good citizenship.*

22 “(2) *It is a worthwhile goal to ensure that Amer-*
23 *ica’s educators have access to programs for the contin-*
24 *ued improvement of their professional skills.*

“(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

17 ***“Subpart 1—Program for Middle and Secondary***
18 ***School Students***

19 ***“SEC. 8311. ESTABLISHMENT.***

20 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
21 ized to make grants in accordance with the provisions of
22 this title to the Close Up Foundation of Washington, Dis-
23 trict of Columbia, a nonpartisan, nonprofit foundation, for
24 the purpose of assisting the Close Up Foundation in carry-
25 ing out its programs of increasing understanding of the

1 *Federal Government among middle and secondary school*
2 *students.*

3 “(b) *USE OF FUNDS.*—Grants under this subpart shall
4 *be used only to provide financial assistance to economically*
5 *disadvantaged students who participate in the program de-*
6 *scribed in subsection (a). Financial assistance received pur-*
7 *suant to this subpart by such students shall be known as*
8 *Allen J. Ellender fellowships.*

9 **“SEC. 8312. APPLICATIONS.**

10 “(a) *APPLICATION REQUIRED.*—No grant under this
11 *subpart may be made except upon an application at such*
12 *time, in such manner, and accompanied by such informa-*
13 *tion as the Secretary may reasonably require.*

14 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
15 *tion shall contain provisions to assure—*

16 “(1) *that fellowship grants are made to economi-*
17 *cally disadvantaged middle and secondary school stu-*
18 *dents;*

19 “(2) *that every effort will be made to ensure the*
20 *participation of students from rural and small town*
21 *areas, as well as from urban areas, and that in*
22 *awarding fellowships to economically disadvantaged*
23 *students, special consideration will be given to the*
24 *participation of students with special educational*

1 *needs, including students with disabilities, ethnic mi-*
2 *nority students, and gifted and talented students; and*
3 “(3) *the proper disbursement of the funds of the*
4 *United States received under this subpart.*

5 **“Subpart 2—Program for Middle and Secondary**
6 **School Teachers**

7 **“SEC. 8321. ESTABLISHMENT.**

8 “(a) *GENERAL AUTHORITY.*—*The Secretary is author-*
9 *ized to make grants in accordance with the provisions of*
10 *this subpart to the Close Up Foundation of Washington,*
11 *District of Columbia, a nonpartisan, nonprofit foundation,*
12 *for the purpose of assisting the Close Up Foundation in*
13 *carrying out its programs of teaching skills enhancement*
14 *for middle and secondary school teachers.*

15 “(b) *USE OF FUNDS.*—*Grants under this subpart shall*
16 *be used only for financial assistance to teachers who par-*
17 *ticipate in the program described in subsection (a). Finan-*
18 *cial assistance received pursuant to this subpart by such*
19 *individuals shall be known as Allen J. Ellender fellowships.*

20 **“SEC. 8322. APPLICATIONS.**

21 “(a) *APPLICATION REQUIRED.*—*No grant under this*
22 *subpart may be made except upon an application at such*
23 *time, in such manner, and accompanied by such informa-*
24 *tion as the Secretary may reasonably require.*

1 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
 2 tion shall contain provisions to assure—

3 “(1) *that fellowship grants are made only to*
 4 *teachers who have worked with at least one student*
 5 *from such teacher’s school who participates in the*
 6 *programs described in section 8311(a);*

7 “(2) *that not more than one teacher in each*
 8 *school participating in the programs provided for in*
 9 *section 8311(a) may receive a fellowship in any fiscal*
 10 *year; and*

11 “(3) *the proper disbursement of the funds of the*
 12 *United States received under this subpart.*

13 **“Subpart 3—Programs for Recent Immigrants,**
 14 **Students of Migrant Parents and Older Americans**

15 **“SEC. 8331. ESTABLISHMENT.**

16 “(a) *GENERAL AUTHORITY.*—

17 “(1) *IN GENERAL.*—The Secretary is authorized
 18 *to make grants in accordance with the provisions of*
 19 *this subpart to the Close Up Foundation of Washing-*
 20 *ton, District of Columbia, a nonpartisan, nonprofit*
 21 *foundation, for the purpose of assisting the Close Up*
 22 *Foundation in carrying out its programs of increas-*
 23 *ing understanding of the Federal Government among*
 24 *economically disadvantaged older Americans, recent*
 25 *immigrants and students of migrant parents.*

1 “(2) *DEFINITION.*—For the purpose of this sub-
2 part, the term ‘older American’ means an individual
3 who has attained 55 years of age.

4 “(b) *USE OF FUNDS.*—Grants under this subpart shall
5 be used only for financial assistance to economically dis-
6 advantaged older Americans, recent immigrants and stu-
7 dents of migrant parents who participate in the program
8 described in subsection (a). Financial assistance received
9 pursuant to this subpart by such individuals shall be known
10 as Allen J. Ellender fellowships.

11 **“SEC. 8332. APPLICATIONS.**

12 “(a) *APPLICATION REQUIRED.*—No grant under this
13 subpart may be made except upon application at such time,
14 in such manner, and accompanied by such information as
15 the Secretary may reasonably require.

16 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
17 tion shall contain provisions to assure—

18 “(1) that fellowship grants are made to economi-
19 cally disadvantaged older Americans, recent immi-
20 grants and students of migrant parents;

21 “(2) that every effort will be made to ensure the
22 participation of older Americans, recent immigrants
23 and students of migrant parents from rural and
24 small town areas, as well as from urban areas, and
25 that in awarding fellowships, special consideration

1 *will be given to the participation of older Americans,*
2 *recent immigrants and students of migrant parents*
3 *with special needs, including individuals with dis-*
4 *abilities, ethnic minorities, and gifted and talented*
5 *students;*

6 *“(3) that activities permitted by subsection (a)*
7 *are fully described; and*

8 *“(4) the proper disbursement of the funds of the*
9 *United States received under this subpart.*

10 **“Subpart 4—General Provisions**

11 **“SEC. 8341. ADMINISTRATIVE PROVISIONS.**

12 *“(a) GENERAL RULE.—Payments under this part may*
13 *be made in installments, in advance, or by way of reim-*
14 *bursement, with necessary adjustments on account of*
15 *underpayment or overpayment.*

16 *“(b) AUDIT RULE.—The Comptroller General of the*
17 *United States or any of the Comptroller General’s duly au-*
18 *thorized representatives shall have access for the purpose of*
19 *audit and examination to any books, documents, papers,*
20 *and records that are pertinent to any grant under this part.*

21 **“SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.**

22 *“(a) IN GENERAL.—There are authorized to be appro-*
23 *priated to carry out the provisions of subparts 1, 2, and*
24 *3 of this part \$4,500,000 for fiscal year 1995 and such sums*
25 *as may be necessary for each of the 4 succeeding fiscal years.*

1 “(b) *SPECIAL RULE.*—Of the funds appropriated pur-
2 suant to subsection (a), not more than 30 percent may be
3 used for teachers associated with students participating in
4 the programs described in section 8311(a).

5 **“PART F—GIFTED AND TALENTED CHILDREN**

6 **“SEC. 8401. SHORT TITLE.**

7 “This part may be cited as the ‘Jacob K. Javits Gifted
8 and Talented Students Education Act of 1994’.

9 **“SEC. 8402. FINDINGS AND PURPOSES.**

10 “(a) *FINDINGS.*—The Congress finds and declares
11 that—

12 “(1) all students can learn to high standards
13 and must develop their talents and realize their po-
14 tential if the United States is to prosper;

15 “(2) gifted and talented students are a national
16 resource vital to the future of the Nation and our Na-
17 tion’s security and well-being;

18 “(3) too often schools fail to challenge students to
19 do their best work, and students who are not chal-
20 lenged will not learn to challenging State content
21 standards and challenging State student performance
22 standards, fully develop their talents, and realize
23 their potential;

24 “(4) unless the special abilities of gifted and tal-
25 ented students are recognized and developed during

1 *their elementary and secondary school years, much of*
2 *their special potential for contributing to the national*
3 *interest is likely to be lost;*

4 *“(5) gifted and talented students from economi-*
5 *cally disadvantaged families and areas, and students*
6 *of limited-English proficiency are at greatest risk of*
7 *being unrecognized and of not being provided ade-*
8 *quate or appropriate educational services;*

9 *“(6) State and local educational agencies and*
10 *private nonprofit schools often lack the necessary spe-*
11 *cialized resources to plan and implement effective*
12 *programs for the early identification of gifted and*
13 *talented students for the provision of educational serv-*
14 *ices and programs appropriate to their special needs;*

15 *“(7) the Federal Government can best carry out*
16 *the limited but essential role of stimulating research*
17 *and development and personnel training and provid-*
18 *ing a national focal point of information and tech-*
19 *nical assistance that is necessary to ensure that the*
20 *Nation’s schools are able to meet the special edu-*
21 *cational needs of gifted and talented students, and*
22 *thereby serve a profound national interest; and*

23 *“(8) the experience and knowledge gained in de-*
24 *veloping and implementing programs for gifted and*

1 *talented students can and should be used as a basis*
2 *to—*

3 “(A) *develop a rich and challenging cur-*
4 *riculum for all students; and*

5 “(B) *provide all students with important*
6 *and challenging subject matter to study and en-*
7 *courage the habits of hard work.*

8 “(b) *STATEMENT OF PURPOSE.—It is the purpose of*
9 *this part—*

10 “(1) *to provide financial assistance to State and*
11 *local educational agencies, institutions of higher edu-*
12 *cation, and other public and private agencies and or-*
13 *ganizations, to initiate a coordinated program of re-*
14 *search, demonstration projects, personnel training,*
15 *and similar activities designed to build a nationwide*
16 *capability in elementary and secondary schools to*
17 *meet the special educational needs of gifted and tal-*
18 *ented students;*

19 “(2) *to encourage the development of rich and*
20 *challenging curricula for all students through the ap-*
21 *propriate application and adaptation of materials*
22 *and instructional methods developed under this part;*
23 *and*

1 “(3) to supplement and make more effective the
2 expenditure of State and local funds, for the edu-
3 cation of gifted and talented students.

4 **“SEC. 8403. CONSTRUCTION.**

5 “Nothing in this part shall be construed to prohibit
6 a recipient of funds under this part from serving gifted and
7 talented students simultaneously with students with similar
8 educational needs, in the same educational settings where
9 appropriate.

10 **“SEC. 8404. AUTHORIZED PROGRAMS.**

11 “(a) *ESTABLISHMENT OF PROGRAM.*—

12 “(1) *IN GENERAL.*—From the sums appropriated
13 under section 8407 in any fiscal year the Secretary
14 (after consultation with experts in the field of the edu-
15 cation of gifted and talented students) shall make
16 grants to or enter into contracts with State edu-
17 cational agencies, local educational agencies, institu-
18 tions of higher education, or other public agencies and
19 private agencies and organizations (including Indian
20 tribes and Indian organizations (as such terms are
21 defined by the Indian Self-Determination and Edu-
22 cation Assistance Act) and Hawaiian native organi-
23 zations) to assist such agencies, institutions, and or-
24 ganizations which submit applications in carrying
25 out programs or projects authorized by this part that

1 *are designed to meet the educational needs of gifted*
2 *and talented students, including the training of per-*
3 *sonnel in the education of gifted and talented students*
4 *and in the use, where appropriate, of gifted and tal-*
5 *ented services, materials, and methods for all stu-*
6 *dents.*

7 “(2) *CONTENTS.—Applications for funds under*
8 *this part shall describe how—*

9 “(A) *the proposed gifted and talented serv-*
10 *ices, materials, and methods can be adapted, if*
11 *appropriate, for use by all students; and*

12 “(B) *how the proposed programs can be*
13 *evaluated.*

14 “(b) *USES OF FUNDS.—Programs and projects as-*
15 *sisted under this section may include—*

16 “(1) *professional development (including fellow-*
17 *ships) for personnel (including leadership personnel)*
18 *involved in the education of gifted and talented stu-*
19 *dents;*

20 “(2) *establishment and operation of model*
21 *projects and exemplary programs for serving gifted*
22 *and talented students, including innovative methods*
23 *for identifying and educating students who may not*
24 *be served by traditional gifted and talented programs,*
25 *summer programs, mentoring programs, service*

1 *learning programs, and cooperative programs involv-*
2 *ing business, industry, and education;*

3 *“(3) training of personnel and parents involved*
4 *in gifted and talented programs with respect to the*
5 *impact of gender role-socialization on the educational*
6 *needs of gifted and talented children and in gender*
7 *equitable education methods, techniques and practices;*

8 *“(4) implementing innovative strategies, such as*
9 *cooperative learning, peer tutoring and service learn-*
10 *ing;*

11 *“(5) strengthening the capability of State edu-*
12 *cational agencies and institutions of higher education*
13 *to provide leadership and assistance to local edu-*
14 *cational agencies and nonprofit private schools in the*
15 *planning, operation, and improvement of programs*
16 *for the identification and education of gifted and tal-*
17 *ented students and the appropriate use of gifted and*
18 *talented programs and methods to serve all students;*

19 *“(6) programs of technical assistance and infor-*
20 *mation dissemination, including how gifted and tal-*
21 *ented programs and methods, where appropriate,*
22 *could be adapted for use by all students; and*

23 *“(7) carrying out—*

24 *“(A) research on methods and techniques for*
25 *identifying and teaching gifted and talented stu-*

1 *dents, and for using gifted and talented pro-*
2 *grams and methods to serve all students; and*

3 *“(B) program evaluations, surveys, and the*
4 *collection, analysis, and development of informa-*
5 *tion needed to accomplish the purposes of this*
6 *part.*

7 *“(c) ESTABLISHMENT OF NATIONAL CENTER.—*

8 *“(1) IN GENERAL.—The Secretary (after con-*
9 *sultation with experts in the field of the education of*
10 *gifted and talented students) shall establish a Na-*
11 *tional Center for Research and Development in the*
12 *Education of Gifted and Talented Children and Youth*
13 *through grants to or contracts with one or more insti-*
14 *tutions of higher education or State educational agen-*
15 *cies, or a combination or consortium of such institu-*
16 *tions and agencies, for the purpose of carrying out ac-*
17 *tivities described in paragraph (7) of subsection (b).*

18 *“(2) DIRECTOR.—Such National Center shall*
19 *have a Director. The Secretary may authorize the Di-*
20 *rector to carry out such functions of the National*
21 *Center as may be agreed upon through arrangements*
22 *with other institutions of higher education, State or*
23 *local educational agencies, or other public or private*
24 *agencies and organizations.*

1 “(d) *LIMITATION.*—Not more than \$1,750,000 of the
2 funds available in any fiscal year to carry out the programs
3 and projects authorized by this section may be used to con-
4 duct activities pursuant to subsection (b)(7) or (c).

5 “(e) *COORDINATION.*—Research activities supported
6 under this section—

7 “(1) shall be carried out in consultation with the
8 Office of Educational Research and Improvement to
9 ensure that such activities are coordinated with and
10 enhance the research and development activities sup-
11 ported by the such office; and

12 “(2) may include collaborative research activities
13 which are jointly funded and carried out with the Of-
14 fice of Educational Research and Improvement.

15 **“SEC. 8405. PROGRAM PRIORITIES.**

16 “(a) *GENERAL PRIORITY.*—In the administration of
17 this part the Secretary shall give highest priority—

18 “(1) to the identification of and the provision of
19 services to gifted and talented students who may not
20 be identified and served through traditional assess-
21 ment methods (including economically disadvantaged
22 individuals, individuals of limited-English pro-
23 ficiency, and individuals with disabilities); and

24 “(2) to programs and projects designed to de-
25 velop or improve the capability of schools in an entire

1 *State or region of the Nation, through cooperative ef-*
2 *forts and participation of State and local educational*
3 *agencies, institutions of higher education, and other*
4 *public and private agencies and organizations (in-*
5 *cluding business, industry, and labor), to plan, con-*
6 *duct, and improve programs for the identification of*
7 *and the provision of services to gifted and talented*
8 *students.*

9 “(b) *SERVICE PRIORITY.*—*In approving applications*
10 *under section 8404(a), the Secretary shall assure that in*
11 *each fiscal year at least one-half of the applications ap-*
12 *proved under such section address the priority described in*
13 *subsection (a)(1).*

14 **“SEC. 8406. GENERAL PROVISIONS.**

15 “(a) *PARTICIPATION OF PRIVATE SCHOOL CHILDREN*
16 *AND TEACHERS.*—*In making grants and entering into con-*
17 *tracts under this part, the Secretary shall ensure, where ap-*
18 *propriate, that provision is made for the equitable partici-*
19 *pation of students and teachers in private nonprofit elemen-*
20 *tary and secondary schools, including the participation of*
21 *teachers and other personnel in professional development*
22 *programs for serving such children.*

23 “(b) *PROGRAM OPERATIONS.*—*The Secretary shall en-*
24 *sure that the programs under this part are administered*
25 *within the Department by a person who has recognized pro-*

1 *essional qualifications and experience in the field of the*
2 *education of gifted and talented students and who shall*
3 *serve as a focal point of national leadership and informa-*
4 *tion on mechanisms to carry out the purpose of this part.*

5 *“(c) REVIEW, DISSEMINATION, AND EVALUATION.—*
6 *The Secretary shall—*

7 *“(1) use a peer review process in reviewing ap-*
8 *plications under this part;*

9 *“(2) ensure that information on the activities*
10 *and results of programs and projects funded under*
11 *this part is disseminated to appropriate State and*
12 *local agencies and other appropriate organizations,*
13 *including nonprofit private organizations; and*

14 *“(3) evaluate the effectiveness of programs under*
15 *this part in accordance with section 10701, both in*
16 *terms of the impact on students traditionally served*
17 *in separate gifted and talented programs and on*
18 *other students, and submit the results of such evalua-*
19 *tion to Congress not later than January 1, 1998.*

20 **“SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.**

21 *“(a) IN GENERAL.—There are authorized to be appro-*
22 *priated \$20,000,000 for fiscal year 1995, and such sums*
23 *as may be necessary for each of the 4 succeeding fiscal years,*
24 *to carry out the provisions of this part.*

1 “(b) *SPECIAL RULE.*—If the amount appropriated
 2 under subsection (a) for a fiscal year exceeds \$20,000,000,
 3 40 percent of such amount in excess of \$20,000,000 shall
 4 be available for strategies and programs designed for the
 5 education of gifted and talented students that may be
 6 adapted and used to improve teaching and learning for all
 7 students in a school and to help all students in a school
 8 develop their talents, realize their potential, and meet chal-
 9 lenging State content standards and challenging State stu-
 10 dent performance standards, while not diminishing the cur-
 11 riculum and instruction for students traditionally identi-
 12 fied as gifted and talented.

13 **“PART G—WOMEN’S EDUCATIONAL EQUITY**

14 **“SEC. 8451. SHORT TITLE; FINDINGS.**

15 “(a) *SHORT TITLE.*—This part may be cited as the
 16 ‘Women’s Educational Equity Act of 1994’.

17 “(b) *FINDINGS.*—The Congress finds that—

18 “(1) since the enactment of title IX of the Edu-
 19 cation Amendments of 1972, women and girls have
 20 made strides in educational achievement and in their
 21 ability to avail themselves of educational opportuni-
 22 ties;

23 “(2) because of funding provided under the
 24 Women’s Educational Equity Act, more curricula,
 25 training and other educational materials concerning

1 *educational equity for women and girls are available*
2 *for national dissemination;*

3 “(3) *significant gender inequities still exist in*
4 *teaching and learning practices, for example—*

5 “(A) *sexual harassment, particularly that*
6 *experienced by girls, undermines the ability of*
7 *schools to provide a safe and equitable learning*
8 *or workplace environment;*

9 “(B) *girls may often receive significantly*
10 *less attention from classroom teachers than boys,*
11 *and girls of color have less interaction with*
12 *teachers than all other girls;*

13 “(C) *classroom textbooks and other edu-*
14 *cational materials do not sufficiently reflect the*
15 *experiences, achievements, or concerns of women*
16 *and, in most cases, are not written by women or*
17 *persons of color;*

18 “(D) *girls do not take as many mathe-*
19 *matics and science courses as boys, girls lose con-*
20 *fidence in their mathematics and science ability*
21 *as girls move through adolescence, there are few*
22 *women role models in the sciences, and women*
23 *continue to be concentrated in low-paying, tradi-*
24 *tionally female jobs that do not require mathe-*
25 *matics and science skills; and*

1 “(E) pregnant and parenting teenagers are
2 at high risk for dropping out of school and exist-
3 ing dropout prevention programs do not ade-
4 quately address the needs of such population;

5 “(4) Federal support should address not only re-
6 search and development of innovative model curricula
7 and teaching and learning strategies to promote gen-
8 der equity, but should, to the extent feasible, also help
9 schools and local communities implement and institu-
10 tionalize gender equitable practices;

11 “(5) Federal assistance for gender equity must be
12 tied to systemic reform, involve collaborative efforts to
13 implement effective gender practices at the local level,
14 and encourage parental participation; and

15 “(6) excellence in education, high educational
16 achievements and standards, and the full participa-
17 tion of women and girls in American society cannot
18 be achieved without educational equity for women
19 and girls.

20 **“SEC. 8452. STATEMENT OF PURPOSES.**

21 *“It is the purpose of this part—*

22 *“(1) to promote gender equity in education in*
23 *the United States;*

24 *“(2) to provide financial assistance to enable*
25 *educational agencies and institutions to meet the re-*

1 *quirements of title IX of the Educational Amend-*
2 *ments of 1972; and*

3 *“(3) to promote equity in education to women*
4 *and girls who suffer multiple forms of discrimination*
5 *based on sex, race, ethnic origin, limited-English pro-*
6 *ficiency, disability, or age.*

7 ***“SEC. 8453. PROGRAM AUTHORIZED.***

8 *“The Secretary is authorized to make grants to, and*
9 *enter into contracts and cooperative agreements with, pub-*
10 *lic agencies, private nonprofit agencies, organizations, in-*
11 *stitutions, community groups, and individuals, to achieve*
12 *the purposes of this part by providing support and tech-*
13 *nical assistance for—*

14 *“(1) the implementation of effective gender-eq-*
15 *uity policies and practices at all educational levels,*
16 *including—*

17 *“(A) assisting educational agencies and in-*
18 *stitutions to implement policies and practices to*
19 *comply with title IX of the Education Amend-*
20 *ments of 1972;*

21 *“(B) training for teachers, counselors, ad-*
22 *ministrators, and other school personnel, espe-*
23 *cially preschool and elementary school personnel,*
24 *in gender equitable teaching and learning prac-*
25 *tices;*

1 “(C) leadership training for women and
2 girls to develop professional and marketable
3 skills to compete in the global marketplace, im-
4 prove self-esteem, and benefit from exposure to
5 positive role models;

6 “(D) school-to-work transition programs,
7 other programs to increase opportunities for
8 women and girls to enter a technologically de-
9 manding workplace and, in particular, to enter
10 highly skilled, high paying careers in which
11 women and girls have been underrepresented,
12 and guidance and counseling activities;

13 “(E) enhancing educational and career op-
14 portunities for women and girls who suffer mul-
15 tiple forms of discrimination, based on sex and
16 on race, ethnic origin, limited-English pro-
17 ficiency, disability, socioeconomic status, or age;

18 “(F) assisting pregnant students and stu-
19 dents rearing children to remain in or to return
20 to secondary school, graduate, and prepare their
21 preschool children to start school;

22 “(G) evaluating exemplary model programs
23 to assess the ability of such programs to advance
24 educational equity for women and girls; and

1 “(H) introduction into the classroom of
2 textbooks, curricula, and other materials de-
3 signed to achieve equity for women and girls;
4 and

5 “(2) research and development, which shall be co-
6 ordinated with the Office of Educational Research
7 and Improvement’s National Institute on the Edu-
8 cation of At-Risk Students to avoid duplication of re-
9 search efforts, designed to advance gender equity na-
10 tionwide and to help make policies and practices in
11 educational agencies and institutions and local com-
12 munities gender-equitable, including—

13 “(A) research and development designed to
14 advance gender equity, including the develop-
15 ment of innovative strategies to improve teaching
16 and learning practices;

17 “(B) the development of high quality and
18 challenging assessment instruments that are non-
19 discriminatory;

20 “(C) the development and evaluation of
21 model curricula, textbooks, software, and other
22 educational materials to ensure the absence of
23 gender stereotyping and bias;

24 “(D) the development of instruments and
25 procedures that employ new and innovative

1 *strategies to assess whether diverse educational*
2 *settings are gender equitable;*

3 “(E) *the development of new dissemination*
4 *and replication strategies;*

5 “(F) *updating high quality educational ma-*
6 *terials previously developed through awards*
7 *made under this part; and*

8 “(G) *the implementation of nondiscrim-*
9 *inatory tests of aptitude and achievement and*
10 *alternative assessment instruments.*

11 **“SEC. 8454. APPLICATIONS.**

12 “(a) *APPLICATIONS.—A grant may be made, and a*
13 *contract or cooperative agreement may be entered into,*
14 *under this part only upon application to the Secretary, at*
15 *such time, in such form, and containing or accompanied*
16 *by such information as the Secretary may prescribe, such*
17 *as—*

18 “(1) *setting forth policies and procedures that*
19 *will ensure a comprehensive evaluation of the activi-*
20 *ties carried out under the project, including an eval-*
21 *uation of the practices, policies, and materials used*
22 *by the applicant and an evaluation or estimate of the*
23 *continued significance of the work of the project fol-*
24 *lowing completion of the award period;*

1 “(2) demonstrating how funds received under
2 this part will be used to promote the attainment of
3 one or more of the National Education Goals;

4 “(3) demonstrating how the applicant will ad-
5 dress perceptions of gender roles based on cultural dif-
6 ferences or stereotypes;

7 “(4) describing how funds under this part will be
8 used in a manner that is consistent with the School-
9 to-Work Opportunities Act of 1994;

10 “(5) for applications for projects under section
11 8453(1), demonstrating how the applicant will foster
12 partnerships and share resources with State edu-
13 cational agencies, local educational agencies, institu-
14 tions of higher education, community-based organiza-
15 tions, and other recipients of Federal educational
16 funding which may include State literacy resource
17 centers; and

18 “(6) for applications for projects under section
19 8453(1), demonstrating how parental involvement in
20 the project will be encouraged.

21 “(b) *SPECIAL RULE.*—In approving applications
22 under this part, the Secretary shall give special consider-
23 ation to applications—

24 “(1) submitted by applicants that have not re-
25 ceived assistance under this part or under part C of

1 *title IX of this Act (as such part was in effect on Oc-*
2 *tober 1, 1988);*

3 “(2) for projects that will contribute signifi-
4 *cantly to directly improving teaching and learning*
5 *practices in the local community; and*

6 “(3) for projects that will—

7 “(A) provide for a comprehensive approach
8 *to enhancing gender equity in educational insti-*
9 *tutions and agencies;*

10 “(B) draw on a variety of resources, includ-
11 *ing local educational agencies, community-based*
12 *organizations, institutions of higher education,*
13 *and private organizations;*

14 “(C) implement a strategy with long-term
15 *impact that will continue as a central activity*
16 *of the applicant after the grant has terminated;*
17 *and*

18 “(D) address issues of national significance
19 *that can be duplicated.*

20 “(c) *LIMITATION.—Nothing in this part shall be con-*
21 *strued as prohibiting men and boys from participating in*
22 *any programs or activities assisted under this part.*

23 **“SEC. 8455. CRITERIA AND PRIORITIES.**

24 *“The Secretary shall establish separate criteria and*
25 *priorities for awards under paragraphs (1) and (2) of sec-*

1 tion 8453 to ensure that available funds are used for pro-
2 grams that most effectively will achieve the purposes of this
3 part.

4 ***“SEC. 8456. REPORT.***

5 *“The Secretary, by January 1, 1999, shall submit to*
6 *the President and the Congress a report on the status of*
7 *educational equity for girls and women in the Nation.*

8 ***“SEC. 8457. EVALUATION AND DISSEMINATION.***

9 *“(a) EVALUATION AND DISSEMINATION.—The Sec-*
10 *retary shall evaluate in accordance with section 10701, and*
11 *disseminate, materials and programs developed under this*
12 *part and shall report to the Congress regarding such evalua-*
13 *tion materials and programs by January 1, 1998.*

14 *“(b) USE OF PROGRAM FUNDS.—The Secretary is au-*
15 *thorized to use funds appropriated under section 8458 to*
16 *gather and disseminate information about emerging issues*
17 *concerning gender equity and, if necessary, to convene meet-*
18 *ings for this purpose.*

19 *“(c) PROGRAM OPERATIONS.—The Secretary shall en-*
20 *sure that the programs under this part are administered*
21 *within the Department by a person who has recognized pro-*
22 *fessional qualifications and experience in the field of gender*
23 *equity education and who shall serve as a focal point of*
24 *national leadership and information on mechanisms to*
25 *carry out the purpose of this part.*

1 **“SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.**

2 *“For the purpose of carrying out this part, there are*
3 *authorized to be appropriated \$5,000,000 for fiscal year*
4 *1995 and such sums as may be necessary for each of the*
5 *4 succeeding fiscal years, of which not less than two-thirds*
6 *of the amount appropriated under this section for each fis-*
7 *cal year shall be available to carry out the activities de-*
8 *scribed in section 8453(1).*

9 **“PART H—FUND FOR THE IMPROVEMENT OF**
10 **EDUCATION**

11 **“SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.**

12 *“(a) FUND AUTHORIZED.—From funds appropriated*
13 *under subsection (d), the Secretary is authorized to support*
14 *nationally significant programs and projects to improve the*
15 *quality of education, assist all students to meet challenging*
16 *State content standards and challenging State student per-*
17 *formance standards, and contribute to achievement of the*
18 *National Education Goals. The Secretary is authorized to*
19 *carry out such programs and projects directly or through*
20 *grants to, or contracts with, State and local educational*
21 *agencies, institutions of higher education, and other public*
22 *and private agencies, organizations, and institutions.*

23 *“(b) USES OF FUNDS.—*

24 *“(1) IN GENERAL.—Funds provided under this*
25 *section may be used for—*

1 “(A) activities that will promote systemic
2 education reform at the State and local levels,
3 such as—

4 “(i) developing and evaluating strate-
5 gies for eliminating ability grouping prac-
6 tices and developing policies and programs
7 that place all students on a college-pre-
8 paratory path of study, particularly in aca-
9 demic fields such as mathematics, science,
10 English, and social studies, including com-
11 prehensive inservice programs for teachers
12 and counselors and academic enrichment
13 programs that supplement regular courses
14 for students;

15 “(ii) developing and evaluating pro-
16 grams that directly involve parents and
17 family members in the academic progress of
18 their children;

19 “(iii) developing and evaluating strate-
20 gies for integrating instruction and assess-
21 ment such that teachers and administrators
22 can focus on what students should know
23 and be able to do at particular grade levels,
24 which instruction shall promote the syn-
25 thesis of knowledge, encourage the develop-

1 *ment of problem-solving skills drawing on a*
2 *vast range of disciplines, and promote the*
3 *development of higher order thinking by all*
4 *students;*

5 “(iv) *developing and evaluating strate-*
6 *gies for supporting professional development*
7 *for teachers across all disciplines and for*
8 *guidance counselors and administrators, in-*
9 *cluding inservice training that improves the*
10 *skills of counselors and administrators in*
11 *working with students from diverse popu-*
12 *lations;*

13 “(v) *research and development related*
14 *to challenging State content standards and*
15 *challenging State student performance*
16 *standards for student learning; and*

17 “(vi) *the development and evaluation*
18 *of model strategies for assessment of student*
19 *learning, professional development for*
20 *teachers and administrators, parent and*
21 *community involvement, and other aspects*
22 *of systemic reform;*

23 “(B) *demonstrations at the State and local*
24 *levels that are designed to yield nationally sig-*

1 *nificant results, including approaches to public*
2 *school choice and school based decisionmaking;*

3 *“(C) joint activities with other Federal*
4 *agencies, such as the National Science Founda-*
5 *tion, the Department of Health and Human*
6 *Services, and the Department of Labor, and with*
7 *institutions of higher education, to assist the ef-*
8 *fort to achieve the National Education Goals, in-*
9 *cluding activities related to improving the tran-*
10 *sition from preschool to school and from school*
11 *to work, as well as activities related to the inte-*
12 *gration of education and health and social serv-*
13 *ices;*

14 *“(D) activities to promote and evaluate*
15 *counseling and mentoring for students, including*
16 *intergenerational mentoring;*

17 *“(E) activities to promote and evaluate co-*
18 *ordinated pupil services programs;*

19 *“(F) activities to promote comprehensive*
20 *health education;*

21 *“(G) activities to promote environmental*
22 *education;*

23 *“(H) activities to promote programs to as-*
24 *sist students to demonstrate competence in for-*
25 *eign languages;*

1 “(I) studies and evaluation of various edu-
2 cation reform strategies and innovations being
3 pursued by the Federal Government, States, and
4 local educational agencies;

5 “(J) activities to promote metric education;

6 “(K) activities to promote consumer edu-
7 cation, such as saving, investing, and entre-
8 preneurial education;

9 “(L) activities to promote experiential-based
10 learning, such as service-learning;

11 “(M) activities to promote scholar-athlete
12 competitions;

13 “(N) activities to promote child abuse edu-
14 cation and prevention programs;

15 “(O) activities to raise standards and ex-
16 pectations for academic achievement among all
17 students, especially disadvantaged students tra-
18 ditionally underserved in schools;

19 “(P) activities to provide the academic sup-
20 port, enrichment and motivation to enable all
21 students to reach such standards;

22 “(Q) programs designed to promote gender
23 equity in education by evaluating and eliminat-
24 ing gender bias in instruction and educational
25 materials, identifying and analyzing gender in-

1 *equities in educational practices, and imple-*
2 *menting and evaluating educational policies and*
3 *practices designed to achieve gender equity;*

4 *“(R) demonstrations that are designed to*
5 *test the effectiveness of private management of*
6 *public educational programs, with at least one*
7 *demonstration carried out in each of the ten De-*
8 *partment of Education regions, and with funds*
9 *used to support planning, start-up costs and*
10 *evaluation;*

11 *“(S) other programs and projects that meet*
12 *the purposes of this section; and*

13 *“(T) demonstrations that are designed to*
14 *test whether prenatal education and counseling*
15 *provided to pregnant students could have a posi-*
16 *tive effect on pregnancy outcomes, with such edu-*
17 *cation and counseling emphasizing the impor-*
18 *tance of prenatal care; the value of sound diet*
19 *and nutrition habits; and the harmful effects of*
20 *smoking, alcohol and substance abuse on fetal de-*
21 *velopment.*

22 *“(2) ADDITIONAL USES.—The Secretary may*
23 *also use funds provided under this section to complete*
24 *the project periods for direct grants or contracts*
25 *awarded under the provisions of the Elementary and*

1 *Secondary Education Act of 1965, part B of title III*
2 *of the Augustus F. Hawkins-Robert T. Stafford Ele-*
3 *mentary and Secondary School Improvement Amend-*
4 *ments of 1988, or title III of the Education for Eco-*
5 *nomic Security Act, as such Acts were in effect on the*
6 *day preceding the date of enactment of the Improving*
7 *America's Schools Act of 1994.*

8 “(c) *AWARDS.*—

9 “(1) *IN GENERAL.*—*The Secretary may—*

10 “(A) *make awards under this section on the*
11 *basis of competitions announced by the Sec-*
12 *retary; and*

13 “(B) *support meritorious unsolicited pro-*
14 *posals.*

15 “(2) *SPECIAL RULE.*—*The Secretary shall ensure*
16 *that programs, projects, and activities supported*
17 *under this section are designed so that their effective-*
18 *ness is readily ascertainable.*

19 “(3) *PEER REVIEW.*—*The Secretary shall use a*
20 *peer review process in reviewing applications for*
21 *grants under this section and may use funds appro-*
22 *priated under subsection (d) for the cost of such peer*
23 *review.*

24 “(d) *AUTHORIZATION.*—*For the purpose of carrying*
25 *out this section, there are authorized to be appropriated*

1 \$35,000,000 for fiscal year 1995 and such sums as may be
2 necessary for each of the 4 succeeding fiscal years.

3 **“PART I—BLUE RIBBON SCHOOLS**

4 **“SEC. 8551. BLUE RIBBON SCHOOLS PROGRAM.**

5 “(a) *GENERAL AUTHORITY.*—Subject to subsection (d),
6 the Secretary is authorized to carry out programs to recog-
7 nize elementary and secondary schools or programs which
8 have established standards of excellence and which have
9 demonstrated a high level of quality. Such programs shall
10 be designated as ‘Blue Ribbon Schools’. In selecting schools
11 and programs to be recognized, the Secretary shall competi-
12 tively select public and private schools or programs within
13 local educational agencies in the States, schools operated for
14 Indian children by the Department of the Interior, and
15 schools operated by the Department of Defense for depend-
16 ents of Department of Defense personnel.

17 “(b) *SELECTION PROCESS.*—

18 “(1) *IN GENERAL.*—The Secretary shall des-
19 ignate, each fiscal year, several categories for a Blue
20 Ribbon Schools program. Such categories may in-
21 clude, but shall not be limited to, outstanding elemen-
22 tary schools, outstanding secondary schools, outstand-
23 ing mathematics and science programs, or outstand-
24 ing reading programs.

1 “(2) *SELECTION.*—Within each category, the
2 Secretary shall determine the criteria and procedures
3 for selection. Selection for such awards shall be based
4 solely on merit. Schools or programs selected for
5 awards under this section shall not be required to be
6 representative of the States.

7 “(c) *ADMINISTRATIVE PROVISIONS.*—

8 “(1) *CONSULTATION.*—The Secretary shall carry
9 out the provisions of this section including the estab-
10 lishment of the selection procedures, after consultation
11 with appropriate outside parties.

12 “(2) *APPLICATION.*—No award may be made
13 under this section unless the local educational agency
14 submits an application to the Secretary at such time,
15 in such manner, and containing such information, as
16 the Secretary may reasonably require.

17 “(3) *DEFINITION.*—For the purposes of this sec-
18 tion, the term ‘State’ means each of the several States,
19 the District of Columbia, and the Commonwealth of
20 Puerto Rico.

21 “(d) *BLUE RIBBON AWARDS FOR CORRECTIONAL EDU-*
22 *CATION PROGRAMS.*—The Secretary, through nominations
23 provided by the Office on Correctional Education after con-
24 sultation with representatives of correctional education or-
25 ganizations and others active in literacy education, shall

1 *annually make one or more awards under this section to*
 2 *effective and innovative programs for inmate education and*
 3 *literacy.*

4 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 5 *authorized to be appropriated \$1,000,000 for fiscal year*
 6 *1995, and such sums as may be necessary for each of the*
 7 *4 succeeding fiscal years, to carry out this section.*

8 **“PART J—NATIONAL STUDENT AND PARENT**
 9 **MOCK ELECTION**

10 **“SEC. 8601. NATIONAL STUDENT AND PARENT MOCK ELEC-**
 11 **TION.**

12 “(a) *IN GENERAL.—The Secretary is authorized to*
 13 *award grants in every election year to national nonprofit,*
 14 *nonpartisan organizations that work to promote voter par-*
 15 *ticipation in American elections to enable such organiza-*
 16 *tions to carry out voter education activities for students and*
 17 *their parents. Such activities shall—*

18 “(1) *be limited to simulated national elections*
 19 *that permit participation by students and parents*
 20 *from all 50 States in the United States; and*

21 “(2) *consist of—*

22 “(A) *school forums and local cable call-in*
 23 *shows on the national issues to be voted upon in*
 24 *an ‘issue forum’;*

6 “(D) weekly meetings to follow the course of
7 the campaign; or

11 “(b) *REQUIREMENT.*—Each organization receiving a
12 grant under this section shall present awards to outstand-
13 ing student and parent mock election projects.

17 ***“PART K—ELEMENTARY SCHOOL COUNSELING***
18 ***DEMONSTRATION***

20 *“This part may be cited as the ‘Elementary School*
21 *Counseling Demonstration Act’.*

23 “(a) *FINDINGS.*—The Congress finds that—

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1 *mentation of the family, drug and alcohol abuse, child*
2 *abuse, poverty, and violence, and experts indicate that*
3 *intervention at an early age is the most beneficial;*

4 *“(2) an increasing number of elementary school*
5 *children are exhibiting symptoms of distress, such as*
6 *substance abuse, emotional disorders, academic*
7 *underachievement, disruptive behavior, juvenile delin-*
8 *quency, and suicide;*

9 *“(3) elementary school counselors, school psy-*
10 *chologists and school social workers can contribute to*
11 *the personal growth, educational development, and*
12 *emotional well-being of elementary school children by*
13 *providing professional counseling, intervention, and*
14 *referral services;*

15 *“(4) the average ratio of elementary school coun-*
16 *selors to students is 1 to 1,000, the average ratio of*
17 *school psychologists to students is 1 to 2,500, and the*
18 *average ratio of school social workers to students is 1*
19 *to 2,500;*

20 *“(5) when there is 1 counselor to 1,000 students,*
21 *1 school psychologist to 2,500 students, and 1 school*
22 *social worker to 2,500 students, elementary school*
23 *counseling programs are seldom adequate;*

24 *“(6) the Federal Government can help reduce the*
25 *risk of academic, social, and emotional problems*

1 *among elementary school children by stimulating the*
2 *development of model elementary school counseling*
3 *programs; and*

4 *“(7) the Federal Government can help reduce the*
5 *risk of future unemployment and assist the school-to-*
6 *work transition by stimulating the development of*
7 *model elementary school counseling programs.*

8 *“(b) PURPOSE.—It is the purpose of this part to en-*
9 *hance the availability and quality of counseling services for*
10 *elementary school children by providing grants to local edu-*
11 *cational agencies to enable such agencies to establish effec-*
12 *tive and innovative elementary school counseling programs*
13 *that can serve as national models.*

14 **“SEC. 8653. AUTHORIZATION OF APPROPRIATIONS.**

15 *“There are authorized to be appropriated \$10,000,000*
16 *for fiscal year 1995, and such sums as may be necessary*
17 *for each of the 4 succeeding fiscal years, to carry out this*
18 *part.*

19 **“SEC. 8654. PROGRAM AUTHORITY.**

20 *“(a) IN GENERAL.—From amounts appropriated pur-*
21 *suant to the authority of section 8653 in any fiscal year,*
22 *the Secretary shall make grants to local educational agen-*
23 *cies having applications approved under section 8655 to*
24 *initiate or expand school counseling programs for elemen-*
25 *tary school children.*

1 “(b) *PRIORITY.*—In awarding grants under this part,
2 the Secretary shall give special consideration to applica-
3 tions describing programs that—

4 “(1) demonstrate the greatest need for new or ad-
5 ditional counseling services among the children in the
6 elementary schools served by the applicant;

7 “(2) propose the most promising and innovative
8 approaches for initiating or expanding elementary
9 school counseling; and

10 “(3) show the greatest potential for replication
11 and dissemination.

12 “(c) *EQUITABLE DISTRIBUTION.*—In awarding grants
13 under this part, the Secretary shall ensure an equitable geo-
14 graphic distribution among the regions of the United States
15 and among urban, suburban, and rural areas.

16 “(d) *DURATION.*—A grant under this part shall be
17 awarded for a period not to exceed 3 years.

18 “(e) *MAXIMUM GRANT.*—A grant under this part shall
19 not exceed \$400,000 for any fiscal year.

20 **“SEC. 8655. APPLICATIONS.**

21 “(a) *IN GENERAL.*—Each local educational agency de-
22 siring a grant under this part shall submit an application
23 to the Secretary at such time, in such manner, and accom-
24 panied by such information as the Secretary may reason-
25 ably require.

1 “(b) *NOTIFICATION OF STATE EDUCATIONAL AGEN-*
2 *CY.—Before submitting an application to the Secretary in*
3 *accordance with subsection (a), a local educational agency*
4 *shall provide the State educational agency with an oppor-*
5 *tunity to review and comment on the program described*
6 *in such application. The comments of the State educational*
7 *agency shall be appended to the application upon submis-*
8 *sion of the application to the Secretary.*

9 “(c) *CONTENTS.—Each application for a grant under*
10 *this part shall—*

11 “(1) *describe the elementary school population to*
12 *be targeted by the program, the particular personal,*
13 *social, emotional, educational, and career develop-*
14 *ment needs of such population, and the current school*
15 *counseling resources available for meeting such needs;*

16 “(2) *describe the activities, services, and training*
17 *to be provided by the program and the specific ap-*
18 *proaches to be used to meet the needs described in*
19 *paragraph (1);*

20 “(3) *describe the methods to be used to evaluate*
21 *the outcomes and effectiveness of the program;*

22 “(4) *describe the collaborative efforts to be under-*
23 *taken with institutions of higher education, busi-*
24 *nesses, labor organizations, community groups, social*
25 *service agencies, and other public or private entities*

1 to enhance the program and promote school-linked
2 services integration;

3 “(5) describe collaborative efforts with institu-
4 tions of higher education which specifically seek to en-
5 hance or improve graduate programs specializing in
6 the preparation of elementary school counselors, school
7 psychologists, and school social workers;

8 “(6) document that the applicant has the person-
9 nel qualified to develop, implement, and administer
10 the program;

11 “(7) describe how any diverse cultural popu-
12 lations, if applicable, would be served through the
13 program;

14 “(8) assure that the funds made available under
15 this part for any fiscal year will be used to supple-
16 ment and, to the extent practicable, increase the level
17 of funds that would otherwise be available from non-
18 Federal sources for the program described in the ap-
19 plication, and in no case supplant such funds from
20 non-Federal sources; and

21 “(9) assure that the applicant will appoint an
22 advisory board composed of parents, school counselors,
23 school psychologists, school social workers, other pupil
24 services personnel, teachers, school administrators,
25 and community leaders to advise the local educational

1 *agency on the design and implementation of the pro-*
2 *gram.*

3 ***“SEC. 8656. USE OF FUNDS.***

4 *“(a) IN GENERAL.—Grant funds under this part shall*
5 *be used to initiate or expand elementary school counseling*
6 *programs that comply with the requirements in subsection*
7 *(b).*

8 *“(b) PROGRAM REQUIREMENTS.—Each program as-*
9 *sisted under this part shall—*

10 *“(1) be comprehensive in addressing the per-*
11 *sonal, social, emotional, and educational needs of all*
12 *students;*

13 *“(2) use a developmental, preventive approach to*
14 *counseling;*

15 *“(3) increase the range, availability, quantity,*
16 *and quality of counseling services in the elementary*
17 *schools of the local educational agency;*

18 *“(4) expand counseling services only through*
19 *qualified school counselors, school psychologists, and*
20 *school social workers;*

21 *“(5) use innovative approaches to increase chil-*
22 *dren’s understanding of peer and family relation-*
23 *ships, work and self, decisionmaking, academic and*
24 *career planning, or to improve social functioning;*

1 “(6) provide counseling services that are well-
2 balanced among classroom group and small group
3 counseling, individual counseling, and consultation
4 with parents, teachers, administrators, and other
5 pupil services personnel;

6 “(7) include inservice training for school coun-
7 selors, school social workers, school psychologists, other
8 pupil services personnel, teachers, and instructional
9 staff;

10 “(8) involve parents of participating students in
11 the design, implementation, and evaluation of a coun-
12 seling program;

13 “(9) involve collaborative efforts with institu-
14 tions of higher education, businesses, labor organiza-
15 tions, community groups, social service agencies, or
16 other public or private entities to enhance the pro-
17 gram and promote school-linked services integration;
18 and

19 “(10) evaluate annually the effectiveness and
20 outcomes of the counseling services and activities as-
21 sisted under this part.

22 “(c) *REPORT.*—The Secretary shall issue a report eval-
23 uating the programs assisted pursuant to each grant under
24 this section at the end of each grant period in accordance

1 *with section 10701, but in no case later than January 30,*
2 *1998.*

3 “(d) *DISSEMINATION.*—*The Secretary shall make the*
4 *programs assisted under this part available for dissemina-*
5 *tion, either through the National Diffusion Network or other*
6 *appropriate means.*

7 “(e) *LIMIT ON ADMINISTRATION.*—*Not more than 5*
8 *percent of the amounts appropriated pursuant to the au-*
9 *thority of section 8653 in any fiscal year shall be used to*
10 *carry out the provisions of this section.*

11 **“SEC. 8657. DEFINITIONS.**

12 *“For purposes of this part—*

13 *“(1) the term ‘comprehensive’ means, with re-*
14 *spect to counseling services, a program in which—*

15 *“(A) a school counselor, school psychologist,*
16 *or school social worker uses a range of individual*
17 *and group techniques and resources in a planned*
18 *way to meet the personal, social, emotional, edu-*
19 *cational, and career development needs of all ele-*
20 *mentary children in a school; and*

21 *“(B) a school counselor, school psychologist,*
22 *or school social worker works directly with chil-*
23 *dren, families, teachers, and other school or agen-*
24 *cy personnel to create an optimal positive learn-*

1 *ing environment and personal growth opportuni-*
2 *ties for all children;*

3 *“(2) the term ‘developmental’ means, with re-*
4 *spect to a school counseling program, a systematically*
5 *planned program that—*

6 *“(A) provides appropriate school counseling*
7 *interventions to foster the social, emotional,*
8 *physical, moral, and cognitive growth of elemen-*
9 *tary school children;*

10 *“(B) provides intervention services to help*
11 *children cope with family, social, emotional, and*
12 *academic problems; and*

13 *“(C) supports and enhances the efforts of*
14 *families, teachers, and other school personnel to*
15 *provide children maximum opportunity to ac-*
16 *quire competence and skill in self-understanding*
17 *and appreciation, interpersonal interaction, and*
18 *educational achievement and literacy;*

19 *“(3) the term ‘school counselor’ means an indi-*
20 *vidual who has documented competence in counseling*
21 *children and adolescents in a school setting and*
22 *who—*

23 *“(A) possesses State licensure or certifi-*
24 *cation granted by an independent professional*
25 *regulatory authority;*

1 “(B) in the absence of such State licensure
2 or certification, possesses national certification
3 in school counseling or a specialty of counseling
4 granted by an independent professional organi-
5 zation; or

6 “(C) holds a minimum of a master’s degree
7 in school counseling from a program accredited
8 by the Council for Accreditation of Counseling
9 and Related Educational Programs or the equiv-
10 alent;

11 “(4) the term ‘school psychologist’ means an in-
12 dividual who—

13 “(A) possesses a minimum of 60 graduate
14 semester hours in school psychology from an in-
15 stitution of higher education and has completed
16 1,200 clock hours in a supervised school psychol-
17 ogy internship, of which 600 hours shall be in
18 the school setting; and

19 “(B) possess State licensure or certification
20 in the State in which the individual works; or

21 “(C) in the absence of such State licensure
22 or certification, possess national certification by
23 the National School Psychology Certification
24 Board;

1 “(5) the term ‘school social worker’ means an in-
2 dividual who holds a master’s degree in social work
3 and is licensed or certified by the State in which serv-
4 ices are provided or holds a school social work special-
5 ist credential; and

6 “(6) the term ‘supervisor’ means an individual
7 who has the equivalent number of years of profes-
8 sional experience in such individual’s respective dis-
9 cipline as is required of teaching experience for the
10 supervisor or administrative credential in the State of
11 such individual.

12 **“PART L—21ST CENTURY COMMUNITY LEARNING**
13 **CENTERS**

14 **“SEC. 8701. SHORT TITLE.**

15 *“This part may be cited as the ‘21st Century Commu-*
16 *nity Learning Centers Act’.*

17 **“SEC. 8702. FINDINGS.**

18 *“The Congress finds that—*

19 *“(1) a local public school often serves as a center*
20 *for the delivery of education and human services for*
21 *all members of a community;*

22 *“(2) public schools, primarily in rural and inner*
23 *city communities, should collaborate with other public*
24 *and nonprofit agencies and organizations, local busi-*
25 *nesses, educational entities (such as vocational and*

1 *adult education programs, school-to-work programs,*
2 *community colleges, and universities), recreational,*
3 *cultural, and other community and human service en-*
4 *tities, for the purpose of meeting the needs of, and ex-*
5 *panding the opportunities available to, the residents*
6 *of the communities served by such schools;*

7 *“(3) by using school facilities, equipment, and*
8 *resources, communities can promote a more efficient*
9 *use of public education facilities, especially in rural*
10 *and inner city areas where limited financial resources*
11 *have enhanced the necessity for local public schools to*
12 *become social service centers;*

13 *“(4) the high technology, global economy of the*
14 *21st century will require lifelong learning to keep*
15 *America’s workforce competitive and successful, and*
16 *local public schools should provide centers for lifelong*
17 *learning and educational opportunities for individ-*
18 *uals of all ages; and*

19 *“(5) community schools enable the entire com-*
20 *munities to develop an education strategy that ad-*
21 *dresses the educational needs of all members of local*
22 *communities.*

23 **“SEC. 8703. PROGRAM AUTHORIZATION.**

24 *“(a) GRANTS BY THE SECRETARY.—The Secretary is*
25 *authorized, in accordance with the provisions of this part,*

1 *to award grants to rural and inner-city public elementary*
2 *or secondary schools, or consortia thereof, to enable such*
3 *schools or consortia to plan, implement, or to expand*
4 *projects that benefit the educational, health, social service,*
5 *cultural, and recreational needs of a rural or inner-city*
6 *community.*

7 “(b) *AMOUNT.*—*The Secretary shall not award a grant*
8 *under this part in any fiscal year in an amount less than*
9 *\$20,000.*

10 “(c) *GRANT PERIOD.*—*The Secretary shall award*
11 *grants under this part for a period not to exceed 3 years.*

12 “(d) *EQUITABLE DISTRIBUTION.*—*In awarding grants*
13 *under this part, the Secretary shall assure an equitable dis-*
14 *tribution of assistance among the States, among urban and*
15 *rural areas of the United States, and among urban and*
16 *rural areas of a State.*

17 **“SEC. 8704. APPLICATION REQUIRED.**

18 “(a) *APPLICATION.*—*To be eligible to receive a grant*
19 *under this part, an elementary or secondary school or con-*
20 *sortium shall submit an application to the Secretary at*
21 *such time and in such manner as the Secretary may reason-*
22 *ably prescribe. Each such application shall include—*

23 “(1) *a comprehensive local plan that enables*
24 *such school or consortium to serve as a center for the*

1 *delivery of education and human services for members*
2 *of a community;*

3 “(2) *an evaluation of the needs, available re-*
4 *sources, and goals and objectives for the proposed*
5 *project in order to determine which activities will be*
6 *undertaken to address such needs; and*

7 “(3) *a description of the proposed project, in-*
8 *cluding—*

9 “(A) *a description of the mechanism that*
10 *will be used to disseminate information in a*
11 *manner that is understandable and accessible to*
12 *the community;*

13 “(B) *identification of Federal, State, and*
14 *local programs to be merged or coordinated so*
15 *that public resources may be maximized;*

16 “(C) *a description of the collaborative ef-*
17 *forts to be undertaken by community-based orga-*
18 *nizations, related public agencies, businesses, or*
19 *other appropriate organizations;*

20 “(D) *a description of how the school or con-*
21 *sortium will act as a delivery center for existing*
22 *and new services; and*

23 “(E) *an assurance that the school or consor-*
24 *tium will establish a facility utilization policy*
25 *that specifically states—*

1 “(i) the rules and regulations applica-
2 ble to building and equipment use; and

3 “(ii) supervision guidelines.

4 “(b) *PRIORITY.*—The Secretary shall give priority to
5 applications describing projects that offer a broad selection
6 of services.

7 **“SEC. 8705. USES OF FUNDS.**

8 “Grants awarded under this part may be used to plan,
9 implement, or expand community learning centers which
10 include not less than 4 of the following activities:

11 “(1) Literacy education programs.

12 “(2) Senior citizen programs.

13 “(3) Children’s day care services.

14 “(4) Integrated education, health, social service,
15 recreational, or cultural programs.

16 “(5) Summer and weekend school programs that
17 are coordinated with summer recreation programs.

18 “(6) Nutrition programs.

19 “(7) Expanded library service hours to serve
20 community needs.

21 “(8) Telecommunications and technology edu-
22 cation programs for individuals of all ages.

23 “(9) Parenting skills education programs.

24 “(10) Support and training for child day care
25 providers.

1 “(11) *Employment counseling, training, and*
2 *placement.*

3 “(12) *Services for individuals who leave school*
4 *before graduating from secondary school, regardless of*
5 *the age of such individual.*

6 “(13) *Services for individuals who are either*
7 *physically or mentally challenged.*

8 **“SEC. 8706. DEFINITIONS.**

9 *“For the purpose of this part, the term ‘community*
10 *learning center’ means an entity within a public elemen-*
11 *tary or secondary school building that—*

12 “(1) *provides educational, recreational, health,*
13 *and social service programs for residents of all ages*
14 *within a local community; and*

15 “(2) *is operated by a local educational agency in*
16 *conjunction with local governmental agencies, busi-*
17 *nesses, vocational education programs, community*
18 *colleges, and cultural, recreational, and other commu-*
19 *nity and human service entities.*

20 **“SEC. 8707. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There are authorized to be appropriated \$20,000,000*
22 *for fiscal year 1995, and such sums as may be necessary*
23 *for each of the 4 succeeding fiscal years, to carry out this*
24 *part.*

1 **“PART M—MODEL PROJECTS**

2 **“SEC. 8751. MODEL PROJECTS.**

3 “(a) *PROGRAM AUTHORIZED.*—The Secretary is au-
4 thorized to award grants to cultural institutions to enable
5 such institutions to develop and expand model projects of
6 outreach activities for at-risk children in the communities
7 served by such institutions, including activities which inte-
8 grate such institution’s cultural programming with other
9 disciplines, including environmental, mathematics, and
10 science programs.

11 “(b) *PRIORITY.*—In awarding grants under this sec-
12 tion the Secretary shall give priority to activities that are
13 part of an overall State, local, and private commitment,
14 seek to improve learning for at-risk youth, and are substan-
15 tially funded by State, local, or private funds.

16 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
17 authorized to be appropriated \$5,000,000 for fiscal year
18 1995, and such sums as may be necessary for each of the
19 4 succeeding fiscal years, to carry out this part.

20 **“PART N—EXTENDING TIME FOR LEARNING**

21 **“SEC. 8801. FINDINGS.**

22 “The Congress finds that—

23 “(1) the Commission on Time and Learning has
24 found that—

25 “(A) realizing the third National Education
26 Goal, that states all students will leave grades

1 *four, eight and twelve having demonstrated com-*
2 *petency in challenging subject matter, including*
3 *English, mathematics, science, foreign languages,*
4 *civics and government, economics, arts, history,*
5 *and geography, will require considerably more*
6 *common core learning time than most students*
7 *now receive;*

8 *“(B) ensuring that all students learn to*
9 *high standards will require flexibility and inno-*
10 *vation in the use of common core learning time,*
11 *as well as the rest of the time students spend*
12 *both during and beyond the school day;*

13 *“(C) teachers need regular, sustained time*
14 *for lesson development, collegial collaboration*
15 *and other professional development; and*

16 *“(D) schools, businesses, community-based*
17 *organizations, tribal leaders, and other commu-*
18 *nity agencies and members should work together*
19 *to foster effective learning and enrichment pro-*
20 *grams and activities for students, including pro-*
21 *grams that operate outside of the regular school*
22 *day or year;*

23 *“(2) increasing the amount and duration of in-*
24 *tensive, engaging and challenging learning activities*

1 *geared to high standards can increase student motiva-*
2 *tion and achievement;*

3 *“(3) the benefits of extending learning time, in-*
4 *cluding common core instructional time, can be maxi-*
5 *mized by concurrent changes in curriculum and in-*
6 *struction, such as accelerated learning, and engaging,*
7 *interactive instruction based on challenging content;*
8 *and*

9 *“(4) maximizing the benefit of increased common*
10 *core and other learning time will require the collabo-*
11 *ration and cooperation of teachers and administra-*
12 *tors, students, parents, community members and or-*
13 *ganizations, businesses and others to develop strate-*
14 *gies to meet the needs of students during and beyond*
15 *the school day and year.*

16 **“SEC. 8802. PURPOSE.**

17 *“It is the purpose of this part to provide seed money*
18 *to schools and local educational agencies to enable such*
19 *agencies to devise and implement strategies and methods*
20 *for upgrading the quality of, and extending, challenging,*
21 *engaging learning time geared to high standards for all stu-*
22 *dents.*

23 **“SEC. 8803. PROGRAM AUTHORIZED.**

24 *“(a) IN GENERAL.—The Secretary is authorized to*
25 *award grants to local educational agencies having applica-*

1 *tions approved under section 8804 to enable such agencies*
2 *to carry out the authorized activities described in section*
3 *8805 in public elementary and secondary schools.*

4 “(b) *AMOUNT.—Each grant under subsection (a) shall*
5 *be awarded in an amount not more than \$100,000.*

6 “(c) *DURATION.—Each grant under subsection (a)*
7 *shall be awarded for a period of not more than 3 years.*

8 **“SEC. 8804. APPLICATION.**

9 “*Each local educational agency desiring a grant under*
10 *this part shall submit an application to the Secretary at*
11 *such time, in such manner, and accompanied by such infor-*
12 *mation as the Secretary may require. Each such applica-*
13 *tion shall describe—*

14 “(1) *the activities for which assistance is sought;*

15 “(2) *any study or other information-gathering*
16 *project for which funds will be used;*

17 “(3) *strategies and methods the applicant will*
18 *use to enrich and extend learning time for all stu-*
19 *dents and to maximize the percentage of common core*
20 *learning time in the school day, such as block schedul-*
21 *ing, team teaching, longer school days or years, and*
22 *extending learning time through new distance-learn-*
23 *ing technologies;*

24 “(4) *the strategies and methods the applicant*
25 *will use, including changes in curriculum and in-*

1 *struction, to challenge and engage students and to*
2 *maximize the productiveness of common core learning*
3 *time, as well as the total time students spend in*
4 *school and in school-related enrichment activities;*

5 *“(5) the extent of involvement of teachers and*
6 *other school personnel in investigating, designing, im-*
7 *plementing and sustaining the activities assisted*
8 *under this part;*

9 *“(6) the process to be used for involving parents*
10 *and other stakeholders in the development and imple-*
11 *mentation of the activities assisted under this part;*

12 *“(7) any cooperation or collaboration among*
13 *public housing authorities, libraries, businesses, muse-*
14 *ums, community-based organizations, and other com-*
15 *munity groups and organizations to extend engaging,*
16 *high-quality, standards-based learning time outside of*
17 *the school day or year, at the school or at some other*
18 *site;*

19 *“(8) the training and professional development*
20 *activities that will be offered to teachers and others*
21 *involved in the activities assisted under this part;*

22 *“(9) the goals and objectives of the activities as-*
23 *sisted under this part, including a description of how*
24 *such activities will assist all students to reach State*
25 *standards;*

1 “(10) the methods by which the applicant will
2 assess progress in meeting such goals and objectives;
3 and

4 “(11) how the applicant will use funds provided
5 under this part in coordination with other funds pro-
6 vided under this Act or other Federal laws.

7 **“SEC. 8805. AUTHORIZED ACTIVITIES.**

8 “Funds under this part may be used—

9 “(1) to study the feasibility of, and effective
10 methods for, extending learning time within or be-
11 yond the school day or year, including consultation
12 with other schools or local educational agencies that
13 have designed or implemented extended learning time
14 programs;

15 “(2) to conduct outreach to and consult with
16 community members, including parents, students, and
17 other stakeholders, such as tribal leaders, to develop a
18 plan to extend learning time within or beyond the
19 school day or year;

20 “(3) to develop and implement an outreach strat-
21 egy that will encourage collaboration with public
22 housing authorities, libraries, businesses, museums,
23 community-based organizations, and other commu-
24 nity groups and organizations to coordinate challeng-

1 *ing, high-quality educational activities outside of the*
2 *school day or year;*

3 *“(4) to research, develop and implement strate-*
4 *gies, including changes in curriculum and instruc-*
5 *tion, for maximizing the quality and percentage of*
6 *common core learning time in the school day and ex-*
7 *tending learning time during or beyond the school*
8 *day or year;*

9 *“(5) to provide professional development for*
10 *school staff in innovative teaching methods that chal-*
11 *lenge and engage students, and also increase the pro-*
12 *ductivity of extended learning time; and*

13 *“(6) to develop strategies to include parents,*
14 *business representatives, and other community mem-*
15 *bers in the extended time activities, especially as*
16 *facilitators of activities that enable teachers to have*
17 *more time for planning, individual student assist-*
18 *ance, and professional development activities.*

19 **“SEC. 8806. ADMINISTRATION.**

20 *“(a) PEER REVIEW.—The Secretary shall award*
21 *grants under this part pursuant to a peer review process.*

22 *“(b) DIVERSITY.—In awarding grants under this part*
23 *the Secretary shall ensure that such grants are awarded to*
24 *a diversity of local educational agencies, including such*
25 *agencies that serve rural and urban areas.*

1 “(c) *PRIORITY.*—*The Secretary shall give priority to*
2 *awarding grants under this part to local educational agen-*
3 *cies that serve schools with high percentages of students in*
4 *poverty.*

5 **“SEC. 8807. DEFINITIONS.**

6 *“For the purpose of this part the term ‘common core*
7 *learning time’ means high-quality, engaging instruction in*
8 *challenging content in each of the following core academic*
9 *subjects described in the third National Education Goal:*

10 “(1) *English.*

11 “(2) *Mathematics.*

12 “(3) *Science.*

13 “(4) *Foreign languages.*

14 “(5) *Civics and government.*

15 “(6) *Economics.*

16 “(7) *Arts.*

17 “(8) *History.*

18 “(9) *Geography.*

19 **“SEC. 8808. AUTHORIZATION OF APPROPRIATIONS.**

20 *“There are authorized to be appropriated \$20,000,000*
21 *for fiscal year 1995, and such sums as may be necessary*
22 *for each of the 4 succeeding fiscal years, to carry out this*
23 *part.*

1 **“PART O—LONGER SCHOOL YEAR**

2 **“SEC. 8851. SHORT TITLE.**

3 *“This part may be cited as the ‘Longer School Year*
4 *Incentive Act of 1994’.*

5 **“SEC. 8852. FINDINGS.**

6 *“The Congress finds as follows:*

7 *“(1) A competitive world economy requires that*
8 *students in the United States receive education and*
9 *training that is at least as rigorous and high-quality*
10 *as the education and training received by students in*
11 *competitor countries.*

12 *“(2) Despite our Nation’s transformation from a*
13 *farm-based economy to one based on manufacturing*
14 *and services, the school year is still based on the sum-*
15 *mer needs of an agrarian economy.*

16 *“(3) For most students in the United States, the*
17 *school year is 180 days long. In Japan students go*
18 *to school 243 days per year, in Germany students go*
19 *to school 240 days per year, in Austria students go*
20 *to school 216 days per year, in Denmark students go*
21 *to school 200 days per year, and in Switzerland stu-*
22 *dents go to school 195 days per year.*

23 *“(4) In the final four years of schooling, students*
24 *in schools in the United States spend a total of 1,460*
25 *hours on core academic subjects, less than half of the*
26 *3,528 hours so spent in Germany, the 3,280 hours so*

1 *spent in France, and the 3,170 hours so spent in*
2 *Japan.*

3 “(5) American students’ lack of formal schooling
4 *is not counterbalanced with more homework. The op-*
5 *posite is true, as half of all European students report*
6 *spending at least two hours on homework per day,*
7 *compared to only 29 percent of American students.*
8 *Twenty-two percent of American students watch five*
9 *or more hours of television per day, while less than*
10 *eight percent of European students watch that much*
11 *television.*

12 “(6) More than half of teachers surveyed in the
13 *United States cite ‘children who are left on their own*
14 *after school’ as a major problem.*

15 “(7) Over the summer months, disadvantaged
16 *students not only fail to advance academically, but*
17 *many forget much of what such students had learned*
18 *during the previous school year.*

19 “(8) Funding constraints as well as the strong
20 *pull of tradition have made extending the school year*
21 *difficult for most States and school districts.*

22 “(9) Experiments with extended and multi-track
23 *school years have been associated with both increased*
24 *learning and more efficient use of school facilities.*

1 ***“SEC. 8853. PURPOSE.***

2 *“It is the purpose of this part to allow the Secretary*
3 *to provide financial incentives and assistance to States or*
4 *local educational agencies to enable such States or agencies*
5 *to substantially increase the amount of time that students*
6 *spend participating in quality academic programs, and to*
7 *promote flexibility in school scheduling.*

8 ***“SEC. 8854. PROGRAM AUTHORIZED.***

9 *“The Secretary is authorized to award grants to States*
10 *or local educational agencies to enable such States or agen-*
11 *cies to support public school improvement efforts that in-*
12 *clude the expansion of time devoted to core academic sub-*
13 *jects and the extension of the school year to not less than*
14 *210 days.*

15 ***“SEC. 8855. APPLICATION.***

16 *“Any State or local educational agency desiring assist-*
17 *ance under this part shall submit to the Secretary an appli-*
18 *cation at such time, in such manner, and accompanied by*
19 *such information as the Secretary may require.*

20 ***“SEC. 8856. APPROPRIATIONS AUTHORIZATION.***

21 *“For the purpose of carrying out this part there are*
22 *authorized to be appropriated \$100,000,000 for fiscal year*
23 *1995 and such sums as may be necessary for each of the*
24 *succeeding fiscal years.*

1 **“PART P—CREATING SMALLER LEARNING**
2 **COMMUNITIES**

3 **“SEC. 8871. FINDINGS.**

4 *“The Congress finds that—*

5 *“(1) smaller school communities can have a sig-*
6 *nificant, positive impact on student achievement, in-*
7 *cluding grade promotion, school attendance and moti-*
8 *vation;*

9 *“(2) large schools can benefit from reorganiza-*
10 *tion into smaller learning communities, such as*
11 *schools-within-schools; and*

12 *“(3) smaller learning communities can provide*
13 *students with a variety of educational options based*
14 *on various themes, while providing all students en-*
15 *gaging, innovative instruction in challenging curric-*
16 *ula that will enable such communities to meet State*
17 *standards.*

18 **“SEC. 8872. PURPOSE.**

19 *“It is the purpose of this part to improve the quality*
20 *and effectiveness of teaching and learning by encouraging*
21 *and supporting school and school district efforts to create*
22 *smaller schools, including those that exist as schools-within-*
23 *schools.*

24 **“SEC. 8873. PROGRAM AUTHORIZED.**

25 *“(a) IN GENERAL.—The Secretary is authorized to*
26 *award grants to local educational agencies having applica-*

1 *tions approved under section 8854 to enable such agencies*
2 *to carry out the authorized activities described in section*
3 *8875 in public elementary and secondary schools.*

4 “(b) *AMOUNT.—Each grant under subsection (a) shall*
5 *be awarded in an amount not more than \$100,000.*

6 “(c) *DURATION.—Each grant under subsection (a)*
7 *shall be awarded for a period of not more than 3 years.*

8 **“SEC. 8874. APPLICATION.**

9 “*Each local educational agency desiring a grant under*
10 *this part shall submit an application to the Secretary at*
11 *such time, in such manner, and accompanied by such infor-*
12 *mation as the Secretary may require. Each such applica-*
13 *tion shall describe—*

14 “(1) *strategies and methods the applicant will*
15 *use to create the smaller learning community or com-*
16 *munities;*

17 “(2) *curriculum and instructional practices, in-*
18 *cluding any particular themes or emphases, to be used*
19 *in the learning environment;*

20 “(3) *the extent of involvement of teachers and*
21 *other school personnel in investigating, designing, im-*
22 *plementing and sustaining the smaller learning com-*
23 *munity or communities;*

24 “(4) *the process to be used for involving students,*
25 *parents and other stakeholders in the development*

1 *and implementation of the smaller learning commu-*
2 *nity or communities;*

3 “(5) any cooperation or collaboration among
4 *community agencies, organizations, businesses, and*
5 *others to develop or implement a plan to create the*
6 *smaller learning community or communities;*

7 “(6) the training and professional development
8 *activities that will be offered to teachers and others*
9 *involved in the activities assisted under this part;*

10 “(7) the goals and objectives of the activities as-
11 *sisted under this part, including a description of how*
12 *such activities will better enable all students to reach*
13 *challenging State content standards and State student*
14 *performance standards;*

15 “(8) the methods by which the applicant will as-
16 *sess progress in meeting such goals and objectives;*

17 “(9) if the smaller learning community or com-
18 *munities exist as a school-within-a-school, the rela-*
19 *tionship, including governance and administration, of*
20 *the smaller learning community to the rest of the*
21 *school;*

22 “(10) a description of the administrative and
23 *managerial relationship between the local educational*
24 *agency and the smaller learning community or com-*
25 *munities, including how such agency will demonstrate*

1 *a commitment to the continuity of the smaller learn-*
2 *ing community or communities, including the con-*
3 *tinuity of student and teacher assignment to a par-*
4 *ticular learning community;*

5 *“(11) how the applicant will coordinate or use*
6 *funds provided under this part with other funds pro-*
7 *vided under this Act or other Federal laws;*

8 *“(12) grade levels or ages of students who will*
9 *participate in the smaller learning community or*
10 *communities; and*

11 *“(13) the method of placing students in the*
12 *smaller learning community or communities, such*
13 *that students are not placed according to ability, per-*
14 *formance or any other measure, so that students are*
15 *placed at random or by their own choice, not pursu-*
16 *ant to testing or other judgments.*

17 **“SEC. 8875. AUTHORIZED ACTIVITIES.**

18 *“Funds under this part may be used—*

19 *“(1) to study the feasibility of creating the small-*
20 *er learning community or communities as well as ef-*
21 *fective and innovative organizational and instruc-*
22 *tional strategies that will be used in the smaller*
23 *learning community or communities;*

24 *“(2) to research, develop and implement strate-*
25 *gies for creating the smaller learning community or*

1 *communities, as well as effective and innovative*
2 *changes in curriculum and instruction, geared to high*
3 *State content standards and State student perform-*
4 *ance standards;*

5 *“(3) to provide professional development for*
6 *school staff in innovative teaching methods that chal-*
7 *lenge and engage students to be used in the smaller*
8 *learning community or communities; and*

9 *“(4) to develop and implement strategies to in-*
10 *clude parents, business representatives, local institu-*
11 *tions of higher education, community-based organiza-*
12 *tions, and other community members in the smaller*
13 *learning communities, as facilitators of activities that*
14 *enable teachers to participate in professional develop-*
15 *ment activities, as well as to provide links between*
16 *students and their community.*

17 **“SEC. 8876. ADMINISTRATION.**

18 *“(a) PEER REVIEW.—The Secretary shall award*
19 *grants under this part pursuant to a peer review process.*

20 *“(b) DIVERSITY.—In awarding grants under this part*
21 *the Secretary shall ensure that such grants are awarded to*
22 *a diversity of local educational agencies, including such*
23 *agencies that serve rural and urban areas.*

24 *“(c) PRIORITY.—The Secretary shall give priority to*
25 *awarding grants under this part to local educational agen-*

1 *cies that serve schools with high percentages of students in*
 2 *poverty.*

3 “(d) *SPECIAL RULE.*—In awarding grants under this
 4 *part, the Secretary shall ensure that such grants are award-*
 5 *ed for authorized activities described in section 8855 that*
 6 *serve a diversity of grade spans.*

7 **“SEC. 8877. AUTHORIZATION OF APPROPRIATIONS.**

8 *“There are authorized to be appropriated \$20,000,000*
 9 *for fiscal year 1995, and such sums as may be necessary*
 10 *for each of the 4 succeeding fiscal years, to carry out this*
 11 *part.*

12 **“PART Q—PARTNERSHIPS IN CHARACTER**
 13 **EDUCATION PILOT PROJECT**

14 **“SEC. 8901. PROGRAM AUTHORIZED.**

15 “(a) *IN GENERAL.*—The Secretary is authorized to
 16 *make up to a total of 10 grants annually to partnerships*
 17 *of State educational agencies and local educational agencies*
 18 *for the design and implementation of character education*
 19 *programs that incorporate the elements of character listed*
 20 *in section 8904, as well as other character elements identi-*
 21 *fied by applicants.*

22 “(b) *MAXIMUM AMOUNT OF GRANT.*—No State edu-
 23 *cational agency shall receive more than a total of*
 24 *\$1,000,000 in grants under this part.*

1 “(c) *DURATION.*—Each grant under this part shall be
2 awarded for a period not to exceed 5 years, of which the
3 State educational agency shall not use more than 1 year
4 for planning and program design.

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is
6 authorized to be appropriated for fiscal year 1995
7 \$6,000,000, and such sums as may be necessary for each
8 fiscal year thereafter to carry out this part.

9 **“SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.**

10 “(a) *REQUIREMENT.*—Each State educational agency
11 desiring a grant under this part shall submit an applica-
12 tion to the Secretary at such time and in such manner as
13 the Secretary may require.

14 “(b) *PARTNERSHIPS.*—Each State educational agency
15 desiring a grant under this part shall form a partnership
16 with at least one local educational agency to be eligible for
17 funding. The partnership shall—

18 “(1) pursue State and local initiatives to meet
19 the objectives of this part; and

20 “(2) establish a character education clearing-
21 house at the State level to make information and ma-
22 terials available to local educational agencies.

23 “(c) *APPLICATION.*—Each application under this part
24 shall include—

1 “(1) a list of the local educational agencies enter-
2 ing into the partnership with the State educational
3 agency;

4 “(2) a description of the goals of the partnership;

5 “(3) a description of activities that will be pur-
6 sued by the participating local educational agencies,
7 including—

8 “(A) how parents, students, and other mem-
9 bers of the community, including members of
10 private and nonprofit organizations, will be in-
11 volved in the design and implementation of the
12 program;

13 “(B) curriculum and instructional prac-
14 tices;

15 “(C) methods of teacher training and par-
16 ent education that will be used or developed; and

17 “(D) examples of activities that will be car-
18 ried out under this part;

19 “(4) a description of how the State educational
20 agency will provide technical and professional assist-
21 ance to its local educational agency partners in the
22 development and implementation of character edu-
23 cation programs;

24 “(5) a description of how the State educational
25 agency will evaluate the success of local programs and

1 *how local educational agencies will evaluate the*
2 *progress of their own programs;*

3 “(6) a description of how the State educational
4 agency will assist other interested local educational
5 agencies that are not members of the original partner-
6 ship in designing and establishing programs;

7 “(7) a description of how the State educational
8 agency will establish a clearinghouse for information
9 on model programs, materials, and other information
10 the State and local educational agencies determine to
11 be appropriate;

12 “(8) an assurance that the State educational
13 agency will annually provide to the Secretary such
14 information as may be required to determine the ef-
15 fectiveness of the program; and

16 “(9) any other information that the Secretary
17 may require.

18 “(d) *NON-PARTNER LOCAL EDUCATIONAL AGEN-*
19 *CIES.—Any local educational agency that was not a part-*
20 *ner with the State when the application was submitted may*
21 *become a partner by submitting an application for partner-*
22 *ship to the State educational agency, containing such infor-*
23 *mation that the State educational agency may require.*

1 ***“SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.***

2 “(a) *REQUIREMENT.*—Each State educational agency
3 receiving a grant under this part shall submit to the Sec-
4 retary a comprehensive evaluation of the program assisted
5 under this part, including the impact on students, teachers,
6 administrators, parents, and others—

7 “(1) *by the mid-term of the program; and*

8 “(2) *not later than 1 year after completion of*
9 *such program.*

10 “(b) *CONTRACTS FOR EVALUATION.*—Each State edu-
11 cational agency receiving a grant under this part may con-
12 tract with outside sources, including institutions of higher
13 education, and private and nonprofit organizations, for
14 purposes of evaluating their program and measuring the
15 success of the program toward fostering in students the ele-
16 ments of character listed in section 8904.

17 “(c) *FACTORS.*—Factors which may be considered in
18 evaluating the success of the program may include—

19 “(1) *discipline problems;*

20 “(2) *students’ grades;*

21 “(3) *participation in extracurricular activities;*

22 “(4) *parental and community involvement;*

23 “(5) *faculty and administration involvement;*

24 *and*

25 “(6) *student and staff morale.*

1 “(d) *MATERIALS AND PROGRAM DEVELOPMENT.*—
2 *Local educational agencies, after consulting with the State*
3 *educational agency, may contract with outside sources, in-*
4 *cluding institutions of higher education, and private and*
5 *nonprofit organizations, for assistance in developing cur-*
6 *riculum, materials, teacher training, and other activities*
7 *related to character education.*

8 **“SEC. 8904. ELEMENTS OF CHARACTER.**

9 “(a) *IN GENERAL.*—*Applicants desiring funding*
10 *under this part shall develop character education programs*
11 *that incorporate the following elements of character:*

12 “(1) *Caring.*

13 “(2) *Civic virtue and citizenship.*

14 “(3) *Justice and fairness.*

15 “(4) *Respect.*

16 “(5) *Responsibility.*

17 “(6) *Trustworthiness.*

18 “(7) *Any other elements deemed appropriate by*
19 *the members of the partnership.*

20 “(b) *ADDITIONAL ELEMENTS OF CHARACTER.*—*A local*
21 *educational agency participating under this part may,*
22 *after consultation with schools and communities of such*
23 *agency, define additional elements of character that the*
24 *agency determines to be important to the schools and com-*
25 *munities of such agency.*

1 ***“SEC. 8905. USE OF FUNDS.***

2 *“Of the total funds received by a State educational*
3 *agency in any fiscal year under this part—*

4 *“(1) not more than 30 percent of such funds may*
5 *be retained by the State educational agency, of*
6 *which—*

7 *“(A) not more than 10 percent of such funds*
8 *may be used for administrative purposes; and*

9 *“(B) the remainder of such funds may be*
10 *used for—*

11 *“(i) collaborative initiatives with local*
12 *educational agencies;*

13 *“(ii) the establishment of the clearing-*
14 *house, preparation of materials, teacher*
15 *training; and*

16 *“(iii) other appropriate activities; and*

17 *“(2) the remaining of such funds shall be used to*
18 *award subgrants to local educational agencies, of*
19 *which—*

20 *“(A) not more than 10 percent of such funds*
21 *may be retained for administrative purposes;*
22 *and*

23 *“(B) the remainder of such funds may be*
24 *used to—*

25 *“(i) award subgrants to schools within*
26 *the local educational agency; and*

1 “(ii) pursue collaborative efforts with
2 the State educational agency.

3 **“SEC. 8906. SELECTION OF GRANTEES.**

4 “(a) *CRITERIA.*—The Secretary shall select, through
5 peer review, partnerships to receive grants under this part
6 on the basis of the quality of the applications submitted
7 under section 8902, taking into consideration such factors
8 as—

9 “(1) the quality of the activities proposed by
10 local educational agencies;

11 “(2) the extent to which the program fosters in
12 students the elements of character;

13 “(3) the extent of parental, student, and commu-
14 nity involvement;

15 “(4) the number of local educational agencies in-
16 volved in the effort;

17 “(5) the quality of the plan for measuring and
18 assessing success; and

19 “(6) the likelihood that the goals of the program
20 will be realistically achieved.

21 “(b) *DIVERSITY OF PROJECTS.*—The Secretary shall
22 approve applications under this part in a manner that en-
23 sures, to the extent practicable, that programs assisted
24 under this part—

1 “(1) serve different areas of the Nation, includ-
2 ing urban, suburban, and rural areas; and

3 “(2) serve schools that serve minorities, Native
4 Americans, students of limited-English proficiency,
5 and disadvantaged students.

6 **“PART R—ALASKA NATIVE EDUCATION**

7 **“SEC. 8921. SHORT TITLE.**

8 “This part may be cited as the ‘Alaska Native Edu-
9 cational Equity, Support and Assistance Act’.

10 **“SEC. 8922. FINDINGS.**

11 “The Congress finds and declares:

12 “(1) The attainment of educational success is
13 critical to the betterment of the conditions, long term
14 well being and preservation of the culture of Alaska
15 Natives.

16 “(2) It is the policy of the Federal Government
17 to encourage the maximum participation by Alaska
18 Natives in the planning and the management of Alas-
19 ka Native education programs.

20 “(3) Alaska Native children enter and exit school
21 with serious educational handicaps.

22 “(4) The educational achievement of Alaska Na-
23 tive children is far below national norms. In addition
24 to low Native performance on standardized tests, Na-
25 tive student drop out rates are high, and Natives are

1 *significantly underrepresented among holders of bac-*
2 *calaureate degrees in the State of Alaska. As a result*
3 *Native students are being denied their opportunity to*
4 *become full participants in society by grade school*
5 *and high school educations that are condemning an*
6 *entire generation to an underclass status and a life*
7 *of limited choices.*

8 “(5) The programs authorized herein, combined
9 *with expanded Head Start, infant learning and early*
10 *childhood education programs, and parent education*
11 *programs are essential if educational handicaps are*
12 *to be overcome.*

13 “(6) The sheer magnitude of the geographic bar-
14 *riers to be overcome in delivering educational services*
15 *in rural and village Alaska should be addressed*
16 *through the development and implementation of inno-*
17 *vative, model programs in a variety of areas.*

18 “(7) Congress finds that Native children should
19 *be afforded the opportunity to begin their formal edu-*
20 *cation on a par with their non-Native peers. The Fed-*
21 *eral Government should lend support to efforts devel-*
22 *oped by and undertaken within the Alaska Native*
23 *community to improve educational opportunity for*
24 *all students.*

1 ***“SEC. 8923. PURPOSE.***

2 *“It is the purpose of this part to—*

3 *“(1) recognize the unique educational needs of*
4 *Alaska Natives;*

5 *“(2) authorize the development of supplemental*
6 *educational programs to benefit Alaska Natives;*

7 *“(3) supplement existing programs and authori-*
8 *ties in the area of education to further the purposes*
9 *of this part; and*

10 *“(4) provide direction and guidance to appro-*
11 *priate Federal, State and local agencies to focus re-*
12 *sources, including resources made available under this*
13 *part, on meeting the educational needs of Alaska Na-*
14 *tives.*

15 ***“SEC. 8924. ALASKA NATIVE EDUCATIONAL PLANNING, CUR-***
16 ***RICULUM DEVELOPMENT, TEACHER TRAIN-***
17 ***ING AND RECRUITMENT PROGRAM.***

18 *“(a) GENERAL AUTHORITY.—The Secretary shall*
19 *make direct grants to Alaska Native organizations or edu-*
20 *cational entities with experience in developing or operating*
21 *Alaska Native programs or programs of instruction con-*
22 *ducted in Alaska Native languages, or to partnerships in-*
23 *volving Alaska Native organizations, for the following pur-*
24 *poses:*

25 *“(1) EDUCATIONAL PLANNING.—The consolida-*
26 *tion of existing educational plans, recommendations*

1 *and research into implementation methods and strate-*
2 *gies to improve schooling for Alaska Natives.*

3 “(2) *IMPLEMENTATION OF EDUCATIONAL*
4 *PLANS.—The adoption and implementation of specific*
5 *educational plans developed under subsection (1)*
6 *above.*

7 “(3) *CURRICULA.—The development of curricula*
8 *to address the needs of Alaska Native students, par-*
9 *ticularly elementary and secondary school students,*
10 *which may include innovative programs and pilot*
11 *and demonstration programs to develop and introduce*
12 *curriculum materials that reflect cultural diversities*
13 *or the contributions of Alaska Native people, pro-*
14 *grams of instruction conducted in Native languages,*
15 *and the development of networks to introduce success-*
16 *ful techniques, programs and curriculum materials to*
17 *rural and urban schools, including:*

18 “(A) *multimedia social studies curricula*
19 *which fully and accurately portray the role of*
20 *Native Americans historically and*
21 *contemporarily; and*

22 “(B) *curricula and teaching materials for*
23 *instructions in Native languages.*

24 “(4) *PRETEACHER TRAINING.—The development*
25 *and implementation of preteacher training program*

1 *in order to ensure that student teachers within the*
2 *State of Alaska, particularly student teachers who are*
3 *likely to be employed in schools with a high con-*
4 *centration of Alaska Native students, are prepared to*
5 *better address the cultural diversity and unique needs*
6 *of Alaska Native students;*

7 “(5) *TEACHER RECRUITMENT.*—*The development*
8 *and implementation of teacher recruitment programs*
9 *to meet the objectives of—*

10 “(A) *increasing the numbers of teachers who*
11 *are Alaska Natives;*

12 “(B) *enhancing teacher recruitment within*
13 *communities with a high concentration of Alaska*
14 *Native students; and*

15 “(C) *improving the teacher selection proc-*
16 *esses in order to recruit teachers who are more*
17 *positively responsive to rural conditions and who*
18 *are suited for effective cross-cultural instruction.*

19 “(6) *INSERVICE TEACHER TRAINING.*—*The devel-*
20 *opment and implementation of inservice teacher*
21 *training programs in order to ensure that teachers*
22 *are prepared to better address the unique needs of*
23 *Alaska Native students.*

24 “(b) *ADMINISTRATIVE COSTS.*—*Not more than 10 per-*
25 *cent of the funds appropriated to carry out the provisions*

1 *of this section for any fiscal year may be used for adminis-*
2 *trative purposes.*

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
4 *authorized to be appropriated \$5,000,000 for fiscal year*
5 *1995, and such sums as may be necessary for each of the*
6 *4 succeeding fiscal years, to carry out this section. Funds*
7 *appropriated under the authority of this subsection shall*
8 *remain available until expended.*

9 **“SEC. 8925. ALASKA NATIVE HOME BASED EDUCATION FOR**
10 **PRESCHOOL CHILDREN.**

11 “(a) *GENERAL AUTHORITY.*—*The Secretary shall*
12 *make direct grants to Alaska Native organizations or edu-*
13 *cational entities with experience in developing or operating*
14 *Alaska Native programs, or to partnerships involving Alas-*
15 *ka Native organizations, to implement home instruction*
16 *programs for Alaska Native preschool youngsters. The objec-*
17 *tive of such programs shall be to develop parents as edu-*
18 *cators for their children and to assure the active involve-*
19 *ment of parents in the education of their children from the*
20 *earliest ages.*

21 “(b) *PROGRAM ELEMENTS.*—*Home based education*
22 *programs for Alaska Native children shall include—*

23 “(1) *parent-infant programs for prenatal*
24 *through three-year olds;*

1 “(2) preschool programs for four- and five-year
2 olds;

3 “(3) training, education and support programs
4 to teach parents skills in observation, reading readi-
5 ness, story telling and critical thinking;

6 “(4) continued research and development; and

7 “(5) a long term followup and assessment pro-
8 gram.

9 “(c) *ELIGIBILITY OF HIPPY PROGRAMS.*—Programs
10 based on the HIPPY (Home Instruction Program for Pre-
11 school Youngsters) model shall be eligible for funding under
12 this section.

13 “(d) *ADMINISTRATIVE COSTS.*—Not more than 10 per-
14 cent of the funds appropriated to carry out the provisions
15 of this section for any fiscal year may be used for adminis-
16 trative purposes.

17 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
18 authorized to be appropriated \$2,000,000 for fiscal year
19 1995, and such sums as may be necessary for each of the
20 4 succeeding fiscal years, to carry out this section. Funds
21 appropriated under the authority of this subsection shall
22 remain available until expended.

1 **“SEC. 8926. ALASKA NATIVE STUDENT ENRICHMENT PRO-**
2 **GRAMS.**

3 “(a) *GENERAL AUTHORITY.*—The Secretary shall
4 make a grant or grants to Alaska Native educational orga-
5 nizations or educational entities with experience in develop-
6 ing or operating Alaska Native programs, or to partner-
7 ships including Alaska Native organizations, for enrich-
8 ment programs for Alaska Native students in the areas of
9 science and mathematics education. The programs shall be
10 designed to—

11 “(1) *prepare qualified students from rural areas*
12 *who are preparing to enter village high schools to*
13 *excel in science and mathematics; and*

14 “(2) *provide those support services to the fami-*
15 *lies of such students that are needed to enable such*
16 *students to benefit from the program.*

17 “(b) *USES OF FUNDS.*—The program funded under
18 this section may include—

19 “(1) *the identification of the students eligible to*
20 *participate in the program;*

21 “(2) *the conduct of educational, psychosocial,*
22 *and developmental activities which hold reasonable*
23 *promise of resulting in substantial enrichment of the*
24 *educational performance of the participating students;*

25 “(3) *leadership programs designed to provide for*
26 *the replication of the program in other subject matter*

1 *areas and the dissemination of information derived*
2 *from the program; and*

3 *“(4) appropriate research, evaluation and relat-*
4 *ed activities pertaining to the benefits of such enrich-*
5 *ment programs.*

6 *“(c) ADMINISTRATIVE COSTS.—Not more than 10 per-*
7 *cent of the funds appropriated to carry out the provisions*
8 *of this section for any fiscal year may be used for adminis-*
9 *trative purposes.*

10 *“(d) AUTHORIZATION OF APPROPRIATIONS.—There*
11 *are authorized to be appropriated \$1,000,000 for fiscal year*
12 *1995, and such sums as may be necessary for each of the*
13 *4 succeeding fiscal years, to carry out this section. Funds*
14 *appropriated under the authority of this subsection shall*
15 *remain available until expended.*

16 ***“SEC. 8927. ADMINISTRATIVE PROVISIONS.***

17 *“(a) APPLICATION REQUIRED.—No grant may be*
18 *made under this part, nor any contract be entered into*
19 *under this part, unless an application is submitted to the*
20 *Secretary in such form, in such manner, and containing*
21 *such information as the Secretary may determine necessary*
22 *to carry out the provisions of this part.*

23 *“(b) APPLICATIONS BY LOCAL SCHOOL DISTRICTS OR*
24 *STATE EDUCATIONAL ENTITIES.—Local school districts or*

1 *State educational entities shall apply for funding under*
 2 *this Part in partnership with Alaska Native organizations.*

3 “(c) *CONSULTATION REQUIRED.*—*Each applicant for*
 4 *funding shall provide for ongoing advice from and consulta-*
 5 *tion with representatives of the Alaska Native community.*

6 “(d) *LOCAL EDUCATIONAL AGENCY COORDINATION.*—
 7 *Each local educational agency serving students who will*
 8 *participate in the program for which assistance is sought*
 9 *shall be informed regarding each application submitted*
 10 *under this part: Provided, That approval by or concurrence*
 11 *from such local educational agency shall not be required.*

12 “(e) *IMPLEMENTATION OF AUTHORITIES.*—*The Sec-*
 13 *retary shall expeditiously obligate funds appropriated as*
 14 *provided in this part.*

15 **“SEC. 8928. DEFINITIONS.**

16 *“For purposes of this part—*

17 “(1) *the term ‘Alaska Native’ has the same*
 18 *meaning as the term ‘Native’ has in section 3(b) of*
 19 *the Alaska Native Claims Settlement Act.*

20 “(2) *the term ‘Alaska Native organization’*
 21 *means a federally recognized tribe, consortium of*
 22 *tribes, regional nonprofit Native association, and*
 23 *other Alaska Native organizations that:*

24 “(A) *has or commits to acquire expertise in*
 25 *the education of Alaska Natives; and*

1 “(B) has Alaska Natives in substantive and
2 policy-making positions within the organization.

3 **“PART S—PROMOTING SCHOLAR-ATHLETE**
4 **COMPETITIONS**

5 **“SEC. 8931. FINDINGS.**

6 “The Congress finds that—

7 “(1) athletic and intellectual competition can be
8 a force for understanding and friendship among an
9 economically and culturally diverse population;

10 “(2) the World Scholar-Athlete Games in 1993
11 brought together 2,000 young scholars ranging in age
12 from 16 to 19 who are talented in art, creative writ-
13 ing, poetry, singing or athletics, from 125 countries
14 and all 50 States; and

15 “(3) through experiences on the playing field, in
16 group discussions and informal gatherings, scholar-
17 athlete competitions can foster understanding, accept-
18 ance and friendship among students who might other-
19 wise never interact.

20 **“SEC. 8932. PURPOSE.**

21 “It is the purpose of this part to provide authorization
22 for the establishment of a model educational, athletic, and
23 cultural event that—

1 “(1) is intended to bring together academically
2 qualified youth of diverse cultural, economic, and so-
3 cial backgrounds;

4 “(2) is replicated by each State; and

5 “(3) invites adult and student leaders in edu-
6 cation, business and government representing all 50
7 States to attend and observe the model event, includ-
8 ing such event’s educational and cultural programs,
9 so that such leaders are qualified to administer simi-
10 lar events in their home States.

11 **“SEC. 8933. PROGRAM AUTHORIZED.**

12 “(a) PROGRAM AUTHORIZED.—

13 “(1) IN GENERAL.—(A) If funds are appro-
14 priated pursuant to the authority of subsection (c) for
15 fiscal year 1995, the Secretary is authorized to award
16 a grant to a nonprofit organization to enable such or-
17 ganization to carry out model scholar-athlete games
18 in accordance with the purpose of this part.

19 “(B) If funds are appropriated pursuant to the
20 authority of subsection (c) for fiscal year 1996, the
21 Secretary is authorized to award a grant to a non-
22 profit organization to reimburse such organization for
23 the costs of conducting scholar-athlete games in 1995.

24 “(2) SPECIAL RULE.—Scholar-athlete games as-
25 sisted under this part shall be held in 1995.

1 “(3) *PRIORITY.*—In awarding grants under this
2 part, the Secretary shall give priority to a nonprofit
3 organization that—

4 “(A) is described in section 501(c)(3) of,
5 and exempt from taxation under section 501(a)
6 of, the Internal Revenue Code of 1986, and is af-
7 filiated with a university capable of hosting a
8 large educational, cultural, and athletic event
9 that will serve as a national model;

10 “(B) has the capability to administer feder-
11 ally funded scholar-athlete programs;

12 “(C) has the ability to provide matching
13 funds, on a dollar-for-dollar basis, from founda-
14 tions and the private sector for the purpose of
15 conducting a scholar-athlete program;

16 “(D) has the organizational structure and
17 capability to administer a model scholar-athlete
18 program in the summer of 1995;

19 “(E) has the organizational structure and
20 expertise to replicate the scholar-athlete program
21 in various venues throughout the United States
22 in 1996 and thereafter, as well as replicate such
23 program internationally; and

1 “(F) the Secretary determines has plans for
2 conducting scholar-athlete games after 1995
3 without Federal assistance.

4 “(b) PAYMENTS.—From the amount authorized to be
5 appropriated pursuant to the authority of subsection (c) for
6 fiscal year 1995, the Secretary is authorized to make grant
7 payments of 50 percent of such amount at the beginning
8 of such year and the remaining 50 percent of such amount
9 incrementally according to procedures established by the
10 Secretary.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There are
12 authorized to be appropriated \$1,000,000 for each of the
13 fiscal years 1995 and 1996 to carry out this part.

14 **“PART T—COMMUNITY SCHOOL PARTNERSHIPS**

15 **“SEC. 8941. SHORT TITLE.**

16 “This part may be cited as the ‘Community School
17 Partnership Act’.

18 **“SEC. 8942. FINDINGS.**

19 “The Congress finds that—

20 “(1) the local community, when properly orga-
21 nized and challenged, is one of the best sources of aca-
22 demic support, motivation toward achievement, and
23 financial resources for aspiring postsecondary stu-
24 dents;

1 “(2) local communities, working to complement
2 or augment services currently being offered by area
3 schools and colleges, can raise the educational expect-
4 ations and increase the rate of postsecondary attend-
5 ance of their youth by forming locally based organiza-
6 tions that provide both academic support (including
7 guidance, counseling, mentoring, tutoring, encourage-
8 ment, and recognition) and tangible, locally raised,
9 effectively targeted, publicly recognized financial
10 assistance;

11 “(3) proven methods of stimulating these commu-
12 nity efforts can be promoted through Federal support
13 for the establishment of area program centers to orga-
14 nize and challenge community efforts to develop edu-
15 cational incentives and support for local students;
16 and

17 “(4) using Federal funds to leverage private con-
18 tributions to help students from low-income families
19 attain educational and career goals is an efficient
20 and effective investment of scarce taxpayer-provided
21 resources.

22 **“SEC. 8943. DEFINITIONS.**

23 “As used in this part:

24 “(1) AREA PROGRAM CENTER.—The term ‘area
25 program center’ means an organization that—

1 “(A) is part of, responsible to, and overseen
2 by, the national organization; and

3 “(B) is staffed by professionals trained to
4 create, develop, and sustain local affiliated chap-
5 ters in towns, cities, and neighborhoods.

6 “(2) *LOCAL AFFILIATED CHAPTER*.—The term
7 ‘local affiliated chapter’ means an organization
8 that—

9 “(A) is a nonprofit organization that is de-
10 scribed in section 501(c)(3) of the Internal Reve-
11 nue Code of 1986, and exempt from taxation
12 under section 501(a) of such Code (or shall meet
13 this criteria through affiliation with the national
14 organization described in paragraph (3));

15 “(B) is formed for the purpose of providing
16 educational scholarships and academic support
17 for residents of the local community served by
18 such organization;

19 “(C) solicits broad-based community sup-
20 port in its academic support and fund-raising
21 activities;

22 “(D) is broadly representative of the local
23 community in the structures of its volunteer-op-
24 erated organization and has a board of directors
25 that includes leaders from local neighborhood or-

ganizations and neighborhood residents, such as school or college personnel, parents, students, community agency representatives, and representatives of the business community;

“(E) awards scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or the presence of any mental, sensory, or physical disability; and

“(F) gives priority in awarding scholarships to students from low-income families in the local community.

“(3) NATIONAL ORGANIZATION.—The term ‘national organization’ means an organization that—

“(A) has the capacity to create, develop and sustain local affiliated chapters;

“(B) has the capacity to sustain newly created local affiliated chapters in towns, cities, and neighborhoods through ongoing training and support programs;

“(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code;

“(D) is a publicly supported organization within the meaning of section 170(b)(1)(A)(vi) of such Code;

1 “(E) ensures that each of its local affiliated
2 chapters meet the criteria described in subpara-
3 graphs (C) and (D); and

4 “(F) has a program for or experience in co-
5 operating with secondary and postsecondary in-
6 stitutions in carrying out its scholarship and
7 academic support activities.

8 “(4) *HIGH-POVERTY AREA*.—The term ‘high-pov-
9 erty area’ means a community with a higher percent-
10 age of children in poverty than the national average
11 of such percentage.

12 “(5) *STUDENTS FROM LOW-INCOME FAMILIES*.—
13 The term ‘students from low-income families’ means
14 students determined, pursuant to part F of title IV of
15 the Higher Education Act of 1965, to be eligible for
16 a Federal Pell Grant under subpart 1 of part A of
17 title IV of such Act.

18 **“SEC. 8944. PURPOSE; ENDOWMENT GRANT AUTHORITY.**

19 “(a) *PURPOSE*.—It is the purpose of this title to estab-
20 lish and support area program centers to enable such cen-
21 ters to foster the development of local affiliated chapters in
22 high-poverty areas that promote higher education goals for
23 students from low-income families by—

1 “(1) *providing academic support, including*
2 *guidance, counseling, mentoring, tutoring, and rec-*
3 *ognition; and*

4 “(2) *providing scholarship assistance for the*
5 *pursuit of postsecondary education.*

6 “(b) *ENDOWMENT GRANT AUTHORITY.—From the*
7 *funds appropriated pursuant to the authority of section*
8 *8947, the Secretary competitively award an endowment*
9 *grant to a national organization to enable such organiza-*
10 *tion to support the establishment or ongoing work of area*
11 *program centers that foster the development of local affili-*
12 *ated chapters in high-poverty areas to improve high school*
13 *graduation rates and postsecondary attendance through the*
14 *provision of academic support services and scholarship as-*
15 *sistance for the pursuit of postsecondary education.*

16 **“SEC. 8945. GRANT AGREEMENT AND REQUIREMENTS.**

17 “(a) *IN GENERAL.—The Secretary shall award the en-*
18 *dowment grant described in section 8944(b) pursuant to an*
19 *agreement between the Secretary and the national organiza-*
20 *tion. Such agreement shall—*

21 “(1) *require the national organization to estab-*
22 *lish an endowment fund in the amount of the grant,*
23 *the corpus of which shall remain intact and the inter-*
24 *est income from which shall be used to support the ac-*
25 *tivities described in paragraphs (2) and (3);*

1 “(2) require the national organization to use 25
2 percent of the interest income from the endowment
3 fund in any fiscal year to provide scholarships for
4 students from low-income families, which scholarships
5 shall be matched on a dollar-for-dollar basis from
6 funds raised by local affiliated chapters;

7 “(3) require the national organization to use 75
8 percent of the interest income from the endowment
9 fund in any fiscal year to support the establishment
10 or ongoing work of area program centers to enable
11 such centers to work with local communities to estab-
12 lish local affiliated chapters in high-poverty areas
13 and provide ongoing technical assistance, training
14 workshops, and other activities to help ensure the on-
15 going success of the local affiliated chapters;

16 “(4) require the area program centers supported
17 by the national organization to give priority to estab-
18 lishing local affiliated chapters that serve high-pov-
19 erty areas;

20 “(5) require the national organization to submit,
21 in each fiscal year in which such organization uses
22 the interest from the endowment fund, a report to the
23 Secretary that contains—

1 “(A) a description of the programs and ac-
2 tivities supported by the interest on the endow-
3 ment fund;

4 “(B) the audited financial statement of the
5 national organization for the preceding fiscal
6 year;

7 “(C) a plan for the programs and activities
8 to be supported from the interest on the endow-
9 ment fund during the 5 succeeding fiscal years;

10 “(D) or is accompanied by such evaluation
11 of the programs and activities supported by the
12 interest on the endowment fund as the Secretary
13 may require; and

14 “(E) data indicating the number of students
15 from low-income families who received scholar-
16 ships from local affiliated chapters, and the
17 amounts of such scholarships;

18 “(6) contain such assurances as the Secretary
19 may require with respect to the management and op-
20 eration of the endowment fund;

21 “(7) require that, in order to continue using the
22 interest from the endowment fund, the national orga-
23 nization will meet the continuing eligibility require-
24 ments described in section 8946; and

1 “(8) contain an assurance that if the Secretary
2 determines that such organization is not in substan-
3 tial compliance with the provisions of this title, then
4 the national organization shall pay to the Secretary
5 an amount equal to the corpus of the endowment fund
6 plus any accrued interest on such fund that is avail-
7 able to the national organization on the date of such
8 determination.

9 “(b) *RETURNED FUNDS.*—All funds returned to the
10 Secretary pursuant to subsection (a)(8) shall be available
11 to the Secretary to carry out any scholarship or grant pro-
12 gram assisted under title IV of the Higher Education Act
13 of 1965.

14 **“SEC. 8946. CONTINUING ELIGIBILITY.**

15 “The national organization shall be eligible to continue
16 to use the interest from the endowment fund in accordance
17 with the provisions of this title in the third and each such
18 succeeding fiscal year in which such organization uses such
19 interest only if the local affiliated chapters associated with
20 all area program centers supported under this part distrib-
21 ute to students from low-income families 80 percent of the
22 total amount of funds raised by all such chapters in such
23 year.

1 ***“SEC. 8947. AUTHORIZATION OF APPROPRIATIONS.***

2 *“There are authorized to be appropriated \$10,000,000*
 3 *for fiscal year 1995 to carry out this title.*

4 ***“TITLE IX—SPECIAL PROGRAMS***

5 ***“PART A—IMPACT AID***

6 ***“SEC. 9001. PURPOSE.***

7 *“In order to fulfill the Federal responsibility to assist*
 8 *with the provision of educational services to federally con-*
 9 *nected children, because certain activities of the Federal*
 10 *Government place a financial burden on the local edu-*
 11 *cational agencies serving areas where such activities are*
 12 *carried out and to help such children meet challenging State*
 13 *standards, it is the purpose of this part to provide financial*
 14 *assistance to local educational agencies that—*

15 *“(1) experience a substantial and continuing fi-*
 16 *nancial burden due to the acquisition of real property*
 17 *by the United States;*

18 *“(2) educate children who reside on Federal*
 19 *property and whose parents are employed on Federal*
 20 *property;*

21 *“(3) educate children of parents who are in the*
 22 *military services and children who live in low-rent*
 23 *housing;*

24 *“(4) experience sudden and substantial increases*
 25 *or decreases in enrollments because of military*
 26 *realignments; or*

1 “(5) need special assistance with capital expend-
 2 itures for construction activities because of the enroll-
 3 ments of substantial numbers of children who reside
 4 on Federal lands.

5 **“SEC. 9002. PAYMENTS RELATING TO FEDERAL ACQUI-
 6 TION OF REAL PROPERTY.**

7 “(a) *IN GENERAL.*—Where the Secretary, after con-
 8 sultation with any local educational agency and with the
 9 appropriate State educational agency, determines for a fis-
 10 cal year ending prior to October 1, 1999—

11 “(1) that the United States owns Federal prop-
 12 erty in the local educational agency, and that such
 13 property—

14 “(A) has been acquired by the United States
 15 since 1938;

16 “(B) was not acquired by exchange for other
 17 Federal property in the local educational agency
 18 which the United States owned before 1939; and

19 “(C) had an assessed value (determined as
 20 of the time or times when so acquired) aggregat-
 21 ing 10 percent or more of the assessed value of—

22 “(i) all real property in the local edu-
 23 cational agency (similarly determined as of
 24 the time or times when such Federal prop-
 25 erty was so acquired); or

1 “(ii) all real property in the local edu-
2 cational agency as assessed in the first year
3 preceding or the year succeeding acquisi-
4 tion, whichever is greater, only if—

5 “(I) the assessment of all real
6 property in the local educational agen-
7 cy is not made at the same time or
8 times that such Federal property was
9 so acquired and assessed; and

10 “(II) State law requires an assess-
11 ment be made of property so acquired;
12 and

13 “(2) that such agency is not being substantially
14 compensated for the loss in revenue resulting from
15 such ownership by increases in revenue accruing to
16 the agency from the conduct of Federal activities with
17 respect to such Federal property,

18 then the local educational agency shall be eligible to receive
19 for such fiscal year such amount as, in the judgment of the
20 Secretary, is equal to the continuing Federal responsibility
21 for the additional financial burden with respect to current
22 expenditures placed on such agency by such acquisition of
23 property.

24 “(b) AMOUNT.—

1 “(1) *IN GENERAL.*—(A)(i) *The amount that a*
2 *local educational agency shall be paid under sub-*
3 *section (a) for a fiscal year shall be calculated in ac-*
4 *cordance with paragraph (2), except that such*
5 *amount shall be reduced by the Secretary by an*
6 *amount equal to the amount of revenue, if any, that*
7 *such agency received during the previous fiscal year*
8 *from activities conducted on such property.*

9 “(ii) *For purposes of clause (i), the amount of*
10 *revenue that a local educational agency receives dur-*
11 *ing the previous fiscal year from activities conducted*
12 *on Federal property shall not include payments re-*
13 *ceived by the agency from the Secretary of Defense to*
14 *support—*

15 “(I) *the operation of a domestic dependent*
16 *elementary or secondary school; or*

17 “(II) *the provision of a free public edu-*
18 *cation to dependents of members of the Armed*
19 *Forces residing on or near a military installa-*
20 *tion.*

21 “(B) *If funds appropriated under section*
22 *9014(a) are insufficient to pay the amount deter-*
23 *mined under subparagraph (A), the Secretary shall*
24 *ratably reduce the payment to each eligible local edu-*
25 *cational agency.*

1 “(C) Notwithstanding any other provision of this
2 subsection, a local educational agency may not be
3 paid an amount under this section that when added
4 to the amount such agency receives under section
5 9003(b)(2) exceeds the maximum amount that such
6 agency is eligible to receive for such fiscal year under
7 section 9003(b)(1)(C).

8 “(2) APPLICATION OF CURRENT LEVIED REAL
9 PROPERTY TAX RATE.—In making a determination of
10 the amount that would have been derived in such year
11 under paragraph (1)(A), the Secretary shall apply the
12 current levied real property tax rate for current ex-
13 penditures levied by fiscally independent local edu-
14 cational agencies or imputed, for fiscally dependent
15 local educational agencies, to the current annually de-
16 termined aggregate assessed value of such acquired
17 Federal property.

18 “(3) DETERMINATION OF AGGREGATE ASSESSED
19 VALUE.—Such aggregate assessed value of such ac-
20 quired Federal property shall be determined (on the
21 basis of the highest and best use of property adjacent
22 to such acquired Federal property as of the time such
23 value is determined), and provided to the Secretary,
24 by the local official responsible for assessing the value
25 of real property located in the jurisdiction of such

1 *local educational agency for the purpose of levying a*
2 *property tax.*

3 “(c) *APPLICABILITY TO TENNESSEE VALLEY AUTHOR-*
4 *ITY ACT.—For the purposes of this section, any real prop-*
5 *erty with respect to which payments are being made under*
6 *section 13 of the Tennessee Valley Authority Act of 1933*
7 *shall not be regarded as Federal property.*

8 “(d) *OWNERSHIP BY UNITED STATES.—The United*
9 *States shall be deemed to own Federal property for the pur-*
10 *poses of this Act, where—*

11 “(1) *prior to the transfer of Federal property, the*
12 *United States owned Federal property meeting the re-*
13 *quirements of subparagraphs (A), (B), and (C) of sub-*
14 *section (a)(1); and*

15 “(2) *the United States transfers a portion of the*
16 *property referred to in paragraph (1) to another non-*
17 *taxable entity, and the United States—*

18 “(A) *restricts some or any construction on*
19 *such property;*

20 “(B) *requires that the property be used in*
21 *perpetuity for the public purposes for which the*
22 *property was conveyed;*

23 “(C) *requires the grantee of the property to*
24 *report to the Federal Government (or its agent)*
25 *regarding information on the use of the property;*

1 “(D) except with the approval of the Fed-
2 eral Government (or its agent), prohibits the
3 sale, lease, assignment, or other disposal of the
4 property unless such sale, lease, assignment, or
5 other disposal is to another eligible government
6 agency; and

7 “(E) reserves to the Federal Government a
8 right of reversion at any time the Federal Gov-
9 ernment (or its agent) deems it necessary for the
10 national defense.

11 “(e) *DISTRICT CONTAINING FOREST SERVICE LAND*
12 *AND SERVING CERTAIN COUNTIES.*—Beginning with fiscal
13 year 1995, a school district shall be deemed to meet the re-
14 quirements of subsection (a)(1)(C) if such school district
15 meets the following requirements:

16 “(1) The school district contains between 20,000
17 and 60,000 acres of land that has been acquired by
18 the Forest Service of the Department of Agriculture
19 between 1915 and 1990, as demonstrated by written
20 evidence from the Forest Service satisfactory to the
21 Secretary.

22 “(2) The school district serves a county certified
23 by State law in 1875 or 1890.

24 “(f) *SPECIAL RULE.*—Beginning with fiscal year
25 1994, and notwithstanding any other provision of law lim-

1 *iting the period during which fiscal year 1994 funds may*
 2 *be obligated, the Secretary of Education shall treat the local*
 3 *educational agency serving the Wheatland R-II School Dis-*
 4 *trict, Wheatland, Missouri, as meeting the eligibility re-*
 5 *quirements of section 2(a)(1)(C) of the Act of September 30,*
 6 *1950 (Public Law 874, 81st Congress) (20 U.S.C.*
 7 *237(a)(1)(C)) or section 9003(a)(1)(C) of the Elementary*
 8 *and Secondary Education Act of 1965.*

9 ***“SEC. 9003. PAYMENTS FOR ELIGIBLE FEDERALLY CON-***
 10 ***NECTED CHILDREN.***

11 *“(a) COMPUTATION OF PAYMENT.—*

12 *“(1) IN GENERAL.—For the purpose of comput-*
 13 *ing the amount that a local educational agency is eli-*
 14 *gible to receive under subsection (b), (d), or (f) for*
 15 *any fiscal year, the Secretary shall determine the*
 16 *number of children who were in average daily attend-*
 17 *ance in the schools of such agency, and for whom such*
 18 *agency provided free public education, during the pre-*
 19 *ceding school year and who, while in attendance at*
 20 *such schools—*

21 *“(A)(i) resided on Federal property with a*
 22 *parent employed on Federal property situated in*
 23 *whole or in part within the boundaries of the*
 24 *school district of such agency; or*

1 “(ii) resided on Federal property with a
2 parent who is an official of, and accredited by,
3 a foreign government and is a foreign military
4 officer;

5 “(B) resided on Federal property and had
6 a parent on active duty in the uniformed serv-
7 ices (as defined in section 101 of title 37, United
8 States Code);

9 “(C) resided on Indian lands;

10 “(D)(i) had a parent on active duty in the
11 uniformed services (as defined by section 101 of
12 title 37, United States Code) but did not reside
13 on Federal property; or

14 “(ii) had a parent who is an official of, and
15 has been accredited by, a foreign government and
16 is a foreign military officer but did not reside on
17 Federal property;

18 “(E) resided in low-rent housing;

19 “(F) resided on Federal property and is not
20 described in subparagraph (A) or (B); or

21 “(G) resided with a parent employed on
22 Federal property situated—

23 “(i) in whole or in part in the county
24 in which the school district of such agency
25 is located, or in whole or in part in the

1 *school district of such agency if the school*
2 *district is located in more than one county;*
3 *or*

4 *“(ii) if not in such county or district,*
5 *in whole or in part in the same State as the*
6 *school district of such agency.*

7 *“(2) DETERMINATION OF WEIGHTED STUDENT*
8 *UNITS.—For purposes of computing the basic support*
9 *payment under subsection (b), the Secretary shall cal-*
10 *culate the total number of weighted student units for*
11 *a local educational agency by adding together the re-*
12 *sults obtained by the following computations:*

13 *“(A) Multiply the number of children de-*
14 *scribed in subparagraphs (A) and (B) of para-*
15 *graph (1) by a factor of 1.0.*

16 *“(B) Multiply the number of children de-*
17 *scribed in paragraph (1)(C) by a factor of 1.25.*

18 *“(C) Multiply the number of children de-*
19 *scribed in subparagraphs (D) and (E) of para-*
20 *graph (1) by a factor of .10.*

21 *“(D) Multiply the number of children de-*
22 *scribed in subparagraphs (F) and (G) of para-*
23 *graph (1) by a factor of .05.*

1 “(b) *BASIC SUPPORT PAYMENTS AND PAYMENTS WITH*
2 *RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT*
3 *FUNDS ARE APPROPRIATED.*—

4 “(1) *BASIC SUPPORT PAYMENTS.*—

5 “(A) *IN GENERAL.*—From the amount ap-
6 propriated under section 9014(b) for a fiscal
7 year, the Secretary is authorized to make basic
8 support payments to eligible local educational
9 agencies with children described under subsection
10 (a).

11 “(B) *ELIGIBILITY.*—A local educational
12 agency shall be eligible to receive a basic support
13 payment under subparagraph (A) for a fiscal
14 year with respect to a number of children deter-
15 mined under subsection (a) only if the number
16 of children so determined with respect to such
17 agency amounts to the lesser of—

18 “(i) at least 400 such children; or

19 “(ii) a number of such children which
20 equals at least 3 percent of the total number
21 of children who were in average daily at-
22 tendance, during such year, at the schools of
23 such agency and for whom such agency pro-
24 vided free public education.

1 “(C) *MAXIMUM AMOUNT.*—*The maximum*
2 *amount that a local educational agency is eligi-*
3 *ble to receive under this subsection for any fiscal*
4 *year is the sum of the total weighted student*
5 *units, as computed under subsection (a)(2), mul-*
6 *tiplied by the greater of—*

7 “(i) *one-half of the average per pupil*
8 *expenditure of the State in which the local*
9 *educational agency is located for the third*
10 *fiscal year preceding the fiscal year for*
11 *which the determination is made;*

12 “(ii) *one-half of the average per pupil*
13 *expenditures of all of the States for the third*
14 *fiscal year preceding the fiscal year for*
15 *which the determination is made;*

16 “(iii) *the comparable local contribution*
17 *rate certified by the State, as determined*
18 *under regulations prescribed to carry out*
19 *the Act of September 30, 1950 (Public Law*
20 *874, 81st Congress), as such regulations*
21 *were in effect on January 1, 1994; or*

22 “(iv) *the average per pupil expenditure*
23 *of the State in which the local educational*
24 *agency is located, multiplied by the local*
25 *contribution percentage.*

1 “(2) *PAYMENTS WITH RESPECT TO FISCAL YEARS*
2 *IN WHICH INSUFFICIENT FUNDS ARE APPRO-*
3 *PRIATED.—*

4 “(A) *IN GENERAL.—For any fiscal year in*
5 *which the sums appropriated under section*
6 *9014(b) are insufficient to pay to each local edu-*
7 *cational agency the full amount computed under*
8 *paragraph (1), the Secretary shall make pay-*
9 *ments in accordance with this paragraph.*

10 “(B) *LEARNING OPPORTUNITY THRESHOLD*
11 *PAYMENTS.—(i) For fiscal years described in*
12 *subparagraph (A), the Secretary shall compute a*
13 *learning opportunity threshold payment (here-*
14 *after in this title referred to as the ‘threshold*
15 *payment’) by multiplying the amount obtained*
16 *under paragraph (1)(C) by the total percentage*
17 *obtained by adding—*

18 “(I) *the percentage of federally con-*
19 *ected children for each local educational*
20 *agency determined by calculating the frac-*
21 *tion, the numerator of which is the total*
22 *number of children described under sub-*
23 *section (a)(1) and the denominator of which*
24 *is the total number of children in average*

1 *daily attendance at the schools served by*
2 *such agency; and*

3 “(II) *the percentage that funds under*
4 *paragraph (1)(C) represent of the total*
5 *budget of the local educational agency, de-*
6 *termined by calculating the fraction, the*
7 *numerator of which is the total amount of*
8 *funds calculated for each local educational*
9 *agency under this subsection (not including*
10 *amounts received under subsection (f)), and*
11 *the denominator of which is the total cur-*
12 *rent expenditures for such agency in the sec-*
13 *ond preceding fiscal year for which the de-*
14 *termination is made.*

15 “(ii) *Such total percentage used to calculate*
16 *threshold payments under paragraph (1) shall*
17 *not exceed 100.*

18 “(iii) *For the purpose of determining the*
19 *percentages described in subclauses (I) and (II)*
20 *of clause (i) that are applicable to the local edu-*
21 *cational agency providing free public education*
22 *to students in grades 9 through 12 residing on*
23 *Hanscom Air Force Base, Massachusetts, the*
24 *Secretary shall consider only that portion of such*
25 *agency’s total enrollment of students in grades 9*

1 *through 12 when calculating the percentage*
2 *under such subclause (I) and only that portion*
3 *of the total current expenditures attributed to the*
4 *operation of grades 9 through 12 in such agency*
5 *when calculating the percentage under subclause*
6 *(II).*

7 “(C) *RATABLE DISTRIBUTION.*—*For fiscal*
8 *years described in subparagraph (A), the Sec-*
9 *retary shall make payments as a ratable dis-*
10 *tribution based upon the computation made*
11 *under subparagraph (B).*

12 “(c) *PRIOR YEAR DATA.*—*All calculations under this*
13 *section shall be based upon data for each local educational*
14 *agency from not later than the first fiscal year preceding*
15 *the fiscal year for which the agency is making application*
16 *for payment.*

17 “(d) *CHILDREN WITH DISABILITIES.*—

18 “(1) *IN GENERAL.*—*From the amount appro-*
19 *priated under section 9014(c) for a fiscal year, the*
20 *Secretary shall pay to each eligible local educational*
21 *agency, on a pro rata basis, the amounts determined*
22 *by—*

23 “(A) *multiplying the number of children de-*
24 *scribed in subparagraphs (A)(ii), (B) and (C) of*
25 *subsection (a)(1) who are eligible to receive serv-*

1 *ices under the Individuals with Disabilities Edu-*
2 *cation Act by a factor of 1.0; and*

3 *“(B) multiplying the number of children de-*
4 *scribed in subparagraph (D) of subsection (a)(1)*
5 *who are eligible to receive services under such*
6 *Act by a factor of 0.5.*

7 *“(2) USE OF FUNDS.—A local educational agen-*
8 *cy that receives funds under paragraph (1) shall use*
9 *such funds to provide a free appropriate public edu-*
10 *cation to children described in paragraph (1) in ac-*
11 *cordance with the Individuals with Disabilities Edu-*
12 *cation Act.*

13 *“(e) HOLD-HARMLESS AMOUNTS.—*

14 *“(1) IN GENERAL.—Except as provided in para-*
15 *graph (3), the total amount that the Secretary shall*
16 *pay a local educational agency under subsection (b)*
17 *shall not be less than 95 percent of the amount such*
18 *agency received for the preceding fiscal year—*

19 *“(A) in the case of fiscal year 1995 only,*
20 *under section 3 of the Act of September 30, 1950*
21 *(Public Law 874, 81st Congress); or*

22 *“(B) in the case of fiscal years 1996, 1997,*
23 *1998, or 1999, under such subsection (b).*

24 *“(2) TWO-YEAR APPLICABILITY.—The provisions*
25 *of paragraph (1) shall apply to any one local edu-*

1 *cational agency for a maximum of two consecutive*
2 *fiscal years, except that in the second such year the*
3 *total amount the Secretary shall pay a local edu-*
4 *cational agency under subsection (b) shall not be less*
5 *than 85 percent of the amount such agency received*
6 *under such subsection in the preceding fiscal year.*

7 *“(3) RATABLE REDUCTIONS.—(A)(i) If necessary*
8 *in order to make payments to local educational agen-*
9 *cies in accordance with paragraph (1), the Secretary*
10 *first shall ratably reduce payments under subsection*
11 *(b) to local educational agencies that do not receive*
12 *a payment under this subsection.*

13 *“(ii) If additional funds become available for*
14 *making payments under paragraph (1) for such fiscal*
15 *year, payments that were reduced under clause (i)*
16 *shall be increased on the same basis as such payments*
17 *were reduced.*

18 *“(B)(i) If the sums made available under this*
19 *part for any fiscal year are insufficient to pay the*
20 *full amounts that all local educational agencies in all*
21 *States are eligible to receive under paragraphs (1)*
22 *and (2) after the application of subparagraph (A) for*
23 *such year, the Secretary shall ratably reduce pay-*
24 *ments to all such agencies for such year.*

1 “(ii) *If additional funds become available for*
2 *making payments under paragraphs (1) and (2) for*
3 *such fiscal year, payments that were reduced under*
4 *clause (i) shall be increased on the same basis as such*
5 *payments were reduced.*

6 “(f) *ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED*
7 *LOCAL EDUCATIONAL AGENCIES.—*

8 “(1) *RESERVATION.—From amounts appro-*
9 *priated under section 9014(b) for a fiscal year, the*
10 *Secretary shall provide additional assistance to meet*
11 *special circumstances relating to the provision of edu-*
12 *cation in local educational agencies eligible to receive*
13 *assistance under this section.*

14 “(2) *ELIGIBILITY.—(A) A local educational*
15 *agency shall be eligible to receive additional assist-*
16 *ance under this subsection only if such agency—*

17 “(i) *(I) has an enrollment of federally con-*
18 *necting children described in subsection (a)(1)*
19 *which constitutes at least 50 percent of the total*
20 *student enrollment of such agency; and*

21 “(II) *has a tax rate for general fund pur-*
22 *poses which is at least 95 percent of the average*
23 *tax rate for general fund purposes of comparable*
24 *local educational agencies in the State;*

1 “(ii)(I) has an enrollment of federally con-
2 nected children described in subsection (a)(1)
3 which constitutes at least 35 percent of the total
4 student enrollment of such agency; and

5 “(II) has a tax rate for general fund pur-
6 poses which is at least 125 percent of the average
7 tax rate for general fund purposes of comparable
8 local educational agencies in the State; or

9 “(iii) is a local educational agency whose
10 boundaries are the same as a Federal military
11 installation.

12 “(B) If the current expenditures in those local
13 educational agencies which the Secretary has deter-
14 mined to be generally comparable to the local edu-
15 cational agency for which a computation is made
16 under subsection (b)(1)(C) are not reasonably com-
17 parable because of unusual geographical factors which
18 affect the current expenditures necessary to maintain,
19 in such agency, a level of education equivalent to that
20 maintained in such other agencies, then the Secretary
21 shall increase the local contribution rate for such
22 agency by such an amount which the Secretary deter-
23 mines will compensate such agency for the increase in
24 current expenditures necessitated by such unusual
25 geographical factors. The amount of any such supple-

1 *mentary payment may not exceed the per-pupil share*
 2 *(computed with regard to all children in average*
 3 *daily attendance), as determined by the Secretary, of*
 4 *the increased current expenditures necessitated by*
 5 *such unusual geographic factors.*

6 *“(C) Any local educational agency determined*
 7 *eligible under clause (iii) of subparagraph (A) shall*
 8 *be deemed to have met the tax efforts requirements for*
 9 *eligibility under clause (i)(II) or (ii)(II) of such sub-*
 10 *paragraph.*

11 *“(3) MAXIMUM PAYMENTS.—*

12 *“(A) IN GENERAL.—Subject to subpara-*
 13 *graph (B), the Secretary shall determine the*
 14 *maximum amount that a local educational agen-*
 15 *cy may receive under this subsection in accord-*
 16 *ance with the following computations:*

17 *“(i) The Secretary shall first determine*
 18 *the greater of—*

19 *“(I) the average per pupil expend-*
 20 *iture of the State in which the local*
 21 *educational agency is located;*

22 *“(II) the average per pupil ex-*
 23 *penditure of generally comparable*
 24 *school districts located in the State of*
 25 *the local educational agency, as defined*

1 *in regulations issued by the Secretary;*
2 *or*

3 “(III) *the average per pupil ex-*
4 *penditure of three generally com-*
5 *parable school districts located in the*
6 *State of the local educational agency,*
7 *as defined in regulations issued by the*
8 *Secretary.*

9 “(ii) *The Secretary shall next subtract*
10 *from the amount determined under clause*
11 *(i) the total amount of general fund reve-*
12 *nues received by the local educational agen-*
13 *cy from any general fund source per pupil,*
14 *other than revenues provided under this*
15 *subsection.*

16 “(iii) *The Secretary shall next mul-*
17 *tiply the amount determined under clause*
18 *(ii) by the total number of students in aver-*
19 *age daily attendance of the local edu-*
20 *cational agency.*

21 “(iv) *If the tax rate used by the local*
22 *educational agency is greater than 95 per-*
23 *cent, but less than 100 percent, of the tax*
24 *rate of comparable school districts, the Sec-*
25 *retary shall next multiply the amount deter-*

1 mined under clause (iii) by the percentage
2 that the tax rate of the local educational
3 agency is of—

4 “(I) the average tax rate of its
5 generally comparable school districts;
6 or

7 “(II) the average tax rate of all
8 the school districts in the State in
9 which the local educational agency is
10 located.

11 “(v) The Secretary shall next subtract
12 the total amount of payments received by a
13 local educational agency under subsections
14 (b) and (d) for a fiscal year from the
15 amount determined under clause (iii) or
16 clause (iv), as the case may be.

17 “(B) *SPECIAL RULE.*—(i) With respect to
18 payments under this subsection for a local edu-
19 cational agency described in clause (ii) or (iii)
20 of paragraph (2)(A), the maximum amount of
21 such payments shall be computed by taking the
22 product of the average per pupil expenditure in
23 all States multiplied by .7, except that such
24 amount may not exceed 125 percent of the aver-
25 age per pupil expenditure in all local edu-

1 *cational agencies in the State, and multiplying*
2 *such product by the number of students who are*
3 *served by such local educational agency and de-*
4 *scribed in subparagraph (A) or (B) of subsection*
5 *(a)(1).*

6 *“(ii) The payment under this subsection*
7 *that a local educational agency described in*
8 *clauses (ii) and (iii) of paragraph (2)(A) shall*
9 *receive in any fiscal year shall be equal to the*
10 *maximum amount described in clause (i) minus*
11 *the amount of payments such agency receives*
12 *under subsections (b) and (d) for such year.*

13 *“(4) CURRENT YEAR DATA.—The Secretary shall,*
14 *for purposes of providing assistance under this sub-*
15 *section, use—*

16 *“(A) student and revenue data from the fis-*
17 *cal year for which the local educational agency*
18 *is applying for assistance under this subsection;*
19 *and*

20 *“(B) the most recent data available on per-*
21 *pupil cost adjusted to reflect per-pupil cost made*
22 *current by increasing or decreasing the per-pupil*
23 *expenditure data for the second fiscal year pre-*
24 *ceding the fiscal year for which the determina-*
25 *tion is made by the same percentage increase or*

1 *decrease reflected between the per-pupil expendi-*
2 *ture data for the fourth fiscal year preceding the*
3 *fiscal year for which the determination is made*
4 *and the per-pupil expenditure data for such sec-*
5 *ond year.*

6 “(5) *DETERMINATION FOR FISCAL YEAR 1994.—*
7 *Notwithstanding the proviso referring to section*
8 *3(d)(2)(B) of Public Law 81–874 under the following*
9 *heading “IMPACT AID” under title III of the De-*
10 *partments of Labor, Health and Human services and*
11 *Education, and Related Agencies Appropriations Act*
12 *of 1994, or any provision of paragraph (2) of section*
13 *3(d) of such Public Law which is consistent with this*
14 *proviso, determinations regarding the eligibility for*
15 *an amount of payments under section 3(d)(2)(B) of*
16 *such Public Law for fiscal year 1994 shall be made*
17 *on the basis of 1994 data, and related Department*
18 *regulations in effect during fiscal year 1992 shall be*
19 *used in the tabulation of payments.*

20 “(6) *REDUCTION IN PAYMENTS.—If funds appro-*
21 *priated to carry out this subsection are insufficient to*
22 *pay in full the amounts determined under paragraph*
23 *(3), the Secretary shall ratably reduce the payment to*
24 *each eligible local educational agency.*

1 “(g) *ADDITIONAL PAYMENTS FOR LOCAL EDU-*
2 *CATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF*
3 *CHILDREN WITH SEVERE DISABILITIES.*—

4 “(1) *IN GENERAL.*—If any local educational
5 agency receives Federal funds from sources other than
6 this part to carry out the purposes of this part for
7 any fiscal year due to the enrollment of children de-
8 scribed under subsection (a), then the Secretary shall
9 consider such funds as a payment to such agency
10 under this part for such fiscal year.

11 “(2) *SPECIAL RULE.*—Notwithstanding any
12 other provision of law, if funds appropriated pursu-
13 ant to section 9014(b) for payments under subsection
14 (b) to such agency for a fiscal year which when added
15 to the funds described in paragraph (1) received by
16 such agency for such fiscal year exceed the maximum
17 amount described under subsection (b)(1)(C), then the
18 Secretary shall make available from the funds appro-
19 priated under section 9014(b) for such fiscal year
20 such excess amounts to any local educational agency
21 serving two or more children described under sub-
22 paragraph (B) or (D) of section 9003(a)(1) who have
23 a severe disability and a parent serving in the uni-
24 formed services (as defined by section 101 of title 37,
25 United States Code) and assigned to a particular per-

1 *manent duty station for compassionate reasons (com-*
2 *passionate post assignment) for the total costs associ-*
3 *ated with such children who are provided an edu-*
4 *cational program provided outside the schools of such*
5 *agency.*

6 “(3) *REMAINING FUNDS.*—If funds remain after
7 *payments are made under paragraph (2) for any fis-*
8 *cal year, then such remaining funds shall be made*
9 *available for expenditures under subsection (d) in*
10 *such fiscal year on a pro rata basis consistent with*
11 *the requirements of such subsection.*

12 “(4) *RATABLE REDUCTIONS.*—If amounts avail-
13 *able to carry out paragraph (2) for any fiscal year*
14 *are insufficient to pay in full the total payment that*
15 *all eligible local educational agencies are eligible to*
16 *receive under such paragraph for such year, then the*
17 *Secretary shall ratably reduce such payments to such*
18 *agencies for such year.*

19 “(h) *OTHER FUNDS.*—Notwithstanding any other pro-
20 *vision of law, a local educational agency receiving funds*
21 *under this section may also receive funds under section 6*
22 *of the Act of September 30, 1950 (Public Law 874, 81st*
23 *Congress) or such section’s successor authority.*

24 “(i) *MAINTENANCE OF EFFORT.*—A local educational
25 *agency may receive funds under this part for any fiscal*

1 year only if the State educational agency finds that either
2 the combined fiscal effort per student or the aggregate ex-
3 penditures of that agency and the State with respect to the
4 provision of free public education by that agency for the
5 preceding fiscal year was not less than 90 percent of such
6 combined fiscal effort or aggregate expenditures for the sec-
7 ond preceding fiscal year.

8 ***“SEC. 9004. POLICIES AND PROCEDURES RELATING TO***
9 ***CHILDREN RESIDING ON INDIAN LANDS.***

10 *“(a) IN GENERAL.—A local educational agency that*
11 *claims children residing on Indian lands for the purpose*
12 *of receiving funds under section 9003 shall establish policies*
13 *and procedures to ensure that—*

14 *“(1) such children participate in programs and*
15 *activities supported by such funds on an equal basis*
16 *with all other children;*

17 *“(2) parents of such children and Indian tribes*
18 *are afforded an opportunity to present their views on*
19 *such programs and activities, including an oppor-*
20 *tunity to make recommendations on the needs of those*
21 *children and how the local educational agency may*
22 *help such children realize the benefits of such pro-*
23 *grams and activities;*

1 “(3) parents and Indian tribes are consulted and
2 involved in planning and developing such programs
3 and activities;

4 “(4) relevant applications, evaluations, and pro-
5 gram plans are disseminated to the parents and In-
6 dian tribes; and

7 “(5) parents and Indian tribes are afforded an
8 opportunity to present their views to such agency re-
9 garding such agency’s general educational program.

10 “(b) *RECORDS*.—A local educational agency that
11 claims children residing on Indian lands for the purpose
12 of receiving funds under section 9003 shall maintain
13 records demonstrating such agency’s compliance with re-
14 quirements contained in subsection (a).

15 “(c) *WAIVER*.—A local educational agency that claims
16 children residing on Indian lands for the purpose of receiv-
17 ing funds under section 9003 shall not be required to com-
18 ply with the requirements of subsections (a) and (b) for any
19 fiscal year with respect to any Indian tribe from which such
20 agency has received a written statement that the agency
21 need not comply with those subsections because the tribe is
22 satisfied with the provision of educational services by such
23 agency to such children.

24 “(d) *TECHNICAL ASSISTANCE AND ENFORCEMENT*.—
25 The Secretary shall—

1 “(1) *provide technical assistance to local edu-*
2 *cational agencies, parents, and Indian tribes to en-*
3 *able such agencies, parents, and tribes to carry out*
4 *this section; and*

5 “(2) *enforce this section through such actions,*
6 *which may include the withholding of funds, as the*
7 *Secretary determines to be appropriate, after afford-*
8 *ing the affected local educational agency, parents, and*
9 *Indian tribe an opportunity to present their views.*

10 “(e) *COMPLAINTS.—*

11 “(1) *IN GENERAL.—(A) Any tribe, or its des-*
12 *ignee, which has students in attendance at a local*
13 *educational agency may, in its discretion and with-*
14 *out regard to the requirements of any other provision*
15 *of law, file a written complaint with the Secretary re-*
16 *garding any action of a local educational agency*
17 *taken pursuant to, or relevant to, the requirements of*
18 *this section.*

19 “(B) *Within ten working days from receipt of a*
20 *complaint, the Secretary shall—*

21 “(i) *designate a time and place for a hear-*
22 *ing into the matters relating to the complaint at*
23 *a location in close proximity to the local edu-*
24 *cational agency involved, or if the Secretary de-*
25 *termines there is good cause, at some other loca-*

1 *tion convenient to both the tribe, or its designee,*
2 *and the local educational agency;*

3 *“(ii) designate a hearing examiner to con-*
4 *duct the hearing; and*

5 *“(iii) notify the affected tribe or tribes and*
6 *the local educational agency involved of the time,*
7 *place, and nature of the hearing and send copies*
8 *of the complaint to the local educational agency*
9 *and the affected tribe or tribes.*

10 *“(2) HEARING.—The hearing shall be held with-*
11 *in 30 days of the designation of a hearing examiner*
12 *and shall be open to the public. A record of the pro-*
13 *ceedings shall be established and maintained.*

14 *“(3) EVIDENCE; RECOMMENDATIONS; COST.—The*
15 *complaining tribe, or its designee, and the local edu-*
16 *cational agency shall be entitled to present evidence*
17 *on matters relevant to the complaint and to make rec-*
18 *ommendations concerning the appropriate remedial*
19 *actions. Each party to the hearing shall bear only its*
20 *own costs in the proceedings.*

21 *“(4) FINDINGS AND RECOMMENDATIONS.—With-*
22 *in 30 days of the completion of the hearing, the hear-*
23 *ing examiner shall, on the basis of the record, make*
24 *written findings of fact and recommendations con-*
25 *cerning appropriate remedial action, if any, which*

1 *should be taken. The hearing examiner's findings and*
2 *recommendations, along with the hearing record, shall*
3 *be forwarded to the Secretary.*

4 *“(5) WRITTEN DETERMINATION.—Within 30*
5 *days of his receipt of the findings, recommendations,*
6 *and record, the Secretary shall, on the basis of the*
7 *record, make a written determination of the appro-*
8 *priate remedial action, if any, to be taken by the local*
9 *educational agency, the schedule for completion of the*
10 *remedial action, and the reasons for the Secretary's*
11 *decision.*

12 *“(6) COPIES PROVIDED.—Upon completion of his*
13 *final determination, the Secretary shall provide the*
14 *complaining tribe, or its designee, and the local edu-*
15 *cational agency with copies of the hearing record, the*
16 *hearing examiner's findings and recommendations,*
17 *and the Secretary's final determination. The final de-*
18 *termination of the Secretary shall be subject to judi-*
19 *cial review.*

20 *“(7) CONSOLIDATION.—In all actions under this*
21 *subparagraph, the Secretary shall have discretion to*
22 *consolidate complaints involving the same tribe or*
23 *local educational agency.*

24 *“(8) WITHHOLDING.—If the local educational*
25 *agency rejects the determination of the Secretary, or*

1 *if the remedy required is not undertaken within the*
2 *time established and the Secretary determines that an*
3 *extension of the time established will not effectively*
4 *encourage the remedy required, the Secretary shall*
5 *withhold payment of all moneys to which such local*
6 *agency is eligible under section 9003 until such time*
7 *as the remedy required is undertaken, except where*
8 *the complaining tribe or its designee formally requests*
9 *that such funds be released to the local educational*
10 *agency, except that the Secretary may not withhold*
11 *such moneys during the course of the school year if*
12 *the Secretary determines that such withholding would*
13 *substantially disrupt the educational programs of the*
14 *local educational agency.*

15 “(9) *REJECTION OF DETERMINATION.*—*If the*
16 *local educational agency rejects the determination of*
17 *the Secretary and a tribe exercises the option under*
18 *section 1101(d) of the Education Amendments of*
19 *1978, to have education services provided either di-*
20 *rectly by the Bureau of Indian Affairs or by contract*
21 *with the Bureau of Indian Affairs, any Indian stu-*
22 *dents affiliated with that tribe who wish to remain in*
23 *attendance at the local educational agency against*
24 *whom the complaint which led to the tribal action*
25 *under such subsection (d) was lodged may be counted*

1 with respect to that local educational agency for the
2 purpose of receiving funds under section 9004. In
3 such event, funds under such section shall not be with-
4 held pursuant to subparagraph (D) and no further
5 complaints with respect to such students may be filed
6 under subparagraph (C)(i).

7 “(f) *CONSTRUCTION.*—This section is based upon the
8 special relationship between the Indian nations and the
9 United States and nothing in this section shall be construed
10 to relieve any State of any duty with respect to any citizens
11 of that State.

12 **“SEC. 9005. APPLICATION FOR PAYMENTS UNDER SECTIONS**
13 **9002 AND 9003.**

14 “(a) *IN GENERAL.*—A local educational agency desir-
15 ing to receive a payment under section 9002 or 9003 shall—

16 “(1) submit an application for such payment to
17 the Secretary; and

18 “(2) provide a copy of such application to the
19 State educational agency.

20 “(b) *CONTENTS.*—Each such application shall be sub-
21 mitted in such form and manner, and shall contain such
22 information, as the Secretary may require, including—

23 “(1) information to determine the eligibility of
24 the local educational agency for a payment and the
25 amount of such payment; and

1 “(2) where applicable, an assurance that such
2 agency is in compliance with section 9004 (relating
3 to children residing on Indian lands).

4 “(c) DEADLINE FOR SUBMISSION.—The Secretary
5 shall establish deadlines for the submission of applications
6 under this section.

7 “(d) APPROVAL.—

8 “(1) IN GENERAL.—The Secretary shall approve
9 an application submitted under this section that—

10 “(A) except as provided in paragraph (2),
11 is filed by the deadline established under sub-
12 section (c); and

13 “(B) otherwise meets the requirements of
14 this title.

15 “(2) REDUCTION IN PAYMENT.—The Secretary
16 shall approve an application filed not more than 60
17 days after a deadline established under subsection (c)
18 that otherwise meets the requirements of this title, ex-
19 cept that, notwithstanding section 9003(e), the Sec-
20 retary shall reduce the payment based on such late
21 application by 10 percent of the amount that would
22 otherwise be paid.

23 “(3) LATE APPLICATIONS.—The Secretary shall
24 not accept or approve any application that is filed

1 *more than 60 days after a deadline established under*
2 *subsection (c).*

3 “(4) *STATE APPLICATION AUTHORITY.*—Notwith-
4 *standing any provision of law, a State educational*
5 *agency that had been accepted as an applicant for*
6 *funds under section 3 of the Act of September 30,*
7 *1950 (Public Law 874, 81st Congress) in fiscal year*
8 *1994 shall be permitted to continue as an applicant*
9 *under the same conditions by which such agency*
10 *made application during such fiscal year only if such*
11 *State educational agency distributes all funds received*
12 *for the students for which application is being made*
13 *by such State educational agency to the local edu-*
14 *cational agencies providing educational services to*
15 *such students.*

16 **“SEC. 9006. PAYMENTS FOR SUDDEN AND SUBSTANTIAL IN-**
17 **CREASES IN ATTENDANCE OF MILITARY DE-**
18 **PENDENTS.**

19 “(a) *ELIGIBILITY.*—A local educational agency is eli-
20 *gible for a payment under this section if—*

21 “(1) *the number of children in average daily at-*
22 *tendance during the school year for which the deter-*
23 *mination is made is at least ten percent or 100 more*
24 *than the number of children in average daily attend-*

1 *ance in the school year preceding the school year for*
2 *which the determination is made; and*

3 *“(2) the number of children in average daily at-*
4 *tendance with a parent on active duty (as defined in*
5 *section 101(18) of title 37, United States Code) in the*
6 *Armed Forces who are in attendance at such agency*
7 *because of the assignment of their parent to a new*
8 *duty station between May 15 and September 30, in-*
9 *clusive, of the fiscal year for which the determination*
10 *is made, as certified by an appropriate local official*
11 *of the Department of Defense, is at least ten percent*
12 *or 100 more than the number of children in average*
13 *daily attendance in the preceding school year.*

14 *“(b) APPLICATION.—A local educational agency that*
15 *wishes to receive a payment under this section shall file an*
16 *application with the Secretary by October 15 of the school*
17 *year for which payment is requested, in such manner and*
18 *containing such information as the Secretary may pre-*
19 *scribe, including information demonstrating that such*
20 *agency is eligible for such a payment.*

21 *“(c) CHILDREN TO BE COUNTED.—For each eligible*
22 *local educational agency that applies for a payment under*
23 *this section, the Secretary shall determine the lesser of—*

24 *“(1) the increase in the number of children in*
25 *average daily attendance from the school year preced-*

1 *ing the fiscal year for which the determination is*
2 *made; and*

3 *“(2) the number of children described in sub-*
4 *section (a)(2).*

5 *“(d) PAYMENTS.—*

6 *“(1) IN GENERAL.—Except as provided in para-*
7 *graph (2), from the amount appropriated for a fiscal*
8 *year under section 9014(d), the Secretary shall pay*
9 *each local educational agency with an approved ap-*
10 *plication an amount equal to one-half of the national*
11 *average per-pupil expenditure multiplied by the num-*
12 *ber of such children determined under subsection (c)*
13 *for that local educational agency.*

14 *“(2) RATABLE REDUCTION.—(A) If the amount*
15 *appropriated to carry out this section for any fiscal*
16 *year is insufficient to pay the full payment that all*
17 *eligible local educational agencies are eligible to re-*
18 *ceive under this section for such year, then the Sec-*
19 *retary shall ratably reduce the payments to such*
20 *agencies for such year.*

21 *“(B) If additional funds become available for*
22 *making payments under paragraph (1) for such fiscal*
23 *year, payments that were reduced under subpara-*
24 *graph (A) shall be increased on the same basis as such*
25 *payments were reduced.*

1 “(e) *NOTIFICATION PROCESS.*—

2 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
3 *tablish, with the Secretary of Defense, a notification*
4 *process relating to the closure of Department of De-*
5 *fense facilities, or the adjustment of personnel levels*
6 *assigned to such facilities, which may substantially*
7 *affect the student enrollment levels of local edu-*
8 *cational agencies which receive or may receive pay-*
9 *ments under this title.*

10 “(2) *INFORMATION.*—*Such process shall provide*
11 *timely information regarding such closures and such*
12 *adjustments—*

13 “(A) *by the Secretary of Defense to the Sec-*
14 *retary; and*

15 “(B) *by the Secretary to the affected local*
16 *educational agencies.*

17 **“SEC. 9007. CONSTRUCTION.**

18 “(a) *PAYMENTS AUTHORIZED.*—*From the amount ap-*
19 *propriated for each fiscal year under section 9014(e), the*
20 *Secretary shall make payments to each local educational*
21 *agency—*

22 “(1) *that receives a basic payment under section*
23 *9003(b); and*

24 “(2)(A) *in which the number of children deter-*
25 *mined under section 9003(a)(1)(C) constituted at*

1 least 50 percent of the number of children who were
2 in average daily attendance in the schools of such
3 agency during the preceding school year;

4 “(B) that receives assistance under section
5 9003(f); or

6 “(C) that receives assistance under section 9006.

7 “(b) AMOUNT OF PAYMENTS.—The amount of a pay-
8 ment to each such agency for a fiscal year shall be equal
9 to—

10 “(1) the amount appropriated under section
11 9014(e) for such year; divided by

12 “(2) the number of children determined under
13 section 9003(a)(2) for all local educational agencies
14 described in subsection (a), but not including any
15 children attending a school assisted or provided by the
16 Secretary under section 9008 or section 10 of the Act
17 of September 23, 1950 (Public Law 815, 81st Con-
18 gress) (as such Act was in effect on the day preceding
19 the date of enactment of the Improving America’s
20 Schools Act of 1994); multiplied by

21 “(3) the number of such children determined for
22 such agency.

23 “(c) USE OF FUNDS.—Any local educational agency
24 that receives funds under this section shall use such funds
25 for construction, as defined in section 9013(3).

1 “(d) *SPECIAL RULE.*—In carrying out section 14(c)
2 of the Act of September 23, 1950 (Public Law 815, 81st
3 Congress) (20 U.S.C. 644(c)) or any successor authority,
4 the Secretary of Education shall waive any amount of local
5 effort in excess of \$200,000 that would otherwise be required
6 under paragraphs (3) and (4) of such section, or any succes-
7 sor authority, respectively, and any regulations issued
8 thereunder, in awarding funds to the Winona R-III School
9 District, Missouri, with respect to its application #MO-
10 86-C-3601A36.

11 **“SEC. 9008. FACILITIES.**

12 “(a) *CURRENT FACILITIES.*—From the amount appro-
13 priated for any fiscal year under section 9014(f), the Sec-
14 retary may continue to provide assistance for school facili-
15 ties that were supported by the Secretary under section 10
16 of the Act of September 23, 1950 (Public Law 815, 81st
17 Congress) (as such Act was in effect on the day preceding
18 the date of the enactment of the Improving America’s
19 Schools Act of 1994).

20 “(b) *TRANSFER OF FACILITIES.*—

21 “(1) *IN GENERAL.*—The Secretary shall, as soon
22 as practicable, transfer to the appropriate local edu-
23 cational agency or another appropriate entity all the
24 right, title, and interest of the United States in and
25 to each facility provided under section 10 of the Act

1 of September 23, 1950 (Public Law 815, 81st Con-
2 gress), or under section 204 or 310 of the Act of Sep-
3 tember 30, 1950 (Public Law 874, 81st Congress) (as
4 such Acts were in effect on January 1, 1958).

5 “(2) *OTHER REQUIREMENTS.*—Any such transfer
6 shall be without charge to such agency or entity, and
7 prior to such transfer, the transfer shall be consented
8 to by the local educational agency or other appro-
9 priate entity, and may be made on such terms and
10 conditions as the Secretary deems appropriate to
11 carry out the purposes of this title.

12 **“SEC. 9009. TREATMENT OF PAYMENTS BY THE STATES IN**
13 **DETERMINING ELIGIBILITY FOR, AND THE**
14 **AMOUNT OF, STATE AID.**

15 “(a) *IN GENERAL.*—Except as provided in subsection
16 (b), no payments may be made under this title for any fis-
17 cal year to any local educational agency in any State if—

18 “(1) such State has taken into consideration
19 payments under this title in determining—

20 “(A) the eligibility of any local educational
21 agency in that State for State aid for free public
22 education of children; or

23 “(B) the amount of such aid with respect to
24 any such agency;

1 *during that fiscal year or the preceding fiscal year;*
2 *or*

3 *“(2) such State makes such aid available to local*
4 *educational agencies in such a manner as to result in*
5 *less State aid to any local educational agency which*
6 *is eligible for payments under this title than such*
7 *agency would receive if such agency were not so eligi-*
8 *ble.*

9 *“(b) EXCEPTION.—*

10 *“(1) IN GENERAL.—Notwithstanding subsection*
11 *(a), if a State has in effect a program of State aid*
12 *for free public education for any fiscal year, which is*
13 *designed to equalize expenditures for free public edu-*
14 *cation among the local educational agencies of that*
15 *State, payments under this title for any fiscal year*
16 *may be taken into consideration by such State in de-*
17 *termining the relative—*

18 *“(A) financial resources available to local*
19 *educational agencies in that State; and*

20 *“(B) financial need of such agencies for the*
21 *provision of free public education for children*
22 *served by such agency, provided that a State*
23 *may consider as local resources funds received*
24 *under this title only in proportion to the share*
25 *that local tax revenues covered under a State*

1 equalization program are of total local tax reve-
2 nues.

3 “(2) *SPECIAL RULE.*—The portion of payments
4 under sections 9003(b), 9003(d) and 9003(f)(1) for
5 children described in section 9003(a)(1)(C) which are
6 attributable to the difference between the total weight-
7 ed student units determined under section
8 9003(a)(2)(B) and the total weighted student units
9 determined under section 9003(a)(2)(A), shall not be
10 taken into consideration by the State for the purpose
11 of this subparagraph. Whenever a State educational
12 agency or local educational agency will be adversely
13 affected by the operation of this section, such agency
14 shall be afforded notice and an opportunity for a
15 hearing prior to the reduction or termination of pay-
16 ments pursuant to this section.

17 “(3) *DEFINITIONS.*—The terms ‘State aid’ and
18 ‘equalize expenditures’ as used in this section shall be
19 defined by the Secretary by regulation, after consulta-
20 tion with State and local educational agencies af-
21 fected by this section, provided that the term ‘equalize
22 expenditures’ shall not be construed in any manner
23 adverse to a program of State aid for free public edu-
24 cation which provides for taking into consideration
25 the additional cost of providing free public education

1 *for particular groups or categories of pupils in meet-*
2 *ing the special educational needs of such children as*
3 *disabled children, economically disadvantaged chil-*
4 *dren, limited-English proficient children, and gifted*
5 *and talented children.*

6 “(4) NOTICE AND CERTIFICATION.—(A) *If a*
7 *State desires to take payments under this title into*
8 *consideration as provided in this subsection for any*
9 *fiscal year, that State shall, not later than 60 days*
10 *prior to the beginning of such fiscal year, submit no-*
11 *tice to the Secretary of its intention to do so. Such*
12 *notice shall be in such form and be accompanied by*
13 *such information as to enable the Secretary to deter-*
14 *mine the extent to which the program of State aid of*
15 *that State is consistent with the provisions of para-*
16 *graph (1). In addition, such notice shall be accom-*
17 *panied by such evidence as the Secretary finds nec-*
18 *essary that each local educational agency in that*
19 *State has been given notice of the intention of the*
20 *State. If the Secretary determines that the program of*
21 *State aid of a State submitting notice under this*
22 *paragraph is consistent with the provisions of para-*
23 *graph (1), the Secretary shall certify such determina-*
24 *tion to that State.*

1 “(B) Prior to certifying any determination
2 under subparagraph (A) for any State for any fiscal
3 year, the Secretary shall give the local educational
4 agencies in that State an opportunity for a hearing
5 at which such agencies may present their views with
6 respect to the consistency of the State aid program of
7 that State with the provisions of paragraph (1).

8 “(C) The Secretary shall not finally deny to any
9 State for any fiscal year certification of a determina-
10 tion under subparagraph (A) without first giving that
11 State an opportunity for a hearing.

12 “(5) REQUIREMENT.—Any State whose program
13 of State aid was certified by the Secretary under
14 paragraph (4) for fiscal year 1988, but whose pro-
15 gram was determined by the Secretary under para-
16 graph (4)(A) not to meet the requirements of para-
17 graph (1) for one or more of the fiscal years 1989
18 through 1992—

19 “(A) shall be deemed to have met the re-
20 quirements of paragraph (1) for each of the fiscal
21 years 1989 through 1992; and

22 “(B) shall not, beginning with fiscal year
23 1993, and notwithstanding any other provision
24 of this paragraph, take payments under this title
25 into consideration as provided under paragraph

1 (1) for any fiscal year unless the Secretary has
2 previously certified such State's program for
3 such fiscal year.

4 “(6) *GRANDFATHER CLAUSE*.—Notwithstanding
5 any other provision of law, a State shall be deemed
6 to meet the requirements of this subsection if such
7 State—

8 “(A) met the requirements of section 5(d)(2)
9 of the Act of September 30, 1950 (Public Law
10 874, 81st Congress) on July 1, 1994; and

11 “(B) continues to meet the requirements of
12 such section 5(d)(2) for each fiscal year for
13 which the determination is made.

14 **“SEC. 9010. FEDERAL ADMINISTRATION.**

15 “(a) *PAYMENTS IN WHOLE DOLLAR AMOUNTS*.—The
16 Secretary shall round any payments under this title to the
17 nearest whole dollar amount.

18 “(b) *OTHER AGENCIES*.—Each Federal agency admin-
19 istering Federal property on which children reside, and
20 each agency principally responsible for an activity that
21 may occasion assistance under this title, shall, to the maxi-
22 mum extent practicable, comply with requests of the Sec-
23 retary for information the Secretary may require to carry
24 out this title.

25 “(c) *SPECIAL RULES*.—

1 “(1) CERTAIN CHILDREN ELIGIBLE UNDER SUB-
2 SECTION (a) OR (b) OF SECTION 3 OF PUBLIC LAW 81-
3 874.—Notwithstanding any other provision of law, for
4 any fiscal year before fiscal year 1995, the Secretary
5 shall treat as eligible under subsection (a) or (b) of
6 section 3 of the Act of September 30, 1950 (Public
7 Law 874, 81st Congress), and shall forgive the obliga-
8 tion of a local educational agency to repay any
9 amounts that such agency received under such section
10 for such fiscal year based on, any child who would be
11 eligible under such subsections except that such child
12 does not meet the requirements of subsection (a)(1)(B)
13 or (b)(2)(B), respectively, of such section 3, if such
14 child meets the requirements of paragraph (3) of this
15 subsection.

16 “(2) CERTAIN CHILDREN ELIGIBLE UNDER SUB-
17 PARAGRAPHS (A) AND (G)(ii) OF SECTION 9003(a)(1).—
18 (A) The Secretary shall treat as eligible under sub-
19 paragraph (A) of section 9003(a)(1) any child who
20 would be eligible under such subparagraph except that
21 the Federal property on which the child resides or on
22 which the child’s parent is employed is not in the
23 same State in which the child attends school, if such
24 child meets the requirements of paragraph (3) of this
25 subsection.

1 “(B) *The Secretary shall treat as eligible under*
2 *subparagraph (G) of section 9003(a)(1) any child who*
3 *would be eligible under such subparagraph except that*
4 *such child does not meet the requirements of clause*
5 *(ii) of such subparagraph, if such child meets the re-*
6 *quirements of paragraph (3) of this subsection.*

7 “(3) *REQUIREMENTS.—A child meets the re-*
8 *quirements of this paragraph if on the day preceding*
9 *the date of enactment—*

10 “(A) *such child resides—*

11 “(i) *in a State adjacent to the State in*
12 *which the local educational agency serving*
13 *the school such child attends is located; or*

14 “(ii) *with a parent employed on Fed-*
15 *eral property in a State adjacent to the*
16 *State in which such agency is located;*

17 “(B) *the schools of such agency are within*
18 *a more reasonable commuting distance of such*
19 *child’s home than the schools of the local edu-*
20 *cational agency that serves the school attendance*
21 *area where such child resides;*

22 “(C) *attending the schools of the local edu-*
23 *cational agency that serves the school attendance*
24 *area where such child resides will impose a sub-*
25 *stantial hardship on such child; and*

1 “(D) the State in which such child attends
 2 school provides funds for the education of such
 3 child on the same basis as all other public school
 4 children in the State, unless otherwise permitted
 5 under section 5(d)(2) of the Act of September 30,
 6 1950 (Public Law 874, 81st Congress) or section
 7 9009(b) of this part.

8 **“SEC. 9011. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
 9 **VIEW.**

10 “(a) *ADMINISTRATIVE HEARINGS.*—A local edu-
 11 cational agency and a State that is adversely affected by
 12 any action of the Secretary under this title shall be entitled
 13 to a hearing on such action in the same manner as if such
 14 agency were a person under chapter 5 of title 5, United
 15 States Code.

16 “(b) *JUDICIAL REVIEW OF SECRETARIAL ACTION.*—

17 “(1) *IN GENERAL.*—A local educational agency
 18 or a State aggrieved by the Secretary’s final decision
 19 following an agency proceeding under subsection (a)
 20 may, within 60 days after receiving notice of such de-
 21 cision, file with the United States court of appeals for
 22 the circuit in which such agency or State is located
 23 a petition for review of that action. The clerk of the
 24 court shall promptly transmit a copy of the petition
 25 to the Secretary. The Secretary shall then file in the

1 *court the record of the proceedings on which the Sec-*
2 *retary's action was based, as provided in section 2112*
3 *of title 28, United States Code.*

4 *“(2) FINDINGS OF FACT.—The findings of fact by*
5 *the Secretary, if supported by substantial evidence,*
6 *shall be conclusive, but the court, for good cause*
7 *shown, may remand the case to the Secretary to take*
8 *further evidence. The Secretary may thereupon make*
9 *new or modified findings of fact and may modify the*
10 *Secretary's previous action, and shall file in the court*
11 *the record of the further proceedings. Such new or*
12 *modified findings of fact shall likewise be conclusive*
13 *if supported by substantial evidence.*

14 *“(3) REVIEW.—The court shall have exclusive ju-*
15 *risdiction to affirm the action of the Secretary or to*
16 *set it aside, in whole or in part. The judgment of the*
17 *court shall be subject to review by the Supreme Court*
18 *of the United States upon certiorari or certification*
19 *as provided in section 1254 of title 28, United States*
20 *Code.*

21 **“SEC. 9012. FORGIVENESS OF OVERPAYMENTS.**

22 *“Notwithstanding any other provision of law, the Sec-*
23 *retary may forgive the obligation of a local educational*
24 *agency to repay, in whole or in part, the amount of any*
25 *overpayment received under this title, or under the Act of*

1 *September 30, 1950 (Public Law 874, 81st Congress) or the*
2 *Act of September 23, 1950 (Public Law 815, 81st Congress),*
3 *if the Secretary determines that the overpayment was made*
4 *as a result of an error made by—*

5 “(1) the Secretary; or

6 “(2) the local educational agency and repayment
7 *of the full amount of the overpayment will result in*
8 *an undue financial hardship on the agency and seri-*
9 *ously harm the agency’s educational program.*

10 **“SEC. 9013. DEFINITIONS.**

11 *“For purposes of this title, the following definitions*
12 *apply:*

13 “(1) *ARMED FORCES.*—*The term ‘Armed Forces’*
14 *means the Army, Navy, Air Force, and Marine Corps.*

15 “(2) *AVERAGE PER PUPIL EXPENDITURE.*—*The*
16 *term ‘average per pupil expenditure’ means—*

17 “(A) *the aggregate current expenditures of*
18 *all local educational agencies in the State; di-*
19 *vided by*

20 “(B) *the total number of children in average*
21 *daily attendance for whom such agencies pro-*
22 *vided free public education.*

23 “(3) *CONSTRUCTION.*—*The term ‘construction’*
24 *means—*

1 “(A) the preparation of drawings and speci-
2 fications for school facilities;

3 “(B) erecting, building, acquiring, altering,
4 remodeling, repairing, or extending school facili-
5 ties;

6 “(C) inspecting and supervising the con-
7 struction of school facilities; and

8 “(D) debt service for such activities.

9 “(4) *CURRENT EXPENDITURES.*—The term ‘cur-
10 rent expenditures’ means expenditures for free public
11 education, including expenditures for administration,
12 instruction, attendance and health services, pupil
13 transportation services, operation and maintenance of
14 plant, fixed charges, and net expenditures to cover
15 deficits for food services and student body activities,
16 but does not include expenditures for community serv-
17 ices, capital outlay, and debt service, or any expendi-
18 tures made from funds awarded under part A of title
19 I and title XIII. The determination of whether an ex-
20 penditure for the replacement of equipment is consid-
21 ered a current expenditure or a capital outlay shall
22 be determined in accordance with generally accepted
23 accounting principles as determined by the State.

24 “(5) *FEDERAL PROPERTY.*—

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraphs (B) through (F), the term ‘Fed-*
3 *eral property’ means real property that is not*
4 *subject to taxation by any State or any political*
5 *subdivision of a State due to Federal agreement,*
6 *law, or policy, and that is—*

7 “(i) *owned by the United States or*
8 *leased by the United States from another*
9 *entity;*

10 “(ii)(I) *held in trust by the United*
11 *States for individual Indians or Indian*
12 *tribes;*

13 “(II) *held by individual Indians or In-*
14 *dian tribes subject to restrictions on alien-*
15 *ation imposed by the United States;*

16 “(III) *conveyed at any time under the*
17 *Alaska Native Claims Settlement Act to a*
18 *Native individual, Native group, or village*
19 *or regional corporation;*

20 “(IV) *public land owned by the United*
21 *States that is designated for the sole use and*
22 *benefit of individual Indians or Indian*
23 *tribes; or*

24 “(V) *used for low-rent housing, as de-*
25 *scribed in paragraph (10) that is located on*

1 *land described in subclause (I), (II), (III),*
2 *or (IV) of this clause or on land that met*
3 *one of those descriptions immediately before*
4 *such property's use for such housing;*

5 *“(iii)(I) part of a low-rent housing*
6 *project assisted under the United States*
7 *Housing Act of 1937; or*

8 *“(II) used to provide housing for home-*
9 *less children at closed military installations*
10 *pursuant to section 501 of the Stewart B.*
11 *McKinney Homeless Assistance Act; or*

12 *“(iv) owned by a foreign government*
13 *or by an international organization.*

14 *“(B) SCHOOLS PROVIDING FLIGHT TRAINING*
15 *TO MEMBERS OF AIR FORCE.—The term ‘Federal*
16 *property’ includes, so long as not subject to tax-*
17 *ation by any State or any political subdivision*
18 *of a State, and whether or not that tax exemp-*
19 *tion is due to Federal agreement, law, or policy,*
20 *any school providing flight training to members*
21 *of the Air Force.*

22 *“(C) NON-FEDERAL EASEMENTS, LEASES,*
23 *LICENSES, PERMITS, IMPROVEMENTS, AND CER-*
24 *TAIN OTHER REAL PROPERTY.—The term ‘Fed-*
25 *eral property’ includes, whether or not subject to*

1 *taxation by a State or a political subdivision of*
2 *a State—*

3 “(i) *any non-Federal easement, lease,*
4 *license, permit, or other such interest in*
5 *Federal property as otherwise described in*
6 *this paragraph, but not including any non-*
7 *Federal fee-simple interest;*

8 “(ii) *any improvement on Federal*
9 *property as otherwise described in this*
10 *paragraph; and*

11 “(iii) *real property that, immediately*
12 *before its sale or transfer to a non-Federal*
13 *party, was owned by the United States and*
14 *otherwise qualified as Federal property de-*
15 *scribed in this paragraph, but only for one*
16 *year beyond the end of the fiscal year of*
17 *such sale or transfer.*

18 “(D) *CERTAIN POSTAL SERVICE PROPERTY*
19 *AND PIPELINES AND UTILITY LINES.—Notwith-*
20 *standing any other provision of this paragraph,*
21 *the term ‘Federal property’ does not include—*

22 “(i) *any real property under the juris-*
23 *isdiction of the United States Postal Service*
24 *that is used primarily for the provision of*
25 *postal services; or*

1 “(ii) pipelines and utility lines.

2 “(E) PROPERTY WITH RESPECT TO WHICH
3 STATE OR LOCAL TAX REVENUES MAY NOT BE
4 EXPENDED, ALLOCATED, OR AVAILABLE FOR
5 FREE PUBLIC EDUCATION.—Notwithstanding
6 any other provision of this paragraph, ‘Federal
7 property’ does not include any property on
8 which children reside that is otherwise described
9 in this paragraph if—

10 “(i) no tax revenues of the State or of
11 any political subdivision of the State may
12 be expended for the free public education of
13 children who reside on that Federal prop-
14 erty; or

15 “(ii) no tax revenues of the State are
16 allocated or available for the free public
17 education of such children.

18 “(F) PROPERTY LOCATED IN THE STATE OF
19 OKLAHOMA OWNED BY INDIAN HOUSING AUTHOR-
20 ITY FOR LOW-INCOME HOUSING.—The term ‘Fed-
21 eral property’ includes any real property located
22 in the State of Oklahoma that—

23 “(i) is owned by an Indian housing
24 authority and used for low-income housing
25 (including housing assisted under the mu-

1 *tual help ownership opportunity program*
2 *under section 202 of the United States*
3 *Housing Act of 1937); and*

4 *“(ii) at any time—*

5 *“(I) was designated by treaty as*
6 *tribal land; or*

7 *“(II) satisfied the definition of*
8 *Federal property under section*
9 *403(1)(A) of the Act of September 30,*
10 *1950 (Public Law 874, 81st Congress)*
11 *(as such Act was in existence on the*
12 *day preceding the date of enactment of*
13 *the Improving America’s Schools Act of*
14 *1994).*

15 *“(6) FREE PUBLIC EDUCATION.—The term ‘free*
16 *public education’ means education that is provided—*

17 *“(A) at public expense, under public super-*
18 *vision and direction, and without tuition charge;*
19 *and*

20 *“(B) as elementary or secondary education,*
21 *as determined under State law, except that, not-*
22 *withstanding State law, such term—*

23 *“(i) includes preschool education; and*

24 *“(ii) does not include any education*
25 *provided beyond grade 12.*

1 “(7) *INDIAN LANDS*.—The term ‘Indian lands’
2 *means any Federal property described in paragraph*
3 *(5)(A)(ii) or (5)(F).*

4 “(8) *LOCAL CONTRIBUTION PERCENTAGE*.—

5 “(A) *IN GENERAL*.—The term ‘local con-
6 *tribution percentage’ means the percentage of*
7 *current expenditures in the State derived from*
8 *local and intermediate sources, as reported to*
9 *and verified by the National Center for Edu-*
10 *cation Statistics.*

11 “(B) *HAWAII AND DISTRICT OF COLUM-*
12 *BIA*.—Notwithstanding subparagraph (A), the
13 *local contribution percentage for Hawaii and for*
14 *the District of Columbia shall be the average*
15 *local contribution percentage for all States.*

16 “(9) *LOCAL EDUCATIONAL AGENCY*.—

17 “(A) *IN GENERAL*.—Except as provided in
18 *subparagraph (B), the term ‘local educational*
19 *agency’—*

20 “(i) *means a board of education or*
21 *other legally constituted local school author-*
22 *ity having administrative control and di-*
23 *rection of free public education in a county,*
24 *township, independent school district, or*
25 *other school district; and*

1 “(ii) includes any State agency that
2 directly operates and maintains facilities
3 for providing free public education.

4 “(B) *EXCEPTION.*—The term ‘local edu-
5 cational agency’ does not include any agency or
6 school authority that the Secretary determines on
7 a case-by-case basis—

8 “(i) was constituted or reconstituted
9 primarily for the purpose of receiving as-
10 sistance under this title or the Act of Sep-
11 tember 30, 1950 (Public Law 874, 81st Con-
12 gress) or increasing the amount of such as-
13 sistance; or

14 “(ii) is not constituted or reconstituted
15 for legitimate educational purposes.

16 “(10) *LOW-RENT HOUSING.*—The term ‘low-rent
17 housing’ means housing located on property that is
18 described in paragraph (5)(A)(iii).

19 “(11) *REVENUE DERIVED FROM LOCAL*
20 *SOURCES.*—The term ‘revenue derived from local
21 sources’ means—

22 “(A) revenue produced within the bound-
23 aries of a local educational agency and available
24 to such agency for such agency’s use; or

1 “(B) funds collected by another govern-
2 mental unit, but distributed back to a local edu-
3 cational agency in the same proportion as such
4 funds were collected as a local revenue source.

5 “(12) *SCHOOL FACILITIES*.—The term ‘school fa-
6 cilities’ includes—

7 “(A) classrooms and related facilities; and

8 “(B) equipment, machinery, and utilities
9 necessary or appropriate for school purposes.

10 **“SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) *PAYMENTS FOR FEDERAL ACQUISITION OF REAL*
12 *PROPERTY*.—For the purpose of making payments under
13 section 9002, there are authorized to be appropriated
14 \$16,750,000 for fiscal year 1995, and such sums as may
15 be necessary for each of the 4 succeeding fiscal years.

16 “(b) *BASIC PAYMENTS; PAYMENTS FOR HEAVILY IM-*
17 *PACTED LOCAL EDUCATIONAL AGENCIES*.—For the purpose
18 of making payments under subsections (b) and (f) of section
19 9003, there are authorized to be appropriated \$775,000,000
20 for fiscal year 1995 and such sums as may be necessary
21 for each of the 4 succeeding fiscal years, of which 6 percent
22 shall be available, until expended, for each fiscal year to
23 carry out section 9003(f).

24 “(c) *PAYMENTS FOR CHILDREN WITH DISABIL-*
25 *ITIES*.—For the purpose of making payments under section

1 9003(d), there are authorized to be appropriated
 2 \$45,000,000 for fiscal year 1995 and such sums as may be
 3 necessary for each of the 4 succeeding fiscal years.

4 “(d) *PAYMENTS FOR INCREASES IN MILITARY CHIL-*
 5 *DREN.*—For the purpose of making payments under section
 6 9006, there are authorized to be appropriated \$2,000,000
 7 for fiscal year 1995 and such sums as may be necessary
 8 for each of the 4 succeeding fiscal years.

9 “(e) *CONSTRUCTION.*—For the purpose of carrying out
 10 section 9007, there are authorized to be appropriated
 11 \$25,000,000 for fiscal year 1995 and such sums as may be
 12 necessary for each of the 4 succeeding fiscal years.

13 “(f) *FACILITIES MAINTENANCE.*—For the purpose of
 14 carrying out section 9008, there are authorized to be appro-
 15 priated \$2,000,000 for fiscal year 1995 and such sums as
 16 may be necessary for each of the 4 succeeding fiscal years.

17 **“PART B—EMERGENCY IMMIGRANT EDUCATION**
 18 **PROGRAM**

19 **“SEC. 9201. FINDINGS; PURPOSE; DEFINITION.**

20 “(a) *FINDINGS.*—The Congress finds that—

21 “(1) the education of our Nation’s children and
 22 youth is one of the most sacred government respon-
 23 sibilities;

24 “(2) local educational agencies have struggled to
 25 fund adequately education services;

1 “(3) in the case of *Plyler v. Doe*, the Supreme
2 Court held that States have a responsibility under the
3 Equal Protection Clause of the Constitution to edu-
4 cate all children, regardless of immigration status;
5 and

6 “(4) immigration policy is solely a responsibility
7 of the Federal Government.

8 “(b) *PURPOSE*.—The purpose of this part is to assist
9 eligible local educational agencies that experience unexpect-
10 edly large increases in their student population due to im-
11 migration to—

12 “(1) provide high-quality instruction to immi-
13 grant children and youth; and

14 “(2) help such children and youth—

15 “(A) with their transition into American
16 society; and

17 “(B) meet the same challenging State per-
18 formance standards expected of all children and
19 youth.

20 “(c) *DEFINITION*.—For the purpose of this subpart, the
21 term ‘immigrant children and youth’ means individuals
22 who—

23 “(1) are aged three through 21;

24 “(2) were not born in any State; and

1 “(3) have not been attending one or more schools
2 in any one or more States for more than three full
3 academic years.

4 **“SEC. 9202. STATE ADMINISTRATIVE COSTS.**

5 “For any fiscal year, a State educational agency may
6 reserve not more than 1.5 percent of the amount allocated
7 to such agency under section 9204 to pay the costs of per-
8 forming such agency’s administrative functions under this
9 part.

10 **“SEC. 9203. WITHHOLDING.**

11 “Whenever the Secretary, after reasonable notice and
12 opportunity for a hearing to any State educational agency,
13 finds that there is a failure to meet the requirement of any
14 provision of this part, the Secretary shall notify that agency
15 that further payments will not be made to the agency under
16 this part, or in the discretion of the Secretary, that the
17 State educational agency shall not make further payments
18 under this part to specified local educational agencies whose
19 actions cause or are involved in such failure until the Sec-
20 retary is satisfied that there is no longer any such failure
21 to comply. Until the Secretary is so satisfied, no further
22 payments shall be made to the State educational agency
23 under this part, or payments by the State educational agen-
24 cy under this part shall be limited to local educational

1 *agencies whose actions did not cause or were not involved*
2 *in the failure, as the case may be.*

3 ***“SEC. 9204. STATE ALLOCATIONS.***

4 *“(a) PAYMENTS.—The Secretary shall, in accordance*
5 *with the provisions of this section, make payments to State*
6 *educational agencies for each of the fiscal years 1995*
7 *through 1999 for the purpose set forth in section 9201(b).*

8 *“(b) ALLOCATIONS.—*

9 *“(1) IN GENERAL.—Except as provided in sub-*
10 *sections (c), (d) and (e), of the amount appropriated*
11 *for each fiscal year for this part, each State partici-*
12 *pating in the program assisted under this part shall*
13 *receive an allocation equal to the proportion of such*
14 *State’s number of immigrant children and youth who*
15 *are enrolled in elementary and secondary public*
16 *schools under the jurisdiction of each local edu-*
17 *cational agency described in paragraph (2) within*
18 *such State, and in elementary and secondary*
19 *nonpublic schools within the district served by each*
20 *such local educational agency, relative to the total*
21 *number of immigrant children and youth so enrolled*
22 *in all the States participating in the program as-*
23 *sisted under this part.*

24 *“(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-*
25 *CIES.—The local educational agencies referred to in*

1 *paragraph (1) are those local educational agencies in*
2 *which the sum of the number of immigrant children*
3 *and youth who are enrolled in elementary or second-*
4 *ary public schools under the jurisdiction of such agen-*
5 *cies, and in elementary or secondary nonpublic*
6 *schools within the districts served by such agencies,*
7 *during the fiscal year for which the payments are to*
8 *be made under this part, is equal to—*

9 *“(A) at least 500; or*

10 *“(B) at least 3 percent of the total number*
11 *of students enrolled in such public or nonpublic*
12 *schools during such fiscal year,*

13 *whichever number is less.*

14 *“(c) DETERMINATIONS OF NUMBER OF CHILDREN AND*
15 *YOUTH.—*

16 *“(1) IN GENERAL.—Determinations by the Sec-*
17 *retary under this section for any period with respect*
18 *to the number of immigrant children and youth shall*
19 *be made on the basis of data or estimates provided to*
20 *the Secretary by each State educational agency in ac-*
21 *cordance with criteria established by the Secretary,*
22 *unless the Secretary determines, after notice and op-*
23 *portunity for a hearing to the affected State edu-*
24 *cational agency, that such data or estimate are clear-*
25 *ly erroneous.*

1 “(2) *SPECIAL RULE.*—No such determination
2 with respect to the number of immigrant children and
3 youth shall operate because of an underestimate or
4 overestimate to deprive any State educational agency
5 of the allocation under this section that such State
6 would otherwise have received had such determination
7 been made on the basis of accurate data.

8 “(d) *REALLOCATION.*—Whenever the Secretary deter-
9 mines that any amount of a payment made to a State
10 under this part for a fiscal year will not be used by such
11 State for carrying out the purpose for which the payment
12 was made, the Secretary shall make such amount available
13 for carrying out such purpose to one or more other States
14 to the extent the Secretary determines that such other States
15 will be able to use such additional amount for carrying out
16 such purpose. Any amount made available to a State from
17 any appropriation for a fiscal year in accordance with the
18 preceding sentence shall, for purposes of this part, be re-
19 garded as part of such State’s payment (as determined
20 under subsection (b)) for such year, but shall remain avail-
21 able until the end of the succeeding fiscal year.

22 “(e) *RESERVATION OF FUNDS.*—

23 “(1) *IN GENERAL.*—Notwithstanding any other
24 provision of this part, if the amount appropriated to
25 carry out this part exceeds \$50,000,000 for a fiscal

1 *year, a State educational agency may reserve not*
2 *more than 20 percent of such agency's payment under*
3 *this part for such year to award grants, on a com-*
4 *petitive basis, to local educational agencies within the*
5 *State as follows:*

6 *“(A) At least one-half of such grants shall*
7 *be made available to eligible local educational*
8 *agencies (as described in subsection (b)(2)) with-*
9 *in the State with the highest numbers and per-*
10 *centages of immigrant children and youth.*

11 *“(B) Funds reserved under this paragraph*
12 *and not made available under subparagraph (A)*
13 *may be distributed to local educational agencies*
14 *within the State experiencing a sudden influx of*
15 *immigrant children and youth which are other-*
16 *wise not eligible for assistance under this part.*

17 *“(2) USE OF GRANT FUNDS.—Each local edu-*
18 *cational agency receiving a grant under paragraph*
19 *(1) shall use such grant funds to carry out the activi-*
20 *ties described in section 9207.*

21 *“(3) INFORMATION.—Local educational agencies*
22 *with the highest number of immigrant children and*
23 *youth receiving funds under paragraph (1) may make*
24 *information available on serving immigrant children*

1 *and youth to local educational agencies in the State*
2 *with sparse numbers of such children.*

3 “(4) *DURATION.*—*Grants awarded under para-*
4 *graph (1) shall be for a period of not more than two*
5 *years.*

6 “(5) *APPLICATIONS.*—(A) *Each eligible local*
7 *educational agency desiring a grant under this sub-*
8 *section shall submit to the Secretary an application*
9 *in such form, at such time, and containing such in-*
10 *formation and assurances as the Secretary may re-*
11 *quire.*

12 “(B) *Each such application shall—*

13 “(i) *describe—*

14 “(I) *the need for the proposed program,*
15 *including data on the number of immigrant*
16 *children and youth in the local educational*
17 *agency to be served and their characteris-*
18 *tics, such as language spoken, dropout rates,*
19 *proficiency in English and the native lan-*
20 *guage, and academic standing in relation to*
21 *their English proficient peers; and*

22 “(II) *the program to be implemented*
23 *and how such program’s design relates to*
24 *the linguistic and academic needs of the im-*

1 migrant children and youth to be served;
2 and

3 “(ii) provide an assurance that the appli-
4 cant will not reduce the level of State and local
5 funds that the applicant expends for instruc-
6 tional programs for immigrant children and
7 youth if the applicant receives an award under
8 this part.

9 **“SEC. 9205. STATE APPLICATIONS.**

10 “(a) *SUBMISSION.*—No State educational agency shall
11 receive any payment under this part for any fiscal year
12 unless such agency submits an application to the Secretary
13 at such time, in such manner, and containing or accom-
14 panied by such information, as the Secretary may reason-
15 ably require. Each such application shall—

16 “(1) provide that the educational programs, serv-
17 ices, and activities for which payments under this
18 part are made will be administered by or under the
19 supervision of the agency;

20 “(2) provide assurances that payments under
21 this part will be used for purposes set forth in sections
22 9201 and 9207, including a description of how local
23 educational agencies receiving funds under this part
24 will use such funds to meet such purposes, and how

1 *the program designs are consistent with other edu-*
2 *cation improvement plans;*

3 *“(3) provide an assurance that local educational*
4 *agencies receiving funds under this part will coordi-*
5 *nate the use of such funds with programs assisted*
6 *under title VII or title I;*

7 *“(4) provide assurances that such payments will*
8 *be distributed among local educational agencies with-*
9 *in that State on the basis of the number of immigrant*
10 *children and youth counted with respect to each such*
11 *local educational agency under section 9204(b)(1);*

12 *“(5) provide assurances that the State edu-*
13 *cational agency will not finally disapprove in whole*
14 *or in part any application for funds received under*
15 *this part without first affording the local educational*
16 *agency submitting an application for such funds rea-*
17 *sonable notice and opportunity for a hearing;*

18 *“(6) provide for making such reports as the Sec-*
19 *retary may reasonably require to perform the Sec-*
20 *retary’s functions under this part;*

21 *“(7) provide assurances—*

22 *“(A) that to the extent consistent with the*
23 *number of immigrant children and youth en-*
24 *rolled in the elementary or secondary nonpublic*
25 *schools within the district served by a local edu-*

1 *cational agency, such agency, after consultation*
2 *with appropriate officials of such schools, shall*
3 *provide for the benefit of such children and youth*
4 *secular, neutral, and nonideological services, ma-*
5 *terials, and equipment necessary for the edu-*
6 *cation of such children and youth;*

7 *“(B) that the control of funds provided*
8 *under this part to any materials, equipment,*
9 *and property repaired, remodeled, or constructed*
10 *with those funds shall be in a public agency for*
11 *the uses and purposes provided in this part, and*
12 *a public agency shall administer such funds and*
13 *property; and*

14 *“(C) that the provision of services pursuant*
15 *to this paragraph shall be provided by employees*
16 *of a public agency or through contract by such*
17 *public agency with a person, association, agency,*
18 *or corporation who or which, in the provision of*
19 *such services, is independent of such elementary*
20 *or secondary nonpublic school and of any reli-*
21 *gious organization, and such employment or con-*
22 *tract shall be under the control and supervision*
23 *of such public agency, and the funds provided*
24 *under this paragraph shall not be commingled*
25 *with State or local funds; and*

1 “(8) *provide an assurance that State and local*
 2 *educational agencies receiving funds under this part*
 3 *will comply with the requirements of section 1120(b).*

4 “(b) *APPLICATION REVIEW.*—

5 “(1) *IN GENERAL.*—*The Secretary shall review*
 6 *all applications submitted pursuant to this section by*
 7 *State educational agencies.*

8 “(2) *APPROVAL.*—*The Secretary shall approve*
 9 *any application submitted by a State educational*
 10 *agency that meets the requirements of this section.*

11 “(3) *DISAPPROVAL.*—*The Secretary shall dis-*
 12 *approve any application submitted by a State edu-*
 13 *cational agency which does not meet the requirements*
 14 *of this section, but shall not finally disapprove an ap-*
 15 *plication except after reasonable notice, provision of*
 16 *technical assistance, and providing an opportunity*
 17 *for a hearing to the State.*

18 **“SEC. 9206. ADMINISTRATIVE PROVISIONS.**

19 “(a) *NOTIFICATION OF AMOUNT.*—*The Secretary, not*
 20 *later than June 1 of each year, shall notify each State edu-*
 21 *cational agency that has an application approved under*
 22 *section 9205 of the amount of such agency’s allocation*
 23 *under section 9204 for the succeeding year.*

24 “(b) *SERVICES TO CHILDREN ENROLLED IN*
 25 *NONPUBLIC SCHOOLS.*—*If by reason of any provision of*

1 *law a local educational agency is prohibited from providing*
2 *educational services for children enrolled in elementary and*
3 *secondary nonpublic schools, as required by section*
4 *9205(a)(7), or if the Secretary determines that a local edu-*
5 *cational agency has substantially failed or is unwilling to*
6 *provide for the participation on an equitable basis of chil-*
7 *dren enrolled in such schools, the Secretary may waive such*
8 *requirement and shall arrange for the provision of services*
9 *to such children through arrangements which shall be sub-*
10 *ject to the requirements of this part. Such waivers shall be*
11 *subject to consultation, withholding, notice, and judicial re-*
12 *view requirements in accordance with the provisions of title*
13 *I.*

14 ***“SEC. 9207. USES OF FUNDS.***

15 *“(a) USE OF FUNDS.—Funds awarded under this part*
16 *shall be used to pay for enhanced instructional opportuni-*
17 *ties for immigrant children and youth, which may in-*
18 *clude—*

19 *“(1) family literacy, parent outreach, and train-*
20 *ing activities designed to assist parents to become ac-*
21 *tive participants in the education of their children;*

22 *“(2) salaries of personnel, including teacher*
23 *aides who have been specifically trained, or are being*
24 *trained, to provide services to immigrant children*
25 *and youth;*

1 “(3) tutorials, mentoring, and academic or ca-
2 reer counseling for immigrant children and youth;

3 “(4) identification and acquisition of curricular
4 materials, educational software, and technologies to be
5 used in the program;

6 “(5) basic instructional services which are di-
7 rectly attributable to the presence in the school dis-
8 trict of immigrant children, including the costs of
9 providing additional classroom supplies, overhead
10 costs, costs of construction, acquisition or rental of
11 space, costs of transportation, or such other costs as
12 are directly attributable to such additional basic in-
13 structional services; and

14 “(6) such other activities, related to the purposes
15 of this part, as the Secretary may authorize.

16 “(b) CONSORTIA.—A local educational agency that re-
17 ceives a grant under this part may collaborate or form a
18 consortium with one or more local educational agencies, in-
19 stitutions of higher education, and nonprofit organizations
20 to carry out the program described in an application ap-
21 proved under this part.

22 “(c) SUBGRANTS.—A local educational agency that re-
23 ceives a grant under this part may, with the approval of
24 the Secretary, make a subgrant to, or enter into a contract
25 with, an institution of higher education, a nonprofit orga-

1 nization, or a consortium of such entities to carry out a
2 program described in an application approved under this
3 part, including a program to serve out-of-school youth.

4 “(d) *CONSTRUCTION.*—Nothing in this part shall be
5 construed to prohibit a local educational agency from serv-
6 ing immigrant children simultaneously with students with
7 similar educational needs, in the same educational settings
8 where appropriate.

9 **“SEC. 9208. REPORTS.**

10 “(a) *BIENNIAL REPORT.*—Each State educational
11 agency receiving funds under this part shall submit, once
12 every 2 years, a report to the Secretary concerning the ex-
13 penditure of funds by local educational agencies under this
14 part. Each local educational agency receiving funds under
15 this part shall submit to the State educational agency such
16 information as the State educational agency determines
17 may be necessary for such report.

18 “(b) *REPORT TO CONGRESS.*—The Secretary shall sub-
19 mit, once every 2 years, a report to the appropriate commit-
20 tees of the Congress concerning programs assisted under this
21 part in accordance with section 10701.

22 **“SEC. 9209. AUTHORIZATION OF APPROPRIATIONS.**

23 “For the purpose of carrying out this part, there are
24 authorized to be appropriated \$150,000,000 for fiscal year

1 1995, and such sums as may be necessary for each of the
2 4 succeeding fiscal years.

3 ***“SEC. 9210. COMMUNICATIONS BETWEEN FEDERALLY FUND-***
4 ***ED GOVERNMENT AGENCIES AND THE IMMI-***
5 ***GRATION AND NATURALIZATION SERVICE.***

6 *“Notwithstanding any other provision of law, no Fed-*
7 *eral, State, or local government entity receiving Federal*
8 *funds shall be prohibited or in any way restricted from*
9 *communicating with the Immigration and Naturalization*
10 *Service regarding the immigration status, legal or illegal,*
11 *of an alien in the United States.*

12 ***“PART C—NATIVE HAWAIIAN EDUCATION***

13 ***“SEC. 9301. SHORT TITLE.***

14 *“This part may be cited as the ‘Native Hawaiian Edu-*
15 *cation Act’.*

16 ***“SEC. 9302. FINDINGS.***

17 *“The Congress finds and declares as follows:*

18 *“(1) Native Hawaiians are a distinct and*
19 *unique indigenous people with a historical continuity*
20 *to the original inhabitants of the Hawaiian archipel-*
21 *ago, whose society was organized as a nation and*
22 *internationally recognized as such by the United*
23 *States, Britain, France and Japan, as evidenced by*
24 *treaties governing friendship, commerce, and naviga-*
25 *tion.*

1 “(2) At the time of the arrival of the first non-
2 indigenous people in Hawai‘i in 1778, the Native
3 Hawaiian people lived in a highly organized, self-suf-
4 ficient subsistence social system based on a communal
5 land tenure system with a sophisticated language,
6 culture, and religion.

7 “(3) From 1826 until 1893, the United States
8 recognized the sovereignty and independence of the
9 Kingdom of Hawai‘i, which was established in 1810
10 under Kamehameha I, extended full and complete
11 diplomatic recognition to the Kingdom of Hawai‘i,
12 and entered into treaties and conventions with the
13 Kingdom of Hawai‘i to govern friendship, commerce
14 and navigation in 1826, 1842, 1849, 1875, and 1887.

15 “(4) In 1893, the sovereign, independent, inter-
16 nationally recognized, and indigenous government of
17 Hawai‘i, the Kingdom of Hawai‘i, was overthrown by
18 a small group of non-Hawaiians, including United
19 States citizens, who were assisted in their efforts by
20 the United States Minister, a United States naval
21 representative, and armed naval forces of the United
22 States. Because of the participation of United States
23 agents and citizens in the overthrow of the Kingdom
24 of Hawai‘i, the Congress, on behalf of the people of the
25 United States, apologized to Native Hawaiians for

1 *the overthrow and the deprivation of the rights of Na-*
2 *tive Hawaiians to self-determination through Public*
3 *Law 103–150 (107 Stat. 1510).*

4 *“(5) In 1898, the joint resolution entitled ‘A*
5 *Joint Resolution to provide for annexing the Hawai-*
6 *ian Islands to the United States’, approved July 7,*
7 *1898 (30 Stat. 750), ceded absolute title of all lands*
8 *held by the Republic of Hawai‘i, including the gov-*
9 *ernment and crown lands of the former Kingdom of*
10 *Hawai‘i, to the United States, but mandated that rev-*
11 *enue generated from these lands be used ‘solely for the*
12 *benefit of the inhabitants of the Hawaiian Islands for*
13 *educational and other public purposes’.*

14 *“(6) By 1919, the Native Hawaiian population*
15 *had declined from an estimated 1,000,000 in 1778 to*
16 *an alarming 22,600, and in recognition of this severe*
17 *decline, the Congress in 1921 enacted the Hawaiian*
18 *Homes Commission Act, 1920, which designated ap-*
19 *proximately 200,000 acres of ceded public lands for*
20 *homesteading by Native Hawaiians.*

21 *“(7) Through the enactment of the Hawaiian*
22 *Homes Commission Act, 1920, the Congress affirmed*
23 *the special relationship between the United States and*
24 *the Native Hawaiians, as expressed by then Secretary*
25 *of the Interior Franklin K. Lane, who was quoted in*

1 *the committee report for the Hawaiian Homes Com-*
2 *mission Act, 1920, as saying: 'One thing that im-*
3 *pressed me . . . was the fact that the natives of the*
4 *island who are our wards, I should say, and for*
5 *whom in a sense we are trustees, are falling off rap-*
6 *idly in numbers and many of them are in poverty.'*

7 *“(8) In 1959, under the Act entitled ‘An Act to*
8 *provide for the admission of the State of Hawaii into*
9 *the Union’, approved March 18, 1959 (73 Stat. 4),*
10 *the United States transferred responsibility for the*
11 *administration of the Hawaiian Home Lands to the*
12 *State of Hawai‘i but reaffirmed the special relation-*
13 *ship which existed between the United States and the*
14 *Hawaiian people by retaining the exclusive power to*
15 *enforce the trust, including the power to approve land*
16 *exchanges and legislative amendments affecting the*
17 *rights of beneficiaries under such Act.*

18 *“(9) In 1959, under the Act entitled ‘An Act to*
19 *provide for the admission of the State of Hawaii into*
20 *the Union’, approved March 18, 1959 (73 Stat. 4),*
21 *the United States ceded to the State of Hawai‘i title*
22 *to the public lands formerly held by the United*
23 *States, but mandated that such lands be held by the*
24 *State ‘in public trust’ and reaffirmed the special rela-*
25 *tionship which existed between the United States and*

1 *the Hawaiian people by retaining the legal respon-*
2 *sibility to enforce the public trust responsibility of the*
3 *State of Hawai'i for the betterment of the conditions*
4 *of Native Hawaiians, as defined in section 201(a) of*
5 *the Hawaiian Homes Commission Act, 1920.*

6 *“(10) The United States assumed special respon-*
7 *sibilities for Native Hawaiian lands and resources at*
8 *the time of the annexation of the Territory in 1898,*
9 *upon adoption of the Hawaiian Homes Commission*
10 *Act, 1920, and upon admission of the State of*
11 *Hawai'i into the Union in 1959, and has retained*
12 *certain of those responsibilities.*

13 *“(11) In recognition of the special relationship*
14 *which exists between the United States and the Native*
15 *Hawaiian people, the Congress has extended to Native*
16 *Hawaiians the same rights and privileges accorded to*
17 *American Indian, Alaska Native, Eskimo, and Aleut*
18 *communities under the Native American Programs*
19 *Act of 1974, the American Indian Religious Freedom*
20 *Act, the National Museum of the American Indian*
21 *Act, the Native American Graves Protection and Re-*
22 *patriation Act, the National Historic Preservation*
23 *Act, and the Native American Languages Act.*

24 *“(12) In recognition of the special relationship*
25 *which exists between the United States and the Native*

1 *Hawaiian people, the Congress has enacted numerous*
2 *special provisions of law for the benefit of Native Ha-*
3 *waiians in the areas of health, education, labor, and*
4 *housing.*

5 *“(13) In 1981, the Senate instructed the Office*
6 *of Education to submit to the Congress a comprehen-*
7 *sive report on Native Hawaiian education. The re-*
8 *port, entitled the ‘Native Hawaiian Educational As-*
9 *essment Project’, was released in 1983 and docu-*
10 *mented that Native Hawaiians scored below parity*
11 *with national norms on standardized achievement*
12 *tests, were disproportionately represented in many*
13 *negative social and physical statistics, indicative of*
14 *special educational needs, and had educational needs*
15 *which were related to their unique cultural situation,*
16 *such as different learning styles and low self-image.*

17 *“(14) In recognition of the educational needs of*
18 *Native Hawaiians, in 1988, the Congress enacted title*
19 *IV of the Augustus F. Hawkins-Robert T. Stafford El-*
20 *ementary and Secondary School Improvement*
21 *Amendments of 1988 to authorize and develop supple-*
22 *mental educational programs to benefit Native Ha-*
23 *waiians.*

24 *“(15) In 1993, the Kamehameha Schools Bishop*
25 *Estate released a ten-year update of the Native Ha-*

1 *waiian Educational Assessment Project, which found*
2 *that despite the successes of the programs established*
3 *under title IV of the Augustus F. Hawkins-Robert T.*
4 *Stafford Elementary and Secondary School Improve-*
5 *ment Amendments of 1988, many of the same edu-*
6 *cational needs still exist for Native Hawaiians. For*
7 *example—*

8 *“(A) educational risk factors continue to*
9 *start even before birth for many Native Hawai-*
10 *ian children, including—*

11 *“(i) late or no prenatal care;*

12 *“(ii) half of Native Hawaiian women*
13 *who give birth are unmarried; and*

14 *“(iii) high rates of births to teenage*
15 *parents;*

16 *“(B) Native Hawaiian students continue to*
17 *begin their school experience lagging behind other*
18 *students in terms of readiness factors such as vo-*
19 *cabulary test scores;*

20 *“(C) Native Hawaiian students continue to*
21 *score below national norms on standardized edu-*
22 *cation achievement tests at all grade levels;*

23 *“(D) both public and private schools con-*
24 *tinue to show a pattern of lower percentages of*
25 *Native Hawaiian students in the uppermost*

1 *achievement levels and in gifted and talented*
2 *programs;*

3 “(E) *Native Hawaiian students continue to*
4 *be overrepresented among students qualifying for*
5 *special education programs provided to students*
6 *with learning disabilities, mild mental retarda-*
7 *tion, emotional impairment, and other such dis-*
8 *abilities;*

9 “(F) *Native Hawaiians continue to be*
10 *underrepresented in institutions of higher edu-*
11 *cation and among adults who have completed*
12 *four or more years of college;*

13 “(G) *Native Hawaiians continue to be dis-*
14 *proportionately represented in many negative so-*
15 *cial and physical statistics, indicative of special*
16 *educational needs, for example—*

17 “(i) *Native Hawaiian students are*
18 *more likely to be retained in grade level and*
19 *to be excessively absent in secondary school;*

20 “(ii) *Native Hawaiian students are the*
21 *highest users of drugs and alcohol; and*

22 “(iii) *Native Hawaiian children con-*
23 *tinue to be disproportionately victimized by*
24 *child abuse and neglect; and*

1 “(H) Native Hawaiians now comprise over
2 23 percent of the students served by the State of
3 Hawai‘i Department of Education and there are
4 and will continue to be geographically rural, iso-
5 lated areas with a high Native Hawaiian popu-
6 lation density.

7 “(16) The findings described in paragraphs (1)
8 through (15) are contrary to the high rate of literacy
9 and integration of traditional culture and Western
10 education achieved by Native Hawaiians through a
11 Hawaiian language-based public school system estab-
12 lished in 1840 by Kamehameha III.

13 “(17) After the overthrow of the Kingdom of
14 Hawai‘i in 1893, Hawaiian medium schools were
15 banned. After annexation, throughout the territorial
16 and statehood period, and until 1986, use of Hawai-
17 ian as a medium of education in public schools was
18 declared unlawful, thereby causing incalculable harm
19 to a culture that placed a very high value on the
20 power of language, as exemplified in the traditional
21 saying: ‘I ka ‘ōlelo no ke ola; I ka ‘ōlelo no ka make.
22 In the language rests life; In the language rests
23 death.’.

24 “(18) Despite the consequences of over 100 years
25 of nonindigenous influence, the Native Hawaiian peo-

1 *ple are determined to preserve, develop, and transmit*
2 *to future generations their ancestral territory, and*
3 *their cultural identity in accordance with their own*
4 *spiritual and traditional beliefs, customs, practices,*
5 *language, and social institutions.*

6 *“(19) The State of Hawai‘i, in the constitution*
7 *and statutes of the State of Hawai‘i—*

8 *“(A) acknowledges the distinct land rights*
9 *of Native Hawaiian people as beneficiaries of the*
10 *public lands trust;*

11 *“(B) reaffirms and protects the unique right*
12 *of the Native Hawaiian people to practice and*
13 *perpetuate their culture and religious customs,*
14 *beliefs, practices, and language; and*

15 *“(C) recognizes the traditional language of*
16 *the Native Hawaiian people as an official lan-*
17 *guage of the State of Hawai‘i, which may be*
18 *used as the language of instruction for all sub-*
19 *jects and grades in the public school system.*

20 *“(20) It continues to be the policy of the Federal*
21 *Government to encourage the maximum participation*
22 *of Native Hawaiians in planning and management of*
23 *Native Hawaiian education programs.*

24 **“SEC. 9303. PURPOSE.**

25 *“It is the purpose of this part to—*

1 “(1) *authorize and develop supplemental edu-*
2 *cational programs to benefit Native Hawaiians;*

3 “(2) *provide direction and guidance to appro-*
4 *priate Federal, State, and local agencies to focus re-*
5 *sources, including resources made available under this*
6 *part, on Native Hawaiian education, through the es-*
7 *tablishment of a Native Hawaiian Education Coun-*
8 *cil, and five island councils; and*

9 “(3) *supplement and expand existing programs*
10 *and authorities in the area of Native Hawaiian edu-*
11 *cation to further such purposes.*

12 **“SEC. 9304. NATIVE HAWAIIAN CURRICULUM DEVELOP-**
13 **MENT, TEACHER TRAINING AND RECRUIT-**
14 **MENT PROGRAM.**

15 “(a) *GENERAL AUTHORITY.—The Secretary is author-*
16 *ized to make direct grants, to Native Hawaiian educational*
17 *organizations or educational entities with experience in de-*
18 *veloping or operating Native Hawaiian programs or pro-*
19 *grams of instruction conducted in the Native Hawaiian*
20 *language, for the following purposes:*

21 “(1) *CURRICULA.—The development of curricula*
22 *to address the needs of Native Hawaiian students,*
23 *particularly elementary and secondary school stu-*
24 *dents, which may include programs of instruction*
25 *conducted in the Native Hawaiian language, and*

1 *mathematics and science curricula incorporating the*
2 *relevant application of Native Hawaiian culture and*
3 *traditions.*

4 “(2) *PRETEACHER TRAINING.*—The development
5 *and implementation of preteacher training programs*
6 *in order to ensure that student teachers within the*
7 *State of Hawai‘i, particularly student teachers who*
8 *are likely to be employed in schools with a high con-*
9 *centration of Native Hawaiian students, are prepared*
10 *to better address the unique needs of Native Hawai-*
11 *ian students, within the context of Native Hawaiian*
12 *culture, language and traditions.*

13 “(3) *INSERVICE TEACHER TRAINING.*—The devel-
14 *opment and implementation of inservice teacher*
15 *training programs, in order to ensure that teachers,*
16 *particularly teachers employed in schools with a high*
17 *concentration of Native Hawaiian students, are pre-*
18 *pared to better address the unique needs of Native*
19 *Hawaiian students, within the context of Native Ha-*
20 *waiian culture, language and traditions.*

21 “(4) *TEACHER RECRUITMENT.*—The development
22 *and implementation of teacher recruitment programs*
23 *to meet the objectives of—*

1 “(A) enhancing teacher recruitment within
2 communities with a high concentration of Native
3 Hawaiian students; and

4 “(B) increasing the numbers of teachers who
5 are of Native Hawaiian ancestry.

6 “(b) *PRIORITY.*—In awarding grants under this sec-
7 tion, the Secretary shall give priority to awarding grants
8 for activities described in subsection (a) that focus on the
9 needs of at-risk youth or that employ a program of instruc-
10 tion conducted in the Native Hawaiian language.

11 “(c) *ADMINISTRATIVE COSTS.*—Not more than 7 per-
12 cent of the funds appropriated to carry out the provisions
13 of this section for any fiscal year may be used for adminis-
14 trative purposes.

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
16 are authorized to be appropriated \$2,000,000 for fiscal year
17 1995, and such sums as may be necessary for each of the
18 4 succeeding fiscal years, to carry out this section. Funds
19 appropriated under the authority of this subsection shall
20 remain available until expended.

21 **“SEC. 9305. NATIVE HAWAIIAN COMMUNITY-BASED EDU-**
22 **CATION LEARNING CENTERS.**

23 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
24 ized to make direct grants, to collaborative efforts between
25 community-based Native Hawaiian organizations and com-

1 munity colleges, to develop, establish, and operate a mini-
 2 mum of three community-based education learning centers.

3 “(b) *PURPOSE.*—The learning centers described in sub-
 4 section (a) shall meet the needs of families and communities
 5 through interdepartmental and interagency coordination of
 6 new and existing public and private programs and services,
 7 which may include—

8 “(1) preschool programs;

9 “(2) after-school programs; and

10 “(3) vocational and adult education programs.

11 “(c) *ADMINISTRATIVE COSTS.*—Not more than 7 per-
 12 cent of the funds appropriated to carry out the provisions
 13 of this section for any fiscal year may be used for adminis-
 14 trative purposes.

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
 16 are authorized to be appropriated \$1,000,000 for fiscal year
 17 1995, and such sums as may be necessary for each of the
 18 4 succeeding fiscal years, to carry out this section. Funds
 19 appropriated under the authority of this subsection shall
 20 remain available until expended.

21 **“SEC. 9306. NATIVE HAWAIIAN FAMILY-BASED EDUCATION**
 22 **CENTERS.**

23 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
 24 ized to make direct grants, to Native Hawaiian educational
 25 organizations or educational entities with experience in de-

1 *veloping or operating Native Hawaiian programs or pro-*
2 *grams of instruction conducted in the Native Hawaiian*
3 *language, to expand the operation of Family-Based Edu-*
4 *cation Centers throughout the Hawaiian Islands. The pro-*
5 *grams of such centers may be conducted in the Hawaiian*
6 *language, the English language, or a combination thereof,*
7 *and shall include—*

8 “(1) *parent-infant programs for prenatal*
9 *through three-year-olds;*

10 “(2) *preschool programs for four- and five-year-*
11 *olds;*

12 “(3) *continued research and development; and*

13 “(4) *a long-term followup and assessment pro-*
14 *gram.*

15 “(b) *ADMINISTRATIVE COSTS.—Not more than 7 per-*
16 *cent of the funds appropriated to carry out the provisions*
17 *of this section for any fiscal year may be used for adminis-*
18 *trative purposes.*

19 “(c) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
20 *tion to any other amount authorized to be appropriated for*
21 *the centers described in subsection (a), there are authorized*
22 *to be appropriated \$6,000,000 for fiscal year 1995, and*
23 *such sums as may be necessary for each of the 4 succeeding*
24 *fiscal years, to carry out this section. Funds appropriated*

1 *under the authority of this subsection shall remain avail-*
2 *able until expended.*

3 ***“SEC. 9307. NATIVE HAWAIIAN HIGHER EDUCATION PRO-***
4 ***GRAM.***

5 *“(a) GENERAL AUTHORITY.—*

6 *“(1) IN GENERAL.—The Secretary is authorized*
7 *to make direct grants, to Native Hawaiian edu-*
8 *cational organizations or educational entities with ex-*
9 *perience in developing or operating Native Hawaiian*
10 *programs or programs of instruction conducted in the*
11 *Native Hawaiian language, to enable such organiza-*
12 *tions or entities to provide a program of bacca-*
13 *laureate and post-baccalaureate fellowship assistance*
14 *to Native Hawaiian students.*

15 *“(2) MANDATORY ACTIVITIES.—Such program*
16 *shall include—*

17 *“(A) full or partial fellowship support for*
18 *Native Hawaiian students enrolled at two- or*
19 *four-year degree granting institutions of higher*
20 *education with fellowship awards to be based on*
21 *academic potential and financial need; and*

22 *“(B) full or partial fellowship support for*
23 *Native Hawaiian students enrolled at post-bac-*
24 *calaureate degree granting institutions of higher*
25 *education with priority given to providing fel-*

1 *lowship support for professions in which Native*
2 *Hawaiians are underrepresented and with fel-*
3 *lowship awards to be based on academic poten-*
4 *tial and financial need;*

5 “(3) *PERMITTED ACTIVITIES.*—*Such program*
6 *may also include—*

7 “(A) *counseling and support services for*
8 *students receiving fellowship assistance under*
9 *paragraph (1);*

10 “(B) *college preparation and guidance*
11 *counseling at the secondary school level for stu-*
12 *dents who may be eligible for fellowship support*
13 *pursuant to subsection (a)(2)(A);*

14 “(C) *appropriate research and evaluation of*
15 *the activities authorized by this section; and*

16 “(D) *implementation of faculty development*
17 *programs for the improvement and matricula-*
18 *tion of Native Hawaiian students.*

19 “(b) *SPECIAL CONDITIONS REQUIRED.*—*For the pur-*
20 *pose of fellowships awarded under subsection (a), fellowship*
21 *conditions shall be established whereby fellowship recipients*
22 *obtain an enforceable contract obligation to provide their*
23 *professional services, either during the fellowship period or*
24 *upon completion of a baccalaureate or post-baccalaureate*
25 *degree program, to the Native Hawaiian community.*

1 “(c) *ADMINISTRATIVE COSTS.*—Not more than 7 per-
2 cent of the funds appropriated to carry out the provisions
3 of this section for any fiscal year may be used for adminis-
4 trative purposes.

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
6 are authorized to be appropriated \$2,000,000 for fiscal year
7 1995, and such sums as may be necessary for each of the
8 4 succeeding fiscal years, to carry out this section. Funds
9 appropriated under the authority of this subsection shall
10 remain available until expended.

11 **“SEC. 9308. NATIVE HAWAIIAN GIFTED AND TALENTED PRO-**
12 **GRAM.**

13 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
14 ized to make a grant, to a Native Hawaiian educational
15 organization or an educational entity with experience in
16 developing or operating Native Hawaiian programs or pro-
17 grams of instruction conducted in the Native Hawaiian
18 language, for a gifted and talented program designed to—

19 “(1) *address the special needs of Native Hawai-*
20 *ian elementary and secondary school students who are*
21 *gifted and talented students; and*

22 “(2) *provide those support services to the fami-*
23 *lies of such students that are needed to enable such*
24 *students to benefit from the program.*

1 “(b) *USES OF FUNDS.*—The program funded under
2 this section may include—

3 “(1) the identification of the special needs of Na-
4 tive Hawaiian gifted and talented students, particu-
5 larly with respect to—

6 “(A) the emotional and psychosocial needs
7 of such students; and

8 “(B) the provision of those support services
9 to the families of such students that are needed
10 to enable such students to benefit from the pro-
11 gram;

12 “(2) the conduct of educational, psychosocial,
13 and developmental activities which hold reasonable
14 promise of resulting in substantial progress toward
15 meeting the educational needs of such students, in-
16 cluding demonstrating and exploring the use of the
17 Native Hawaiian language and exposure to Native
18 Hawaiian cultural traditions;

19 “(3) leadership programs designed to—

20 “(A) replicate programs throughout the
21 State of Hawai‘i for gifted and talented students
22 who are not served under this section; and

23 “(B) coordinate with other Native American
24 gifted and talented leadership programs, includ-
25 ing the dissemination of information derived

1 *from the program conducted under this section;*
2 *and*

3 “(4) *appropriate research, evaluation, and relat-*
4 *ed activities pertaining to—*

5 “(A) *the needs of such students; and*

6 “(B) *the provision of those support services*
7 *to the families of such students that are needed*
8 *to enable such students to benefit from the pro-*
9 *gram.*

10 “(c) *ADMINISTRATIVE COSTS.—Not more than 7 per-*
11 *cent of the funds appropriated to carry out the provisions*
12 *of this section for any fiscal year may be used for adminis-*
13 *trative purposes.*

14 “(d) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
15 *tion to any other amount authorized to be appropriated for*
16 *the program described in this section, there are authorized*
17 *to be appropriated \$1,500,000 for fiscal year 1995, and*
18 *such sums as may be necessary for each of the 4 succeeding*
19 *fiscal years, to carry out this section. Funds appropriated*
20 *under the authority of this subsection shall remain avail-*
21 *able until expended.*

22 **“SEC. 9309. NATIVE HAWAIIAN SPECIAL EDUCATION PRO-**
23 **GRAM.**

24 “(a) *GENERAL AUTHORITY.—The Secretary is author-*
25 *ized to make grants to, or enter into contracts with, Native*

1 *Hawaiian educational organizations or educational entities*
2 *with experience in developing or operating Native Hawai-*
3 *ian programs or programs of instruction conducted in the*
4 *Native Hawaiian language, to operate a program to ad-*
5 *dress the special education needs of Native Hawaiian stu-*
6 *dents. Such program may include—*

7 “(1) *the identification of Native Hawaiian stu-*
8 *dents with learning disabilities, mental or physical*
9 *disabilities, emotional impairments, or who are other-*
10 *wise in need of special educational services;*

11 “(2) *the identification of the special education*
12 *needs of such students, particularly with respect to—*

13 “(A) *the emotional and psychosocial needs*
14 *of such students; and*

15 “(B) *the provision of those support services*
16 *to the families of such students that are needed*
17 *to enable such students to benefit from the pro-*
18 *gram;*

19 “(3) *the conduct of educational activities consist-*
20 *ent with part B of the Education of Individuals with*
21 *Disabilities Education Act which hold reasonable*
22 *promise of resulting in substantial progress toward*
23 *meeting the educational needs of such students;*

24 “(4) *the conduct of educational, psychosocial,*
25 *and developmental activities which hold reasonable*

1 *promise of resulting in substantial progress toward*
2 *meeting the educational needs of such students, in-*
3 *cluding demonstrating and exploring the use of the*
4 *Native Hawaiian language and exposure to Native*
5 *Hawaiian cultural traditions; and*

6 *“(5) appropriate research, evaluation, and relat-*
7 *ed activities pertaining to—*

8 *“(A) the needs of such students;*

9 *“(B) the provision of those support services*
10 *to the families of such students that are needed*
11 *to enable such student to benefit from the pro-*
12 *gram; and*

13 *“(C) the outcomes and benefits of activities*
14 *assisted under this section upon such students.*

15 *“(b) ADMINISTRATIVE COSTS.—Not more than 7 per-*
16 *cent of the funds appropriated to carry out the provisions*
17 *of this section for any fiscal year may be used for adminis-*
18 *trative purposes.*

19 *“(c) AUTHORIZATION OF APPROPRIATIONS.—In addi-*
20 *tion to any other amount authorized to be appropriated for*
21 *the program described in this section, there are authorized*
22 *to be appropriated \$2,000,000 for fiscal year 1995, and*
23 *such sums as may be necessary for each of the 4 succeeding*
24 *fiscal years, to carry out this section. Funds appropriated*

1 *under the authority of this subsection shall remain avail-*
2 *able until expended.*

3 ***“SEC. 9310. NATIVE HAWAIIAN EDUCATION COUNCIL AND***
4 ***ISLAND COUNCILS.***

5 *“(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-*
6 *CATION COUNCIL.—In order to better effectuate the purposes*
7 *of this part through the coordination of educational and*
8 *related services and programs available to Native Hawai-*
9 *ians, including those programs receiving funding under this*
10 *part, the Secretary is authorized to establish a Native Ha-*
11 *waiian Education Council (hereafter in this part referred*
12 *to as the ‘Education Council’).*

13 *“(b) COMPOSITION OF EDUCATION COUNCIL.—The*
14 *Education Council shall consist of not more than 25 mem-*
15 *bers, including a representative of—*

16 *“(1) each recipient of funds from the Secretary*
17 *under this part;*

18 *“(2) the State of Hawai‘i Department of Edu-*
19 *cation;*

20 *“(3) the State of Hawai‘i Office of Hawaiian Af-*
21 *fairs;*

22 *“(4) Native Hawaiian educational organiza-*
23 *tions, such as Alu Like, Inc., Kamehameha Schools*
24 *Bishop Estate, Hawaiian Language Immersion Advi-*

1 *sory Council, Aha Punana Leo, and the Queen*
2 *Lili'uokalani Trust and Children's Center; and*

3 *“(5) each Native Hawaiian education island*
4 *council established under subsection (f).*

5 *“(c) CONDITIONS AND TERMS.—At least three-fourths*
6 *of the members of the Education Council shall be Native*
7 *Hawaiians. Members of the Education Council shall be ap-*
8 *pointed for three-year terms.*

9 *“(d) ADMINISTRATIVE GRANT FOR THE EDUCATION*
10 *COUNCIL.—The Secretary shall make a direct grant to the*
11 *Education Council in order to enable the Education Coun-*
12 *cil to—*

13 *“(1) coordinate the educational and related serv-*
14 *ices and programs available to Native Hawaiians, in-*
15 *cluding the programs assisted under this part, and*
16 *assess the extent to which such services and programs*
17 *meet the needs of Native Hawaiians; and*

18 *“(2) provide direction and guidance, through the*
19 *issuance of reports and recommendations, to appro-*
20 *priate Federal, State, and local agencies in order to*
21 *focus and improve the use of resources, including re-*
22 *sources made available under this part, on Native*
23 *Hawaiian education.*

24 *“(e) ADDITIONAL DUTIES OF THE EDUCATION COUN-*
25 *CIL.—*

1 “(1) *IN GENERAL.*—*The Education Council shall*
2 *provide copies of any reports and recommendations*
3 *issued by the Education Council to the Secretary, the*
4 *Committee on Indian Affairs of the Senate, and the*
5 *Committee on Education and Labor of the House of*
6 *Representatives, including any information that the*
7 *Education Council provides to the Secretary pursuant*
8 *to subsection (i)(1).*

9 “(2) *ANNUAL REPORT.*—*The Education Council*
10 *shall present to the Secretary an annual report on the*
11 *Education Council’s activities.*

12 “(3) *ISLAND COUNCIL SUPPORT AND ASSIST-*
13 *ANCE.*—*The Education Council shall provide such ad-*
14 *ministrative support and financial assistance to the*
15 *island councils established pursuant to subsection (f)*
16 *as the Secretary deems appropriate.*

17 “(f) *ESTABLISHMENT OF ISLAND COUNCILS.*—

18 “(1) *IN GENERAL.*—*In order to better effectuate*
19 *the purposes of this part and to ensure the adequate*
20 *representation of island and community interests*
21 *within the Education Council, the Office of Hawaiian*
22 *Affairs of the State of Hawai‘i is authorized to facili-*
23 *tate the establishment of Native Hawaiian education*
24 *island councils (hereafter in this part referred to as*
25 *‘island councils’) for the following islands:*

1 “(A) Hawai‘i.

2 “(B) Maui and Lana‘i.

3 “(C) Moloka‘i.

4 “(D) Kaua‘i and Ni‘ihau.

5 “(E) O‘ahu.

6 “(2) COMPOSITION OF ISLAND COUNCILS.—Each
7 island council shall consist of parents, students, and
8 other community members who have an interest in
9 the education of Native Hawaiians, and shall be rep-
10 resentative of the educational needs of all age groups,
11 from preschool through adulthood. At least three-
12 fourths of the members of each island council shall be
13 Native Hawaiians

14 “(g) ADMINISTRATIVE PROVISIONS RELATING TO EDU-
15 CATION COUNCIL AND ISLAND COUNCILS.—The Education
16 Council and each island council shall meet at the call of
17 the chairperson of the respective council, or upon the request
18 of the majority of the members of the respective council, but
19 in any event not less than four times during each calendar
20 year. The provisions of the Federal Advisory Committee Act
21 shall not apply to the Education Council and each island
22 council.

23 “(h) COMPENSATION.—Members of the Education
24 Council and each island council shall not receive any com-

1 *persation for services on the Education Council and each*
2 *island council, respectively.*

3 “(i) *REPORT.*—Not later than four years after the date
4 *of the enactment of the Improving America’s Schools Act*
5 *of 1994, the Secretary shall prepare and submit to the Com-*
6 *mittee on Indian Affairs of the Senate, and the Committee*
7 *on Education and Labor of the House of Representatives,*
8 *a report which summarizes the annual reports of the Edu-*
9 *cation Council, describes the allocation and utilization of*
10 *funds under this part, and contains recommendations for*
11 *changes in Federal, State, and local policy to advance the*
12 *purposes of this part.*

13 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—There are
14 *authorized to be appropriated \$500,000 for fiscal year 1995,*
15 *and such sums as may be necessary for each of the 4 suc-*
16 *ceeding fiscal years, to carry out this section. Funds appro-*
17 *priated under the authority of this subsection shall remain*
18 *available until expended.*

19 **“SEC. 9311. ADMINISTRATIVE PROVISIONS.**

20 “(a) *APPLICATION REQUIRED.*—No grant may be
21 *made under this part, nor any contract be entered into*
22 *under this part, unless an application is submitted to the*
23 *Secretary in such form, in such manner, and containing*
24 *such information as the Secretary may determine necessary*
25 *to carry out the provisions of this part.*

1 “(b) *SPECIAL RULE.*—Each application submitted
2 under this part shall be accompanied by the comments of
3 each local educational agency serving students who will
4 participate in the program for which assistance is sought.

5 **“SEC. 9312. DEFINITIONS.**

6 *“For the purposes of this part—*

7 *“(1) the term ‘Native Hawaiian’ means any in-*
8 *dividual who is a descendant of the aboriginal people,*
9 *who prior to 1778, occupied and exercised sovereignty*
10 *in the area that now comprises the State of Hawai‘i,*
11 *as evidenced by—*

12 *“(A) genealogical records;*

13 *“(B) Kūpuna (elders) or Kama‘āina (long-*
14 *term community residents) verification; or*

15 *“(C) certified birth records;*

16 *“(2) the term ‘Native Hawaiian educational or-*
17 *ganization’ means a private nonprofit organization*
18 *that—*

19 *“(A) serves the interests of Native Hawai-*
20 *ians;*

21 *“(B) has a demonstrated expertise in the*
22 *education of Native Hawaiians; and*

23 *“(C) has Native Hawaiians in substantive*
24 *and policymaking positions within the organiza-*
25 *tion;*

1 “(3) the term ‘Native Hawaiian language’ means
2 the single Native American language indigenous to
3 the original inhabitants of the State of Hawai‘i;

4 “(4) the term ‘Office of Hawaiian Affairs’ means
5 the Office of Hawaiian Affairs established by the Con-
6 stitution of the State of Hawai‘i; and

7 “(5) the term ‘Native Hawaiian community-
8 based organization’ means any organization which is
9 composed primarily of Native Hawaiians from a spe-
10 cific community and which assists in the social, cul-
11 tural and educational development of Native Hawai-
12 ians in that community.

13 **“PART D—TERRITORIAL ASSISTANCE**

14 **“SEC. 9401. GENERAL ASSISTANCE FOR THE VIRGIN IS-**
15 **LANDS.**

16 “*There are authorized to be appropriated \$5,000,000*
17 *for fiscal year 1995 and for each of the 4 succeeding fiscal*
18 *years, for the purpose of providing general assistance to im-*
19 *prove public education in the Virgin Islands.*

20 **“TITLE X—GENERAL**
21 **PROVISIONS**

22 **“PART A—DEFINITIONS**

23 **“SEC. 10101. DEFINITIONS.**

24 “*Except as otherwise provided, for the purposes of this*
25 *Act, the following terms have the following meanings:*

1 “(1) *AVERAGE DAILY ATTENDANCE.*—(A) *Except*
2 *as provided otherwise by State law or this paragraph,*
3 *the term ‘average daily attendance’ means—*

4 “(i) *the aggregate number of days of attend-*
5 *ance of all students during a school year; divided*
6 *by*

7 “(ii) *the number of days school is in session*
8 *during such school year.*

9 “(B) *The Secretary shall permit the conversion*
10 *of average daily membership (or other similar data)*
11 *to average daily attendance for local educational*
12 *agencies in States that provide State aid to local edu-*
13 *cational agencies on the basis of average daily mem-*
14 *bership or such other data.*

15 “(C) *If the local educational agency in which a*
16 *child resides makes a tuition or other payment for the*
17 *free public education of the child in a school located*
18 *in another school district, the Secretary shall, for pur-*
19 *poses of this Act—*

20 “(i) *consider the child to be in attendance*
21 *at a school of the agency making such payment;*
22 *and*

23 “(ii) *not consider the child to be in attend-*
24 *ance at a school of the agency receiving such*
25 *payment.*

1 “(D) If a local educational agency makes a tuition
2 payment to a private school or to a public school
3 of another local educational agency for a child with
4 disabilities, as defined in section 602(a)(1) of the In-
5 dividuals with Disabilities Education Act, the Sec-
6 retary shall, for the purposes of this Act, consider
7 such child to be in attendance at a school of the agen-
8 cy making such payment.

9 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
10 term ‘average per-pupil expenditure’ means, in the
11 case of a State or of the United States—

12 “(A) without regard to the source of
13 funds—

14 “(i) the aggregate current expenditures,
15 during the third preceding fiscal year (or, if
16 satisfactory data for that year are not
17 available, during the most recent preceding
18 fiscal year for which satisfactory data are
19 available) of all local educational agencies
20 in the State or, in the case of the United
21 States for all States (which, for the purpose
22 of this paragraph, means the 50 States and
23 the District of Columbia); plus

1 “(ii) any direct current expenditures
2 by the State for operation of such agencies;
3 divided by

4 “(B) the aggregate number of children in
5 average daily attendance to whom such agencies
6 provided free public education during such pre-
7 ceding year.

8 “(3) CHARTER SCHOOL.—The term ‘charter
9 school’ means a public school operated under public
10 supervision and direction, that is nonsectarian, pro-
11 vides elementary or secondary education, or both, does
12 not charge tuition, and complies with relevant Fed-
13 eral education laws.

14 “(4) CHILD.—The term ‘child’ means any person
15 within the age limits for which the applicable State
16 provides free public education.

17 “(5) COMMUNITY-BASED ORGANIZATION.—The
18 term ‘community-based organization’ means a public
19 or private nonprofit organization of demonstrated ef-
20 fectiveness that—

21 “(A) is representative of a community or
22 significant segments of a community; and

23 “(B) provides educational or related services
24 to individuals in the community.

1 “(6) *CONSOLIDATED STATE APPLICATION.*—The
2 term ‘consolidated State application’ means an appli-
3 cation submitted by a State educational agency pur-
4 suant to section 10302.

5 “(7) *COUNTY.*—The term ‘county’ means one of
6 those divisions of a State used by the Secretary of
7 Commerce in compiling and reporting data regarding
8 counties.

9 “(8) *COVERED PROGRAM.*—The term ‘covered
10 program’ means each of the programs authorized
11 by—

12 “(A) part A of title I;

13 “(B) part D of title I;

14 “(C) part A of title II (other than section
15 2114);

16 “(D) subpart 1 of part A of title V (other
17 than section 5114);

18 “(E) subpart 2 of part A of title III; and

19 “(F) title XIII.

20 “(9) *CURRENT EXPENDITURES.*—The term ‘cur-
21 rent expenditures’ means expenditures for free public
22 education—

23 “(A) including expenditures for administra-
24 tion, instruction, attendance and health services,
25 pupil transportation services, operation and

1 *maintenance of plant, fixed charges, and net ex-*
2 *penditures to cover deficits for food services and*
3 *student body activities; but*

4 *“(B) not including expenditures for commu-*
5 *nity services, capital outlay, and debt service, or*
6 *any expenditures made from funds received*
7 *under title I, part A of title II, and title XIII.*

8 *“(10) DEPARTMENT.—The term ‘Department’*
9 *means the Department of Education.*

10 *“(11) EDUCATIONAL SERVICE AGENCY.—The*
11 *term ‘educational service agency’ means regional pub-*
12 *lic multiservice agencies authorized by State statute*
13 *to develop, manage, and provide services or programs*
14 *to local educational agencies.*

15 *“(12) ELEMENTARY SCHOOL.—The term ‘elemen-*
16 *tary school’ means a day or residential school that*
17 *provides elementary education, as determined under*
18 *State law.*

19 *“(13) FREE PUBLIC EDUCATION.—The term ‘free*
20 *public education’ means education that is provided—*

21 *“(A) at public expense, under public super-*
22 *vision and direction, and without tuition charge;*
23 *and*

24 *“(B) as elementary or secondary school edu-*
25 *cation as determined under applicable State law,*

1 *except that such term does not include any edu-*
2 *cation provided beyond grade 12.*

3 “(14) *GIFTED AND TALENTED.*—*The term ‘gifted*
4 *and talented’, when used with respect to students,*
5 *children or youth, means students, children or youth*
6 *who give evidence of high performance capability in*
7 *areas such as intellectual, creative, artistic, or leader-*
8 *ship capacity, or in specific academic fields, and who*
9 *require services or activities not ordinarily provided*
10 *by the school in order to fully develop such capabili-*
11 *ties.*

12 “(15) *INSTITUTION OF HIGHER EDUCATION.*—
13 *The term ‘institution of higher education’ has the*
14 *meaning given that term in section 1201 of the High-*
15 *er Education Act of 1965.*

16 “(16) *INTEROPERABLE AND INTEROPER-*
17 *ABILITY.*—*The terms ‘interoperable’ and ‘interoper-*
18 *ability’ refer to the ability to easily exchange data*
19 *with, and connect to, other hardware and software in*
20 *order to provide the greatest accessibility to such data*
21 *for all students.*

22 “(17) *LOCAL EDUCATIONAL AGENCY.*—(A) *The*
23 *term ‘local educational agency’ means a public board*
24 *of education or other public authority legally con-*
25 *stituted within a State for either administrative con-*

1 *trol or direction of, or to perform a service function*
2 *for, public elementary or secondary schools in a city,*
3 *county, township, school district, or other political*
4 *subdivision of a State, or for such combination of*
5 *school districts or counties as are recognized in a*
6 *State as an administrative agency for its public ele-*
7 *mentary or secondary schools.*

8 *“(B) The term includes any other public institu-*
9 *tion or agency having administrative control and di-*
10 *rection of a public elementary or secondary school.*

11 *“(C) The term includes an elementary or second-*
12 *ary school funded by the Bureau of Indian Affairs but*
13 *only to the extent that such inclusion makes such*
14 *school eligible for programs for which specific eligi-*
15 *bility is not provided to such school in another provi-*
16 *sion of law, except that such school shall not be sub-*
17 *ject to the jurisdiction of any State educational agen-*
18 *cy other than the Bureau of Indian Affairs.*

19 *“(18) OTHER STAFF.—The term ‘other staff’*
20 *means pupil services personnel, librarians, career*
21 *guidance and counseling personnel, education aides,*
22 *and other instructional and administrative personnel.*

23 *“(19) OUTLYING AREA.—The term ‘outlying*
24 *area’ means the Virgin Islands, Guam, American*
25 *Samoa, the Commonwealth of the Northern Mariana*

1 *Islands, the Republic of the Marshall Islands, the Fed-*
2 *erated States of Micronesia, and Palau.*

3 “(20) *PARENT.*—*The term ‘parent’ includes a*
4 *legal guardian or other person standing in loco*
5 *parentis.*

6 “(21) *PUBLIC TELECOMMUNICATION ENTITY.*—
7 *The term ‘public telecommunication entity’ has the*
8 *same meaning given to such term in section 397(12)*
9 *of the Communications Act of 1934.*

10 “(22) *PUPIL SERVICES PERSONNEL; PUPIL SERV-*
11 *ICES.*—

12 “(A) *The term ‘pupil services personnel’*
13 *means school counselors, school social workers,*
14 *school psychologists, and other qualified profes-*
15 *sional personnel involved in providing assess-*
16 *ment, diagnosis, counseling, educational, thera-*
17 *peutic, and other necessary services (including*
18 *related services as such term is defined in section*
19 *602 of the Individuals with Disabilities Edu-*
20 *cation Act) as part of a comprehensive program*
21 *to meet student needs.*

22 “(B) *The term ‘pupil services’ means the*
23 *services provided by pupil services personnel.*

24 “(23) *SECONDARY SCHOOL.*—*The term ‘second-*
25 *ary school’ means a day or residential school that*

1 *provides secondary education, as determined under*
2 *State law, except that such term does not include any*
3 *education beyond grade 12.*

4 “(24) *SECRETARY.*—*The term ‘Secretary’ means*
5 *the Secretary of Education.*

6 “(25) *STATE.*—*The term ‘State’ means each of*
7 *the 50 States, the District of Columbia, the Common-*
8 *wealth of Puerto Rico, and each of the outlying areas.*

9 “(26) *STATE EDUCATIONAL AGENCY.*—*The term*
10 *‘State educational agency’ means the agency pri-*
11 *marily responsible for the State supervision of public*
12 *elementary and secondary schools.*

13 “(27) *TECHNOLOGY.*—*The term ‘technology’*
14 *means the latest state-of-the-art technology products*
15 *and services, such as closed circuit television systems,*
16 *educational television or radio programs and services,*
17 *cable television, satellite, copper and audio laser and*
18 *CD-ROM disks, video and audio tapes, including*
19 *interactive forms of such products and services, or*
20 *other technologies.*

21 **“SEC. 10102. APPLICABILITY OF THIS TITLE.**

22 *“Parts B through F of this title do not apply to part*
23 *A of title IX.*

**“PART B—FLEXIBILITY IN THE USE OF
ADMINISTRATIVE AND OTHER FUNDS**

**“SEC. 10201. CONSOLIDATION OF STATE ADMINISTRATIVE
FUNDS FOR ELEMENTARY AND SECONDARY
EDUCATION PROGRAMS.**

“(a) *CONSOLIDATION OF ADMINISTRATIVE FUNDS.*—

“(1) *IN GENERAL.*—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2).

“(2) *APPLICABILITY.*—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 10101(7), and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

“(b) *USE OF FUNDS.*—

“(1) *IN GENERAL.*—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

“(2) *ADDITIONAL USES.*—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the

1 *programs included in the consolidation under sub-*
2 *section (a), such as—*

3 *“(A) the coordination of such programs*
4 *with other Federal and non-Federal programs;*

5 *“(B) the establishment and operation of*
6 *peer-review mechanisms under this Act;*

7 *“(C) the administration of this title;*

8 *“(D) the dissemination of information re-*
9 *garding model programs and practices; and*

10 *“(E) technical assistance under programs*
11 *specified in subsection (a)(2).*

12 *“(c) RECORDS.—A State educational agency that con-*
13 *solidates administrative funds under this section shall not*
14 *be required to keep separate records, by individual program,*
15 *to account for costs relating to the administration of pro-*
16 *grams included in the consolidation under subsection (a).*

17 *“(d) REVIEW.—To determine the effectiveness of State*
18 *administration under this section, the Secretary may peri-*
19 *odically review the performance of State educational agen-*
20 *cies in using consolidated administrative funds under this*
21 *section and take such steps as the Secretary finds appro-*
22 *priate to ensure the effectiveness of such administration.*

23 *“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State*
24 *educational agency does not use all of the funds available*
25 *to such agency under this section for administration, such*

1 agency may use such funds during the applicable period
2 of availability as funds available under one or more pro-
3 grams included in the consolidation under subsection (a).

4 “(f) *CONSOLIDATION OF FUNDS FOR STANDARDS AND*
5 *ASSESSMENT DEVELOPMENT.*—In order to develop State
6 content standards, State student performance standards, or
7 assessments, a State educational agency may consolidate
8 the amounts made available to such agency for such pur-
9 poses under title I of this Act and title III of the Goals
10 2000: Educate America Act.

11 **“SEC. 10202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

12 “A State educational agency that also serves as a local
13 educational agency, in such agency’s applications or State
14 plans under this Act, shall describe how such agency will
15 eliminate duplication in the conduct of administrative
16 functions.

17 **“SEC. 10203. CONSOLIDATION OF FUNDS FOR LOCAL AD-**
18 **MINISTRATION.**

19 “(a) *GENERAL AUTHORITY.*—In accordance with regu-
20 lations issued by the Secretary, a local educational agency,
21 with the approval of its State educational agency, may con-
22 solidate and use for the administration of one or more cov-
23 ered programs for any fiscal year not more than the per-
24 centage, determined by its State educational agency, of the

1 *total amount available to that local educational agency*
2 *under those covered programs.*

3 “(b) *STATE PROCEDURES.*—Within one year from the
4 *date of enactment of the Improving America’s Schools Act*
5 *of 1994, a State educational agency, in collaboration with*
6 *local educational agencies in the State, shall establish proce-*
7 *dures for responding to requests from local educational*
8 *agencies to consolidate administrative funds under sub-*
9 *section (a) and for establishing limitations on the amount*
10 *of funds under covered programs that may be used for ad-*
11 *ministration on a consolidated basis.*

12 “(c) *CONDITIONS.*—A local educational agency that
13 *consolidates administrative funds under this section for any*
14 *fiscal year shall not use any other funds under the programs*
15 *included in the consolidation for administration for that*
16 *fiscal year.*

17 “(d) *USES OF ADMINISTRATIVE FUNDS.*—A local edu-
18 *cational agency that consolidates administrative funds*
19 *under this section may use such consolidated funds for the*
20 *administration of covered programs and for the purposes*
21 *described in section 10201(b)(2).*

22 “(e) *RECORDS.*—A local educational agency that con-
23 *solidates administrative funds under this section shall not*
24 *be required to keep separate records, by individual covered*

1 *program, to account for costs relating to the administration*
2 *of covered programs included in the consolidation.*

3 ***“SEC. 10204. ADMINISTRATIVE FUNDS STUDY.***

4 *“(a) STUDY.—*

5 *“(1) IN GENERAL.—The Secretary shall conduct*
6 *a study of the use of funds under this Act for the ad-*
7 *ministration, by State and local educational agencies,*
8 *of all covered programs, including the percentage of*
9 *grant funds used for such purpose in all covered pro-*
10 *grams.*

11 *“(2) RESULTS.—Based on the results of the*
12 *study described in paragraph (1), the Secretary shall,*
13 *within one year of the completion of such study, pro-*
14 *mulgate final regulations regarding the use of funds*
15 *for administration under all covered programs, in-*
16 *cluding the use of such funds on a consolidated basis*
17 *and limitations on the amount of such funds that*
18 *may be used for administration.*

19 *“(b) REPORT.—The Secretary shall complete the study*
20 *conducted under this section not later than 1 year after the*
21 *date of enactment of the Improving America’s Schools Act*
22 *of 1994 and shall submit to the President and the appro-*
23 *priate committees of the Congress a report regarding such*
24 *study within 30 days of the completion of such study.*

1 ***“SEC. 10205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT***
2 ***OF THE INTERIOR FUNDS.***

3 *“(a) GENERAL AUTHORITY.—*

4 *“(1) TRANSFER.—The Secretary shall transfer to*
5 *the Department of the Interior, as a consolidated*
6 *amount for covered programs, the Indian education*
7 *programs under part A of title VI of this Act, and the*
8 *education for homeless children and youth program*
9 *under subtitle B of title VII of the Stewart B. McKin-*
10 *ney Homeless Assistance Act, the amounts allotted to*
11 *the Department of the Interior under those programs.*

12 *“(2) AGREEMENT.—(A) The Secretary and the*
13 *Secretary of the Interior shall enter into an agree-*
14 *ment, consistent with the requirements of the pro-*
15 *grams specified in paragraph (1), for the distribution*
16 *and use of those funds under terms that the Secretary*
17 *determines best meet the purposes of those programs.*

18 *“(B) The agreement shall—*

19 *“(i) set forth the plans of the Secretary of*
20 *the Interior for the use of the amount trans-*
21 *ferred, the steps to be taken to achieve the Na-*
22 *tional Education Goals, and performance meas-*
23 *ures to assess program effectiveness, including*
24 *measurable goals and objectives; and*

25 *“(ii) be developed in consultation with In-*
26 *dian tribes.*

1 “(b) *ADMINISTRATION.*—*The Department of the Inte-*
2 *rior may use not more than 1.5 percent of the funds consoli-*
3 *dated under this section for such department’s costs related*
4 *to the administration of the funds transferred under this*
5 *section.*

6 **“SEC. 10206. AVAILABILITY OF UNNEEDED PROGRAM**
7 **FUNDS.**

8 *“With the approval of its State educational agency,*
9 *a local educational agency that determines for any fiscal*
10 *year that funds under a covered program other than part*
11 *A of title I are not needed for the purpose of that covered*
12 *program may use such funds, not to exceed 5 percent of*
13 *the total amount of such local educational agency’s funds*
14 *under that covered program, for the purpose of another cov-*
15 *ered program.*

16 **“PART C—COORDINATION OF PROGRAMS; CON-**
17 **SOLIDATED STATE AND LOCAL APPLICA-**
18 **TIONS**

19 **“SEC. 10301. PURPOSE.**

20 *“It is the purpose of this part to improve teaching and*
21 *learning by encouraging greater cross-program coordina-*
22 *tion, planning, and service delivery under this Act and en-*
23 *hanced integration of programs under this Act with edu-*
24 *cational activities carried out with State and local funds.*

1 **“SEC. 10302. OPTIONAL CONSOLIDATED STATE APPLICA-**
2 **TION.**

3 “(a) *GENERAL AUTHORITY.*—

4 “(1) *SIMPLIFICATION.*—In order to simplify ap-
5 plication requirements and reduce burden for State
6 educational agencies under this Act, the Secretary, in
7 accordance with subsection (b), shall establish proce-
8 dures and criteria under which a State educational
9 agency may submit a consolidated State plan or ap-
10 plication meeting the requirements of this section for
11 each of the covered programs in which the State par-
12 ticipates.

13 “(2) *ADDITIONAL PROGRAMS.*—A State edu-
14 cational agency may also include in its consolidated
15 plan or application—

16 “(A) the Even Start program under part C
17 of title I;

18 “(B) the education for neglected and delin-
19 quent youth program under part E of title I;

20 “(C) part A of title II of the Carl D. Per-
21 kins Vocational and Applied Technology Edu-
22 cation Act; and

23 “(D) such other programs as the Secretary
24 may designate.

25 “(3) *CONSOLIDATED APPLICATIONS AND*
26 *PLANS.*—A State educational agency that submits a

1 *consolidated State plan or application under this sec-*
2 *tion shall not be required to submit separate State*
3 *plans or applications under any of the programs to*
4 *which the consolidated application under this section*
5 *applies.*

6 “(b) *COLLABORATION.*—

7 “(1) *IN GENERAL.*—*In establishing criteria and*
8 *procedures under this section, the Secretary shall col-*
9 *laborate with State educational agencies and, as ap-*
10 *propriate, with other State agencies, local educational*
11 *agencies, public and private nonprofit agencies, orga-*
12 *nizations, and institutions, private schools, and rep-*
13 *resentatives of parents, students, and teachers.*

14 “(2) *CONTENTS.*—*Through the collaborative*
15 *process described in subsection (b), the Secretary shall*
16 *establish, for each program under the Act to which*
17 *this section applies, the descriptions, information, as-*
18 *surances, and other material required to be included*
19 *in a consolidated State plan or application.*

20 **“SEC. 10303. GENERAL APPLICABILITY OF STATE EDU-**
21 **CATIONAL AGENCY ASSURANCES.**

22 “(a) *ASSURANCES.*—*A State educational agency that*
23 *submits a State plan or application under this Act, whether*
24 *separately or under section 10302, shall have on file with*
25 *the Secretary a single set of assurances, applicable to each*

1 *program for which a plan or application is submitted, that*
2 *provides that—*

3 “(1) *each such program will be administered in*
4 *accordance with all applicable statutes, regulations,*
5 *program plans, and applications;*

6 “(2)(A) *the control of funds provided under each*
7 *such program and title to property acquired with*
8 *program funds will be in a public agency, in a non-*
9 *profit private agency, institution, or organization, or*
10 *in an Indian tribe if the statute authorizing the pro-*
11 *gram provides for assistance to such entities; and*

12 “(B) *the public agency, nonprofit private agen-*
13 *cy, institution, or organization, or Indian tribe will*
14 *administer such funds and property to the extent re-*
15 *quired by the authorizing statutes;*

16 “(3) *the State will adopt and use proper methods*
17 *of administering each such program, including—*

18 “(A) *the enforcement of any obligations im-*
19 *posed by law on agencies, institutions, organiza-*
20 *tions and other recipients responsible for carry-*
21 *ing out each program;*

22 “(B) *the correction of deficiencies in pro-*
23 *gram operations that are identified through au-*
24 *ditions, monitoring, or evaluation; and*

1 “(C) the adoption of written procedures for
2 the receipt and resolution of complaints alleging
3 violations of law in the administration of such
4 programs;

5 “(4) the State will cooperate in carrying out any
6 evaluation of each such program conducted by or for
7 the Secretary or other Federal officials;

8 “(5) the State will use such fiscal control and
9 fund accounting procedures as will ensure proper dis-
10 bursement of, and accounting for, Federal funds paid
11 to the State under each such program;

12 “(6) the State will—

13 “(A) make reports to the Secretary as may
14 be necessary to enable the Secretary to perform
15 the Secretary’s duties under each such program;
16 and

17 “(B) maintain such records, provide such
18 information to the Secretary, and afford access
19 to the records as the Secretary may find nec-
20 essary to carry out the Secretary’s duties; and

21 “(7) before the application was submitted to the
22 Secretary, the State has afforded a reasonable oppor-
23 tunity for public comment on the application and has
24 considered such comment.

1 “(b) *GEPA PROVISION.*—Section 435 of the General
2 *Education Provisions Act does not apply to programs under*
3 *this Act.*

4 **“SEC. 10304. CONSOLIDATED LOCAL APPLICATIONS.**

5 “(a) *GENERAL AUTHORITY.*—A local educational
6 *agency receiving funds under more than one covered pro-*
7 *gram may submit plans or applications to the State edu-*
8 *cational agency under such programs on a consolidated*
9 *basis.*

10 “(b) *REQUIRED CONSOLIDATED APPLICATIONS.*—A
11 *State educational agency that has submitted and had ap-*
12 *proved a consolidated State plan or application under sec-*
13 *tion 10302 may require local educational agencies in the*
14 *State receiving funds under more than one program in-*
15 *cluded in the consolidated State plan or application to sub-*
16 *mit consolidated local plans or applications under such*
17 *programs.*

18 “(c) *COLLABORATION.*—A State educational agency
19 *shall collaborate with local educational agencies in the State*
20 *in establishing procedures for the submission of the consoli-*
21 *dated plans or applications under this section.*

22 **“SEC. 10305. OTHER GENERAL ASSURANCES.**

23 “(a) *ASSURANCES.*—Any applicant other than a State
24 *educational agency that submits a plan or application*
25 *under this Act, whether separately or pursuant to section*

1 10304, shall have on file with the State educational agency
2 a single set of assurances, applicable to each program for
3 which a plan or application is submitted, that provides
4 that—

5 “(1) each such program will be administered in
6 accordance with all applicable statutes, regulations,
7 program plans, and applications;

8 “(2)(A) the control of funds provided under each
9 such program and title to property acquired with
10 program funds will be in a public agency or in a
11 nonprofit private agency, institution, organization, or
12 Indian tribe, if the statute authorizing the program
13 provides for assistance to such entities; and

14 “(B) the public agency, nonprofit private agen-
15 cy, institution, or organization, or Indian tribe will
16 administer such funds and property to the extent re-
17 quired by the authorizing statutes;

18 “(3) the applicant will adopt and use proper
19 methods of administering each such program, includ-
20 ing—

21 “(A) the enforcement of any obligations im-
22 posed by law on agencies, institutions, organiza-
23 tions, and other recipients responsible for carry-
24 ing out each program; and

1 “(B) the correction of deficiencies in pro-
2 gram operations that are identified through au-
3 dits, monitoring, or evaluation;

4 “(4) the applicant will cooperate in carrying out
5 any evaluation of each such program conducted by or
6 for the State educational agency or the Secretary or
7 other Federal officials;

8 “(5) the applicant will use such fiscal control
9 and fund accounting procedures as will ensure proper
10 disbursement of, and accounting for, Federal funds
11 paid to such applicant under each such program;

12 “(6) the applicant will—

13 “(A) make reports to the State educational
14 agency and the Secretary as may be necessary to
15 enable such agency and the Secretary to perform
16 their duties under each such program; and

17 “(B) maintain such records, provide such
18 information, and afford access to the records as
19 the State educational agency or the Secretary
20 may find necessary to carry out the State edu-
21 cational agency’s or the Secretary’s duties; and

22 “(7) before the plan or application was submit-
23 ted, the applicant is afforded a reasonable oppor-
24 tunity for public comment on the plan or application
25 and has considered such comment.

1 “(b) *GEPA PROVISION.*—Section 436 of the General
 2 *Education Provisions Act* does not apply to programs under
 3 *this Act.*

4 **“SEC. 10306. RELATIONSHIP OF STATE AND LOCAL PLANS**
 5 **TO PLANS UNDER THE GOALS 2000: EDUCATE**
 6 **AMERICA ACT.**

7 “(a) *STATE PLANS.*—

8 “(1) *IN GENERAL.*—Each State plan submitted
 9 under the following programs shall be integrated with
 10 each other and the State’s plan, if any, either ap-
 11 proved or being developed, under title III of the Goals
 12 2000: Educate America Act:

13 “(A) *Part A of title I (making high-poverty*
 14 *schools work).*

15 “(B) *Part D of title I (education of migra-*
 16 *tory children).*

17 “(C) *Part E of title I (education of ne-*
 18 *glected and delinquent youth).*

19 “(D) *Part A of title II (professional devel-*
 20 *opment).*

21 “(E) *Subpart 1 of part A of title V (safe*
 22 *and drug-free schools).*

23 “(F) *Part D of title VI (Indian education).*

24 “(2) *SPECIAL RULE.*—Notwithstanding any
 25 *other provision of this Act, if a requirement relating*

1 to a State plan referred to in paragraph (1) is al-
2 ready satisfied by the State's approved plan under
3 title III of the Goals 2000: Educate America Act, the
4 State plan referred to in paragraph (1) need not sep-
5 arately address that requirement.

6 “(3) AMENDMENT.—Any State plan referred to
7 in paragraph (1) may, if necessary, be submitted as
8 an amendment to the State's plan under title III of
9 the Goals 2000: Educate America Act.

10 “(b) LOCAL PLANS.—

11 “(1) IN GENERAL.—Each local educational agen-
12 cy plan submitted under the following programs shall
13 be integrated with each other and its plan, if any, ei-
14 ther approved or being developed, under title III of
15 the Goals 2000: Educate America Act:

16 “(A) Part A of title I (making high-poverty
17 schools work).

18 “(B) Part A of title II (professional develop-
19 ment).

20 “(C) Subpart 1 of part A of title V (safe
21 and drug-free schools).

22 “(D) Part A of title VI (Indian education).

23 “(E) Subpart 1 of part A of title VII (bilin-
24 gual education).

1 “(F) *Part B of title IX (emergency immi-*
2 *grant education).*

3 “(2) *PLAN OF OPERATION.—Each plan of oper-*
4 *ation included in an application submitted by an eli-*
5 *gible entity under part C of title I (Even Start) shall*
6 *be consistent with, and promote the goals of, the State*
7 *and local plans, either approved or being developed,*
8 *under title III of the Goals 2000: Educate America*
9 *Act or, if those plans are not approved or being devel-*
10 *oped, with the State and local plans under sections*
11 *1111 and 1112 of this Act.*

12 “(3) *SPECIAL RULE.—Notwithstanding any*
13 *other provision of this Act, if a requirement relating*
14 *to a local plan referred to in paragraph (1) is already*
15 *satisfied by the local educational agency’s approved*
16 *plan under title III of the Goals 2000: Educate Amer-*
17 *ica Act, the local plan referred to in paragraph (1)*
18 *need not separately address that requirement.*

19 “(4) *SUBMISSION.—Any local plan referred to in*
20 *paragraph (1) may, if necessary, be submitted as an*
21 *amendment to the local educational agency’s plan*
22 *under title III of the Goals 2000: Educate America*
23 *Act.*

“PART D—WAIVERS**“SEC. 10401. WAIVERS OF STATUTORY AND REGULATORY
REQUIREMENTS.**

“(a) *WAIVER AUTHORITY.*—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver, if—

“(1) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act;

“(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

“(A) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal;

“(B) submits the comments to the Secretary;
and

“(C) provides notice and information to the public regarding the waiver proposal in the manner that such agency customarily provides

1 *similar notices and information to the public;*
2 *and*

3 “(3) *in the case of a waiver proposal submitted*
4 *by a local educational agency or other agency, insti-*
5 *tution, or organization that receives funds under this*
6 *Act from a State educational agency—*

7 “(A) *such request has been reviewed by the*
8 *State educational agency and is accompanied by*
9 *the comments, if any, of such State educational*
10 *agency; and*

11 “(B) *notice and information regarding the*
12 *waiver proposal has been provided to the public*
13 *by the agency, institution, or organization re-*
14 *questing the waiver in the manner that such*
15 *agency, institution, or organization customarily*
16 *provides similar notices and information to the*
17 *public.*

18 “(b) *WAIVER PERIOD.—*

19 “(1) *IN GENERAL.—A waiver under this section*
20 *shall be for a period not to exceed 4 years.*

21 “(2) *EXTENSION.—The Secretary may extend the*
22 *period described in paragraph (1) if the Secretary de-*
23 *termines that—*

24 “(A) *the waiver has been effective in ena-*
25 *bling the State or affected recipients to carry out*

1 *the activities for which the waiver was requested*
2 *and the waiver has contributed to improved per-*
3 *formance; and*

4 *“(B) such extension is in the public interest.*

5 *“(c) WAIVERS NOT AUTHORIZED.—The Secretary may*
6 *not waive, under this section, any statutory or regulatory*
7 *requirement relating to—*

8 *“(1) comparability of services;*

9 *“(2) maintenance of effort;*

10 *“(3) the equitable participation of students at-*
11 *tending private schools;*

12 *“(4) parental participation and involvement;*

13 *“(5) the distribution of funds to States or to*
14 *local educational agencies or other recipients of funds*
15 *under this Act;*

16 *“(6) applicable civil rights requirements; or*

17 *“(7) the requirements of sections 438 and 439 of*
18 *the General Education Provisions Act.*

19 *“(d) TERMINATION OF WAIVERS.—The Secretary shall*
20 *terminate a waiver under this section if the Secretary deter-*
21 *mines that the performance of the State or other recipient*
22 *affected by the waiver has been inadequate to justify a con-*
23 *tinuation of the waiver or if the waiver is no longer nec-*
24 *essary to achieve its original purposes.*

1 “(e) *PUBLICATION.*—A notice of the Secretary’s deci-
2 sion to grant each waiver under subsection (a) shall be pub-
3 lished in the Federal Register and the Secretary shall pro-
4 vide for the dissemination of such notice to State edu-
5 cational agencies, interested parties, including educators,
6 parents, students, advocacy, and civil rights organizations,
7 other interested parties, and the public.

8 **“PART E—UNIFORM PROVISIONS**

9 **“SEC. 10501. MAINTENANCE OF EFFORT.**

10 “(a) *IN GENERAL.*—A local educational agency may
11 receive funds under a covered program for any fiscal year
12 only if the State educational agency finds that either the
13 combined fiscal effort per student or the aggregate expendi-
14 tures of that agency and the State with respect to the provi-
15 sion of free public education by that agency for the preced-
16 ing fiscal year was not less than 90 percent of such com-
17 bined fiscal effort or aggregate expenditures for the second
18 preceding fiscal year.

19 “(b) *REDUCTION IN CASE OF FAILURE TO MEET.*—

20 “(1) *IN GENERAL.*—The State educational agen-
21 cy shall reduce the amount of the allocation of funds
22 under a covered program in any fiscal year in the
23 exact proportion to which a local educational agency
24 fails to meet the requirement of subsection (a) by fall-
25 ing below 90 percent of both the combined fiscal effort

1 *per student and aggregate expenditures (using the*
 2 *measure most favorable to such local agency).*

3 “(2) *SPECIAL RULE.*—No such lesser amount
 4 *shall be used for computing the effort required under*
 5 *subsection (a) for subsequent years.*

6 “(c) *WAIVER.*—The Secretary may waive the require-
 7 *ments of this section if the Secretary determines that such*
 8 *a waiver would be equitable due to—*

9 “(1) *exceptional or uncontrollable circumstances*
 10 *such as a natural disaster; or*

11 “(2) *a precipitous decline in the financial re-*
 12 *sources of the local educational agency.*

13 **“SEC. 10502. PROHIBITION REGARDING STATE AID.**

14 *“No State shall take into consideration payments*
 15 *under this Act in determining the eligibility of any local*
 16 *educational agency in that State for State aid, or the*
 17 *amount of State aid, with respect to free public education*
 18 *of children.*

19 **“SEC. 10503. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
 20 **DREN AND TEACHERS.**

21 “(a) *PRIVATE SCHOOL PARTICIPATION.*—

22 “(1) *IN GENERAL.*—Except as otherwise provided
 23 *in this Act, to the extent consistent with the number*
 24 *of eligible children in a State educational agency,*
 25 *local educational agency, or intermediate educational*

1 *agency or consortium receiving financial assistance*
2 *under a program specified in subsection (b), who are*
3 *enrolled in private elementary and secondary schools*
4 *in such agency or consortium, such agency or consor-*
5 *tium shall, after timely and meaningful consultation*
6 *with appropriate private school officials, provide such*
7 *children, their teachers, administrators, and other*
8 *staff, on an equitable basis, special educational serv-*
9 *ices or other benefits under such program.*

10 “(2) *SECULAR, NEUTRAL, AND NONIDEOLOGICAL*
11 *SERVICES OR BENEFITS.—Educational services or*
12 *other benefits, including materials and equipment,*
13 *provided under this section, must be secular, neutral,*
14 *and nonideological.*

15 “(3) *SPECIAL RULE.—Educational services and*
16 *other benefits provided under this section for such pri-*
17 *rate school children, teachers, and other educational*
18 *personnel shall be equitable in comparison to services*
19 *and other benefits for public school children, teachers,*
20 *administrators, and other staff participating in such*
21 *program.*

22 “(4) *EXPENDITURES.—Expenditures for edu-*
23 *cational services and other benefits provided under*
24 *this section to eligible private school children, their*
25 *teachers, and other educational personnel serving such*

1 *children shall be equal, taking into account the num-*
 2 *ber and educational needs of the children to be served,*
 3 *to the expenditures for participating public school*
 4 *children.*

5 “(5) *PROVISION OF SERVICES.*—*Such agency or*
 6 *consortium may provide such services directly or*
 7 *through contracts with public and private agencies,*
 8 *organizations, and institutions.*

9 “(b) *APPLICABILITY.*—

10 “(1) *IN GENERAL.*—*This section applies to—*

11 “(A) *part A of title I;*

12 “(B) *part D of title I;*

13 “(C) *part A of title II (other than section*
 14 *2114);*

15 “(D) *part A of title III;*

16 “(E) *part B of title III;*

17 “(F) *part D of title III;*

18 “(G) *subpart 1 of part A of title V (other*
 19 *than section 5114);*

20 “(H) *title VII;*

21 “(I) *part B of title IX; and*

22 “(J) *title XIII.*

23 “(2) *DEFINITION.*—*For the purposes of this sec-*
 24 *tion, the term ‘eligible children’ means children eligi-*

1 *ble for services under a program described in para-*
2 *graph (1).*

3 *“(c) CONSULTATION.—*

4 *“(1) IN GENERAL.—To ensure timely and mean-*
5 *ingful consultation, such agency or consortium shall*
6 *consult with appropriate private school officials dur-*
7 *ing the design and development of the programs*
8 *under this Act, on issues such as—*

9 *“(A) how the children’s needs will be identi-*
10 *fied;*

11 *“(B) what services will be offered;*

12 *“(C) how and where the services will be pro-*
13 *vided; and*

14 *“(D) how the services will be assessed.*

15 *“(2) TIMING.—Such consultation shall occur be-*
16 *fore the agency or consortium makes any decision*
17 *that affects the opportunities of eligible private school*
18 *children, teachers, and other educational personnel to*
19 *participate in programs under this Act.*

20 *“(3) DISCUSSION REQUIRED.—Such consultation*
21 *shall include a discussion of service delivery mecha-*
22 *nisms that an agency or consortium could use to pro-*
23 *vide equitable services to eligible private school chil-*
24 *dren, teachers, administrators, and other staff.*

25 *“(d) PUBLIC CONTROL OF FUNDS.—*

1 “(1) *IN GENERAL.*—The control of funds used to
 2 provide services under this section, and title to mate-
 3 rials, equipment, and property purchased with such
 4 funds, shall be in a public agency for the uses and
 5 purposes provided in this Act, and a public agency
 6 shall administer such funds and property.

7 “(2) *PROVISION OF SERVICES.*—(A) The provi-
 8 sion of services under this section shall be provided—

9 “(i) by employees of a public agency; or

10 “(ii) through contract by such public agency
 11 with an individual, association, agency, or orga-
 12 nization.

13 “(B) In the provision of such services, such em-
 14 ployee, person, association, agency, or organization
 15 shall be independent of such private school and of any
 16 religious organization, and such employment or con-
 17 tract shall be under the control and supervision of
 18 such public agency.

19 “(C) Funds used to provide services under this
 20 section shall not be commingled with non-Federal
 21 funds.

22 **“SEC. 10504. STANDARDS FOR BY-PASS.**

23 “If, by reason of any provision of law, a State, local,
 24 or intermediate educational agency or consortium of such
 25 agencies is prohibited from providing for the participation

1 *in programs of children enrolled in, or teachers or other*
 2 *educational personnel from, private elementary and second-*
 3 *ary schools, on an equitable basis, or if the Secretary deter-*
 4 *mines that such agency or consortium has substantially*
 5 *failed or is unwilling to provide for such participation, as*
 6 *required by section 10503, the Secretary shall—*

7 “(1) *waive the requirements of that section for*
 8 *such agency or consortium; and*

9 “(2) *arrange for the provision of equitable serv-*
 10 *ices to such children, teachers, or other educational*
 11 *personnel through arrangements that shall be subject*
 12 *to the requirements of this section and of sections*
 13 *10503, 10505, and 10506.*

14 **“SEC. 10505. COMPLAINT PROCESS FOR PARTICIPATION OF**
 15 **PRIVATE SCHOOL CHILDREN.**

16 “(a) *PROCEDURES FOR COMPLAINTS.—The Secretary*
 17 *shall develop and implement written procedures for receiv-*
 18 *ing, investigating, and resolving complaints from parents,*
 19 *teachers, or other individuals and organizations concerning*
 20 *violations by an agency or consortium of section 10503 of*
 21 *this Act. Such individual or organization shall submit such*
 22 *complaint to the State educational agency for a written res-*
 23 *olution by such agency within a reasonable period of time.*

24 “(b) *APPEALS TO THE SECRETARY.—Such resolution*
 25 *may be appealed by an interested party to the Secretary*

1 *within 30 days after the State educational agency resolves*
2 *the complaint or fails to resolve the complaint within a rea-*
3 *sonable period of time. Such appeal shall be accompanied*
4 *by a copy of the State educational agency's resolution, and*
5 *a complete statement of the reasons supporting the appeal.*
6 *The Secretary shall investigate and resolve each such appeal*
7 *within 120 days after receipt of the appeal.*

8 ***"SEC. 10506. BY-PASS DETERMINATION PROCESS.***

9 *"(a) REVIEW.—*

10 *"(1) IN GENERAL.—(A) The Secretary shall not*
11 *take any final action under section 10504 until the*
12 *agency or consortium affected by such action has had*
13 *an opportunity, for at least 45 days after receiving*
14 *written notice thereof, to submit written objections*
15 *and to appear before the Secretary to show cause why*
16 *that action should not be taken.*

17 *"(B) Pending final resolution of any investiga-*
18 *tion or complaint that could result in a determina-*
19 *tion under this section, the Secretary may withhold*
20 *from the allocation of the affected State or local edu-*
21 *cational agency the amount estimated by the Sec-*
22 *retary to be necessary to pay the cost of those services.*

23 *"(2) PETITION FOR REVIEW.—(A) If such af-*
24 *ected agency or consortium is dissatisfied with the*
25 *Secretary's final action after a proceeding under*

1 *paragraph (1), such agency or consortium may, with-*
2 *in 60 days after notice of such action, file with the*
3 *United States court of appeals for the circuit in*
4 *which such State is located a petition for review of*
5 *that action.*

6 *“(B) A copy of the petition shall be forthwith*
7 *transmitted by the clerk of the court to the Secretary.*

8 *“(C) The Secretary thereupon shall file in the*
9 *court the record of the proceedings on which the Sec-*
10 *retary based this action, as provided in section 2112*
11 *of title 28, United States Code.*

12 *“(3) FINDINGS OF FACT.—(A) The findings of*
13 *fact by the Secretary, if supported by substantial evi-*
14 *dence, shall be conclusive, but the court, for good*
15 *cause shown, may remand the case to the Secretary*
16 *to take further evidence and the Secretary may there-*
17 *upon make new or modified findings of fact and may*
18 *modify the Secretary’s previous action, and shall file*
19 *in the court the record of the further proceedings.*

20 *“(B) Such new or modified findings of fact shall*
21 *likewise be conclusive if supported by substantial evi-*
22 *dence.*

23 *“(4) JURISDICTION.—(A) Upon the filing of such*
24 *petition, the court shall have jurisdiction to affirm the*

1 *action of the Secretary or to set it aside, in whole or*
2 *in part.*

3 *“(B) The judgment of the court shall be subject*
4 *to review by the Supreme Court of the United States*
5 *upon certiorari or certification as provided in section*
6 *1254 of title 28, United States Code.*

7 *“(b) DETERMINATION.—Any determination by the*
8 *Secretary under this section shall continue in effect until*
9 *the Secretary determines, in consultation with such agency*
10 *or consortium and representatives of the affected private*
11 *school children, teachers, or other educational personnel that*
12 *there will no longer be any failure or inability on the part*
13 *of such agency or consortium to meet the applicable require-*
14 *ments of section 10503 or any other provision of this Act.*

15 *“(c) PAYMENT FROM STATE ALLOTMENT.—When the*
16 *Secretary arranges for services pursuant to this section, the*
17 *Secretary shall, after consultation with the appropriate*
18 *public and private school officials, pay the cost of such serv-*
19 *ices, including the administrative costs of arranging for*
20 *those services, from the appropriate allocation or allocations*
21 *under this Act.*

22 *“(d) PRIOR DETERMINATION.—Any by-pass deter-*
23 *mination by the Secretary under this Act as in effect on*
24 *the day preceding the date of enactment of the Improving*
25 *America’s Schools Act of 1994 shall remain in effect to the*

1 *extent the Secretary determines that such determination is*
2 *consistent with the purpose of this section.*

3 ***“SEC. 10507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS***
4 ***WORSHIP OR INSTRUCTION.***

5 *“Nothing contained in this Act shall be construed to*
6 *authorize the making of any payment under this Act for*
7 *religious worship or instruction.*

8 ***“PART F—OTHER PROVISIONS***

9 ***“SEC. 10601. STATE RECOGNITION OF EXEMPLARY PER-***
10 ***FORMANCE.***

11 *“(a) RECOGNITION.—*

12 *“(1) IN GENERAL.—A State educational agency*
13 *may implement a program of State recognition*
14 *awards under one or more covered programs (other*
15 *than parts A and C of title I).*

16 *“(2) RECIPIENTS.—Such recognition awards*
17 *shall be made by the State educational agency to re-*
18 *cipients of assistance under this Act in the State that*
19 *the State educational agency determines have carried*
20 *out grant-related activities in an exemplary fashion*
21 *and have demonstrated outstanding performance*
22 *measured in accordance with this section.*

23 *“(3) FUNDING.—A State desiring to make mone-*
24 *tary awards under this section may reserve a portion*
25 *of the total amount available for grants within the*

1 *State under such programs for any fiscal year, not to*
2 *exceed 1 percent, for the purpose of making recogni-*
3 *tion awards to qualifying recipients under such pro-*
4 *grams. In implementing this section, a State may re-*
5 *duce the amount of funds the State would otherwise*
6 *allocate to recipients in accordance with the applica-*
7 *ble statute governing such allocation to the extent nec-*
8 *essary.*

9 “(b) *CONDITIONS.—A State educational agency may*
10 *make recognition awards under this section if—*

11 “(1) *in selecting awardees, such agency takes*
12 *into account improvements in performance (rather*
13 *than comparisons with other schools and school dis-*
14 *tricts), and successful cooperative efforts among teach-*
15 *ers, administrators, and other school personnel in*
16 *achieving educational reform;*

17 “(2) *such agency employs peer review procedures*
18 *in identifying recipients eligible for awards, the iden-*
19 *tity of the awardees, and the amount of the awards;*

20 “(3) *such agency determines that the awardee is*
21 *in compliance with applicable civil rights require-*
22 *ments; and*

23 “(4) *such agency submits to the Secretary a de-*
24 *scription of the criteria used in making such awards.*

1 ***“SEC. 10602. APPLICABILITY TO HOME SCHOOLS.***

2 *“Nothing in this Act shall be construed to affect home*
3 *schools.*

4 ***“SEC. 10603. GENERAL PROVISION REGARDING NONRECIP-***
5 ***IENT NONPUBLIC SCHOOLS.***

6 *“Nothing in this Act shall be construed to permit,*
7 *allow, encourage, or authorize any Federal control over any*
8 *aspect of any private, religious, or home school, whether or*
9 *not a home school is treated as a private school or home*
10 *school under State law. This section shall not be construed*
11 *to bar private, religious, or home schools from participation*
12 *in programs or services under this Act.*

13 ***“SEC. 10604. PROHIBITION ON FEDERAL MANDATES, DIREC-***
14 ***TION, AND CONTROL.***

15 *“Nothing in this Act shall be construed to authorize*
16 *an officer or employee of the Federal Government to man-*
17 *date, direct, or control a State, local educational agency,*
18 *or school’s curriculum, program of instruction, or allocation*
19 *of State or local resources, or mandate a State or any sub-*
20 *division thereof to spend any funds or incur any costs not*
21 *paid for under this Act.*

22 ***“SEC. 10605. REPORT.***

23 *“The Secretary shall report to the Congress within 180*
24 *days of the date of enactment of the Improving America’s*
25 *Schools Act of 1994 regarding how the Secretary shall en-*
26 *sure that audits conducted by Department employees of ac-*

1 *tivities assisted under this Act comply with changes to this*
2 *Act made by the Improving America's Schools Act of 1994,*
3 *particularly with respect to permitting children with simi-*
4 *lar educational needs to be served in the same educational*
5 *settings, where appropriate.*

6 ***"SEC. 10606. REQUIRED PARTICIPATION PROHIBITED.***

7 *"Notwithstanding any other provision of law, no State*
8 *shall be required to participate in any program under the*
9 *Goals 2000: Education America Act, or to have content*
10 *standards or student performance standards approved or*
11 *certified under such Act, in order to receive assistance under*
12 *this Act.*

13 ***"SEC. 10607. SCHOOL PRAYER***

14 *"Any State or local education agency that is adjudged*
15 *by a Federal court of competent jurisdiction to have will-*
16 *fully violated a Federal court order mandating that such*
17 *local educational agency remedy a violation of the constitu-*
18 *tional right of any student with respect to prayer in public*
19 *schools, in addition to any other judicial remedies, shall*
20 *be ineligible to receive Federal funds until such time as the*
21 *local educational agency complies with such order. Funds*
22 *that are withheld under this section shall not be reimbursed*
23 *for the period during which the local educational agency*
24 *was in willful noncompliance.*

1 ***“SEC. 10608. PRIVATELY MANAGED SCHOOLS.***

2 *“Nothing in this Act shall be construed to deny States*
 3 *or local educational agencies the opportunity to use Federal*
 4 *funds to contract with private management firms.*

5 ***“SEC. 10609. POLICY REGARDING CRIMINAL JUSTICE SYS-***
 6 ***TEM REFERRAL.***

7 *“(a) IN GENERAL.—No funds shall be made available*
 8 *under this Act to any local educational agency unless such*
 9 *agency has a policy requiring referral to the criminal jus-*
 10 *tice or juvenile delinquency system of any student who*
 11 *brings a firearm or weapon to a school served by such agen-*
 12 *cy.*

13 *“(b) DEFINITIONS.—For the purpose of this section,*
 14 *the terms ‘firearm’ and ‘school’ have the same meaning*
 15 *given to such terms by section 921(a) of title 18, United*
 16 *States Code.*

17 ***“PART G—EVALUATIONS***

18 ***“SEC. 10701. EVALUATIONS.***

19 *“(a) EVALUATIONS.—*

20 *“(1) IN GENERAL.—Except as provided in para-*
 21 *graph (2), the Secretary is authorized to reserve not*
 22 *more than 0.50 percent of the amount appropriated*
 23 *to carry out each program authorized under this*
 24 *Act—*

1 “(A) to carry out program evaluations and
2 studies of program effectiveness under this Act in
3 accordance with subsection (b);

4 “(B) to evaluate the aggregate short- and
5 long-term effects and cost efficiencies across Fed-
6 eral programs authorized under this Act and re-
7 lated preschool, elementary and secondary Fed-
8 eral programs under other Federal law;

9 “(C) to evaluate the short- and long-term ef-
10 fects of demonstration projects that show the
11 most promise of enabling children served under
12 this Act to meet challenging standards in accord-
13 ance with subsection (c); and

14 “(D) to strengthen the usefulness of grant
15 recipient evaluations for continuous program
16 progress through improving the quality, timeli-
17 ness, efficiency, and utilization of program infor-
18 mation on program performance.

19 “(2) *SPECIAL RULE.*—(A) Paragraph (1) shall
20 not apply to any program under title I.

21 “(B) If funds are made available under any pro-
22 gram assisted under this Act (other than a program
23 under title I) for evaluation activities, then the Sec-
24 retary shall use such funds to carry out paragraph
25 (1).

1 “(b) NATIONAL EVALUATIONS.—

2 “(1) IN GENERAL.—The Secretary shall use not
3 more than 90 percent of the funds made available
4 under subsection (a) to carry out—

5 “(A) independent studies of programs au-
6 thorized under this Act that are coordinated with
7 research supported through the Office of Edu-
8 cational Research and Improvement, and use
9 rigorous methodological designs and techniques,
10 including longitudinal designs, control groups,
11 and random assignment as appropriate, to deter-
12 mine—

13 “(i) the success of such programs in
14 meeting the measurable goals and objectives,
15 through appropriate targeting, quality serv-
16 ices, and efficient administration, and in
17 contributing to achieving the National Edu-
18 cation Goals, with a priority on assessing
19 program impact on student performance;

20 “(ii) the short- and long-term effects of
21 program participation on program partici-
22 pants, as appropriate;

23 “(iii) the cost and efficiency of such
24 programs; and

1 “(iv) to the extent feasible, the cost of
2 serving all students eligible to be served
3 under such programs;

4 “(B) in collaboration with the national as-
5 sessment conducted pursuant to section 1601,
6 conduct a comprehensive evaluation of how the
7 Federal Government has assisted the States to re-
8 form their educational systems through the var-
9 ious education laws enacted during the 103d
10 Congress, which evaluation shall—

11 “(i) encompass the changes made in
12 Federal programs pursuant to the Improv-
13 ing America’s Schools Act of 1994 as well
14 as in any other law enacted during the
15 103d Congress that amended a Federal pro-
16 gram assisting preelementary, elementary,
17 or secondary education;

18 “(ii) encompass new initiatives such as
19 initiatives under the Goals 2000: Educate
20 America Act, and the School-to-Work Op-
21 portunities Act of 1994, and be coordinated
22 with evaluations of such Acts;

23 “(iii) include a comprehensive review
24 of the programs developed under the Acts

1 *described in clauses (i) and (ii) to deter-*
2 *mine such programs' overall effect on—*

3 *“(I) the readiness of children for*
4 *schooling;*

5 *“(II) the improvement in edu-*
6 *cational attainment of students in ele-*
7 *mentary and secondary education; and*

8 *“(III) the improvement in skills*
9 *needed by students to obtain employ-*
10 *ment or pursue further education upon*
11 *completion of secondary school or fur-*
12 *ther education;*

13 *“(iv) include a comprehensive review of*
14 *the programs under the Acts described in*
15 *clauses (i) and (ii) to determine such pro-*
16 *grams' overall effect—*

17 *“(I) on school reform efforts un-*
18 *dertaken by States; and*

19 *“(II) on student populations that*
20 *have been the traditional beneficiaries*
21 *of Federal assistance in order to deter-*
22 *mine whether such population's edu-*
23 *cational attainment has been improved*
24 *as a result of such programs;*

1 “(v) evaluate how the National Assess-
2 ment Governing Board, the Advisory Coun-
3 cil on Education Statistics, the National
4 Education Goals Panel, and the National
5 Education Statistics and Improvement
6 Council (and any other Federal board estab-
7 lished to analyze, address, or approve edu-
8 cation standards and assessments) coordi-
9 nate, interact, or duplicate efforts to assist
10 the States in reforming the educational sys-
11 tems of States; and

12 “(vi) include a review of the programs
13 under the Acts described in clauses (i) and
14 (ii) in such detail as the Secretary deems
15 appropriate, and may involve cooperation
16 with other Federal departments and agen-
17 cies in order to incorporate evaluations and
18 recommendations of such departments and
19 agencies; and

20 “(C) a study of the waivers granted under
21 section 10401, which study shall include—

22 “(i) data on the total number of waiver
23 requests that were granted and the total
24 number of such requests that were denied,
25 disaggregated by the statutory or regulatory

1 *requirement for which the waivers were re-*
2 *quested; and*

3 “(ii) *an analysis, based on an appro-*
4 *priate sample of agencies, tribes, organiza-*
5 *tions, and institutions receiving waivers, of*
6 *the effectiveness of such waivers in improv-*
7 *ing student performance outcomes.*

8 “(2) *INDEPENDENT PANEL.—The Secretary shall*
9 *appoint an independent panel to review the plan for*
10 *the evaluation described in paragraph (1), to advise*
11 *the Secretary on such evaluation’s progress, and to*
12 *comment, if the panel so wishes, on the final report*
13 *described in paragraph (3).*

14 “(3) *REPORT.—The Secretary shall submit a*
15 *final report on the evaluation described in this sub-*
16 *section by January 1, 1998, to the Committee on*
17 *Education and Labor of the House of Representatives*
18 *and to the Committee on Labor and Human Re-*
19 *sources of the Senate.*

20 “(c) *EVALUATION OF DEMONSTRATIONS OF INNOVA-*
21 *TIVE PRACTICES.—The Secretary shall use at least 10 per-*
22 *cent of funds reserved under subsection (a) for evaluation*
23 *of demonstration projects assisted under this Act in order*
24 *to improve student achievement. Such evaluation shall—*

1 “(1) identify specific intervention strategies and
2 implementation of such strategies that, based on the-
3 ory, research and evaluation, offer the promise of im-
4 proved achievement of program objectives;

5 “(2) use rigorous methodological designs and
6 techniques, including longitudinal designs, control
7 groups, and random assignment, to the extent feasible,
8 to produce reliable evidence of effectiveness;

9 “(3) assess at the end the reauthorization period
10 of each demonstration project the knowledge gained in
11 identifying and disseminating effective management
12 and educational practices; and

13 “(4) to the extent feasible, the cost of serving all
14 students eligible to be served under such demonstra-
15 tion projects.

16 “(d) *RECIPIENT EVALUATION AND QUALITY ASSUR-*
17 *ANCE IMPROVEMENT.*—The Secretary is authorized to pro-
18 vide guidance, technical assistance, and model programs to
19 recipients of assistance under this Act to strengthen infor-
20 mation for quality assurance and performance information
21 feedback at State and local levels. Such guidance and assist-
22 ance shall promote the development, measurement and re-
23 porting of valid, reliable, timely and consistent performance
24 indicators within a program in order to promote continu-

1 *ous program improvement. Nothing in this subsection shall*
 2 *be construed to establish a national data system.*

3 ***“TITLE XI—CULTURAL PARTNER-***
 4 ***SHIPS FOR AT-RISK CHIL-***
 5 ***DREN AND YOUTH***

6 ***“SEC. 11101. SHORT TITLE.***

7 *“This title may be cited as the ‘Cultural Partnerships*
 8 *for At-Risk Children and Youth Act of 1994’.*

9 ***“SEC. 11102. FINDINGS.***

10 *“The Congress finds that—*

11 *“(1) with local school budget cuts there are inad-*
 12 *equately arts and cultural programs available for chil-*
 13 *dren and youth in schools, especially at the elemen-*
 14 *tary school level;*

15 *“(2) children and youth who receive instruction*
 16 *in the arts and humanities, or who are involved in*
 17 *cultural activities, remain in school longer and are*
 18 *more successful than children who do not receive such*
 19 *instruction;*

20 *“(3) school-university partnerships that upgrade*
 21 *teacher training in the arts and humanities have sig-*
 22 *nificantly contributed to improved instruction and*
 23 *achievement levels of school-aged children; and*

24 *“(4) museum outreach, cultural activities and*
 25 *informal education for at-risk children and youth*

1 *have contributed significantly to the educational*
2 *achievement and enhanced interest in learning of at-*
3 *risk children and youth.*

4 ***“SEC. 11103. DEMONSTRATION PROGRAM.***

5 *“(a) GRANTS AUTHORIZED.—*

6 *“(1) GRANT FROM SECRETARY.—(A) The Sec-*
7 *retary, by grant, shall award all funds appropriated*
8 *under section 11108 to the Committee established*
9 *under subsection (b) to enable such Committee to*
10 *award subgrants in accordance with paragraph (2).*

11 *“(B) The Committee established under subsection*
12 *(b) may reserve not more than 5 percent of the grant*
13 *funds received under paragraph (1) in each fiscal*
14 *year for the costs of administration.*

15 *“(2) SUBGRANTS.—(A) From grant funds re-*
16 *ceived under paragraph (1)(A) and not reserved*
17 *under paragraph (1)(B), the Committee established*
18 *under subsection (b) shall award subgrants to eligible*
19 *entities to enable such entities to improve the edu-*
20 *cational performance and potential of at-risk children*
21 *and youth by providing comprehensive and coordi-*
22 *nated educational and cultural services to such chil-*
23 *dren and youth.*

24 *“(B) Each eligible recipient may reserve not*
25 *more than 5 percent of any subgrant funds received*

1 *under this part in each fiscal year for the costs of ad-*
2 *ministration.*

3 “(3) *ELIGIBLE ENTITIES.*—*For purposes of this*
4 *title, the term ‘eligible entity’ means—*

5 “(A) *for purposes of determining eligibility*
6 *for a subgrant under this title to serve in-school*
7 *children and youth, a partnership between—*

8 “(i) *a local educational agency or an*
9 *individual school that is eligible to partici-*
10 *pate in a schoolwide program under section*
11 *1114; and*

12 “(ii) *at least 1 institution of higher*
13 *education, museum, local arts agency, or*
14 *cultural entity that is accessible to individ-*
15 *uals within the school district of such local*
16 *educational agency or school, and that has*
17 *a history of providing quality services to the*
18 *community, which may include—*

19 “(I) *a nonprofit institution of*
20 *higher education, local arts agency,*
21 *cultural institution, or zoological or*
22 *botanical facility; or*

23 “(II) *a private for-profit entity*
24 *with an effective history of training*

1 *children and youth in the arts or hu-*
2 *manities; and*

3 *“(B) for purposes of determining eligibility*
4 *for a subgrant under this title to serve out-of-*
5 *school youth, a partnership between—*

6 *“(i) at least 1 entity described in*
7 *clause (i) or (ii) of subparagraph (A); and*

8 *“(ii) at least 1 entity described in*
9 *clause (ii) of subparagraph (A).*

10 *“(b) NATIONAL COMMITTEE ON CULTURAL PARTNER-*
11 *SHIPS FOR AT-RISK CHILDREN AND YOUTH.—*

12 *“(1) ESTABLISHMENT.—There is established a*
13 *committee to be known as the National Committee on*
14 *Cultural Partnerships for At-Risk Children and*
15 *Youth (referred to in this title as the ‘Committee’).*

16 *“(2) MEMBERSHIP.—The Committee shall be*
17 *comprised of 8 members, of whom—*

18 *“(A) 2 members shall be appointed by the*
19 *Secretary of Education;*

20 *“(B) 2 members shall be appointed by the*
21 *Chairperson of the National Endowment for the*
22 *Humanities;*

23 *“(C) 2 members shall be appointed by the*
24 *Chairperson of the National Endowment for the*
25 *Arts; and*

1 “(D) 2 members shall be appointed by the
2 Director of the Institute of Museum Services.

3 “(c) AWARD OF SUBGRANTS.—

4 “(1) IN GENERAL.—The Committee shall award
5 subgrants under this title to eligible entities seeking to
6 carry out programs designed to—

7 “(A) promote and enhance educational and
8 cultural activities;

9 “(B) provide integration of community cul-
10 tural resources into the regular curriculum and
11 school day;

12 “(C) focus school and cultural resources in
13 the community on coordinated cultural services
14 to address the needs of at-risk children and
15 youth;

16 “(D) provide effective cultural programs to
17 facilitate the transition from preschool programs
18 to elementary school programs, including pro-
19 grams under the Head Start Act and part H of
20 the Individuals with Disabilities Education Act;

21 “(E) facilitate school-to-work transition
22 from secondary schools and alternative schools to
23 job training, higher education, and employment
24 through educational programs and activities that
25 utilize school resources;

1 “(F) increase parental and community in-
2 volvement in the educational, social, and cul-
3 tural development of at-risk children and youth;
4 or

5 “(G) develop programs and strategies
6 that—

7 “(i) provide high-quality coordinated
8 educational and cultural services; and

9 “(ii) are designed to integrate such co-
10 ordination into the regular curriculum and
11 to replicate the services in other schools.

12 “(2) SPECIAL RULE.—Subgrants awarded under
13 this title shall be of sufficient size, scope, and quality
14 to be effective.

15 “(3) COORDINATION.—(A) The Committee shall
16 award subgrants under this title only to eligible enti-
17 ties that agree to coordinate activities carried out
18 under this part with other Federal, State, and local
19 programs designed to serve the purposes and target
20 populations described in this title.

21 “(B) The Committee shall award subgrants
22 under this title so as to ensure nonduplication of serv-
23 ices provided by subgrant recipients and services pro-
24 vided by—

1 “(i) the National Endowment for the Hu-
2 manities;

3 “(ii) the National Endowment for the Arts;
4 and

5 “(iii) the Institute for Museum Services.

6 “(4) GEOGRAPHIC DISTRIBUTION.—In awarding
7 subgrants under this title the Committee, to the extent
8 feasible, shall ensure an equitable geographic distribu-
9 tion of such subgrants.

10 “(5) PRIORITY.—In awarding subgrants under
11 this title the Committee may give priority to eligible
12 entities that provide comprehensive services that ex-
13 tend beyond traditional school or service hours.

14 “(6) RENEWAL.—The recipient of a subgrant
15 under this title may be eligible for funding for a max-
16 imum of 5 years, if the Committee determines that the
17 eligible recipient has made satisfactory progress to-
18 ward the achievement of the program goals described
19 in the application.

20 “(7) CRITERIA AND PROCEDURES.—The Com-
21 mittee shall establish and transmit to the Secretary
22 criteria and procedures for awarding subgrants under
23 this title. The Secretary shall publish such criteria
24 and procedures in the Federal Register.

25 “(d) APPLICATION.—

1 “(1) *IN GENERAL.*—Each eligible entity seeking
2 a subgrant under this title shall submit an applica-
3 tion to the Committee at such time, in such manner,
4 and accompanied by such information as the Com-
5 mittee may reasonably require.

6 “(2) *CONTENTS.*—Each application submitted to
7 the Committee pursuant to paragraph (1) shall—

8 “(A) describe the cultural entity or entities
9 that will participate in the partnership;

10 “(B) describe the target population to be
11 served;

12 “(C) describe the services to be provided;

13 “(D) describe a plan for evaluating the suc-
14 cess of the program;

15 “(E) in the case of each local educational
16 agency or school participating in the eligible re-
17 cipient partnership, describe how the activities
18 assisted under this title will be perpetuated be-
19 yond the duration of the subgrant;

20 “(F) describe the manner in which the eligi-
21 ble entity will seek to improve the educational
22 achievement or future potential of at-risk chil-
23 dren and youth through more effective coordina-
24 tion of cultural services in the community;

1 “(G) describe the overall and operational
2 goals of the program; and

3 “(H) describe training that will be provided
4 to individuals who are not trained to work with
5 children and youth, and how teachers will be in-
6 volved.

7 “(e) *TARGET POPULATION.*—To be eligible for a
8 subgrant under this title, an eligible entity shall serve—

9 “(1) students enrolled in schools participating in
10 a schoolwide program under section 1114 and the
11 families of such students to the extent practicable;

12 “(2) out-of-school children and youth at risk of
13 disadvantages resulting from teenage parenting, sub-
14 stance abuse, recent migration, disability, limited-
15 English proficiency, illiteracy, being the child of a
16 teenage parent, living in a single parent household, or
17 dropping out of school; or

18 “(3) any combination of in-school and out-of-
19 school at-risk children and youth.

20 **“SEC. 11104. AUTHORIZED ACTIVITIES.**

21 “(a) *IN GENERAL.*—Subgrants awarded under this
22 title may be used—

23 “(1) to plan, develop, acquire, expand, and im-
24 prove school-based or community-based coordinated
25 educational and cultural programs to strengthen the

1 *educational performance and future potential of in-*
2 *school or out-of-school at-risk children and youth*
3 *through grants, cooperative agreements, contracts for*
4 *services, or administrative coordination;*

5 *“(2) to provide at-risk students with integrated*
6 *cultural activities designed to develop a love of learn-*
7 *ing that fosters the smooth transition of preschool*
8 *children to elementary school;*

9 *“(3) to design collaborative cultural activities for*
10 *students in secondary or alternative schools that en-*
11 *sure the smooth transition to job training, higher edu-*
12 *cation, or full employment;*

13 *“(4) to provide child care for children of at-risk*
14 *students who would not otherwise be able to partici-*
15 *pate in the program;*

16 *“(5) to provide transportation necessary for par-*
17 *ticipation in the program;*

18 *“(6) to develop curriculum materials in the arts;*

19 *“(7) for staff development activities that encour-*
20 *age the integration of the arts into the curriculum;*

21 *“(8) for stipends that allow local arts and hu-*
22 *manities professionals to work with at-risk children*
23 *and youth in schools;*

24 *“(9) for training individuals who are not*
25 *trained to work with children and youth;*

1 “(10) for cultural programs that encourage the
2 active participation of parents in the education of
3 their children;

4 “(11) for programs that use the arts and culture
5 to reform current school practices, including lengthen-
6 ing the school day or academic year;

7 “(12) for equipment or supplies that the Com-
8 mittee determines appropriate; and

9 “(13) for evaluation, administration, and super-
10 vision.

11 “(b) *TEACHERS*.—Each recipient of a subgrant under
12 this title serving in-school children and youth shall carry
13 out the activities described in the application with the in-
14 volvement of a certified teacher or trained instructor.

15 **“SEC. 11105. PLANNING SUBGRANTS.**

16 “(a) *IN GENERAL*.—The Committee may award plan-
17 ning subgrants to eligible entities under this title.

18 “(b) *AMOUNT*.—A planning subgrant shall be in an
19 amount not to exceed \$50,000.

20 “(c) *DURATION*.—A planning subgrant shall be for a
21 period of not more than 1 year.

22 “(d) *LIMITATIONS*.—An eligible entity may receive not
23 more than 1 planning subgrant under this section.

1 ***“SEC. 11106. PAYMENTS; AMOUNTS OF AWARD; COST SHARE;***
2 ***LIMITATIONS.***

3 “(a) *PAYMENTS.*—*The Secretary shall pay to each eli-*
4 *gible entity having an application approved under section*
5 *11103, the Federal share of the cost of the activities de-*
6 *scribed in the application.*

7 “(b) *COST SHARE.*—

8 “(1) *FEDERAL SHARE.*—*The Federal share of a*
9 *subgrant under this title shall be 80 percent of the*
10 *cost of carrying out the activities described in the ap-*
11 *plication.*

12 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
13 *share of a subgrant under this title shall be 20 per-*
14 *cent of the cost of carrying out the activities described*
15 *in the application and may be in cash or in kind,*
16 *fairly evaluated, including the provision of equip-*
17 *ment, services, or facilities.*

18 “(c) *LIMITATIONS.*—

19 “(1) *NONINSTRUCTIONAL SERVICES.*—*Not more*
20 *than 25 percent of the subgrant funds provided in*
21 *any fiscal year under this title may be used for*
22 *noninstructional activities such as the activities de-*
23 *scribed in paragraphs (4), (5), and (12) of section*
24 *11104(a).*

25 “(2) *SUPPLEMENT AND NOT SUPPLANT.*—
26 *Subgrant funds awarded under this title shall be used*

1 to supplement and not supplant the amount of funds
2 made available from non-Federal sources, for the ac-
3 tivities assisted under this title.

4 ***“SEC. 11107. MODELS.***

5 *“The Secretary, in consultation with the Committee,*
6 *shall disseminate information concerning successful models*
7 *under this title through the National Diffusion Network.*

8 ***“SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.***

9 *“(a) AUTHORIZATION.—Subject to subsection (b), there*
10 *are authorized to be appropriated to carry out this title,*
11 *\$20,000,000 for fiscal year 1995, and such sums as may*
12 *be necessary for each of the 4 succeeding fiscal years.*

13 *“(b) LIMITATIONS.—*

14 *“(1) CONTINGENT APPROPRIATIONS.—Notwith-*
15 *standing any other provision of law, no amounts*
16 *shall be made available to carry out this title in any*
17 *fiscal year unless there is appropriated—*

18 *“(A) not less than \$177,000,000 for the Na-*
19 *tional Endowment for the Humanities under the*
20 *National Foundation on the Arts and the Hu-*
21 *manities Act of 1965;*

22 *“(B) not less than \$170,000,000 for the Na-*
23 *tional Endowment for the Arts under such Act;*
24 *and*

1 “(C) not less than \$28,000,000 for the Insti-
 2 tute for Museum Services under the Museum
 3 Services Act.

4 “(2) *PLANNING SUBGRANTS*.—Not more than 10
 5 percent of the amount appropriated in each fiscal
 6 year pursuant to subsection (a) shall be used for plan-
 7 ning subgrants under section 11105.

8 **“TITLE XII—DISCLOSURE**
 9 **REQUIREMENTS**

10 **“SEC. 12001. DEFINITIONS.**

11 “As used in this title:

12 “(1) *DISABILITY*.—The term ‘disability’ has the
 13 same meaning given to such term by section 3(2) of
 14 the Americans with Disabilities Act of 1990.

15 “(2) *EDUCATIONAL ORGANIZATION*.—(A) Except
 16 as provided in subparagraphs (B) and (C), the term
 17 ‘educational organization’ means any organization or
 18 entity that—

19 “(i) provides an educational program for a
 20 fee; and

21 “(ii) recruits students through means such
 22 as commercial media, direct mailings, school re-
 23 cruitment programs, school administrators,
 24 teachers or staff, or current or former partici-

1 *pants in an educational program offered by such*
2 *organization or entity.*

3 *“(B) Such term does not include—*

4 *“(i) a local educational agency, a State*
5 *educational agency, a State department of edu-*
6 *cation, or an elementary or secondary school;*

7 *“(ii) an institution of higher education; or*

8 *“(iii) a local organization sponsored by an*
9 *elementary or secondary school, a recreational*
10 *organization, an entertainment organization, a*
11 *local sports activity group, or a social club.*

12 *“(C) For the purpose of section 12002 only, such*
13 *term—*

14 *“(i) except as provided in clause (ii), does*
15 *not include an organization or entity that pro-*
16 *vides an educational program if such organiza-*
17 *tion or entity recruits, for participation in such*
18 *program, solely through a local school official;*
19 *and*

20 *“(ii) includes any such organization or en-*
21 *tity that offers a local school official, teacher or*
22 *other school personnel compensation or any other*
23 *benefit for such recruitment, except that payment*
24 *of the expenses incurred by a local school official,*
25 *teacher or other school personnel in performing*

1 *chaperone activities related to such program*
2 *shall not be considered compensation or a benefit*
3 *for such recruitment.*

4 “(3) *EDUCATIONAL PROGRAM.*—(A) *Except as*
5 *provided in subparagraph (B), the term ‘educational*
6 *program’ means a special honors program, seminar,*
7 *citizenship experience, government study program,*
8 *educational vacation, student exchange program, or*
9 *other educational experience or honor—*

10 *“(i) that is generally directed toward mi-*
11 *nors or secondary school students;*

12 *“(ii) for which a tuition or enrollment fee*
13 *is charged;*

14 *“(iii) that is offered away from a student’s*
15 *regular place of school attendance;*

16 *“(iv) that includes not less than 1 super-*
17 *vised night away from home; and*

18 *“(v) that is intended to enhance a student’s*
19 *regular course of study.*

20 “(B) *Such term does not include a recreational*
21 *program, or a social or religious activity.*

22 “(4) *LOCAL SCHOOL OFFICIAL.*—*The term ‘local*
23 *school official’ means the highest administrative offi-*
24 *cial serving a school district, or such individual’s des-*
25 *ignee.*

1 “(5) *MINOR*.—The term ‘minor’ means an indi-
2 vidual who has not attained the age of 18.

3 “(6) *MEMBERSHIP ORGANIZATION*.—The term
4 ‘membership organization’ includes any organization
5 that maintains a membership list or collects dues or
6 membership fees from its members.

7 “(7) *RECREATIONAL ORGANIZATION*.—The term
8 ‘recreational organization’ includes any organization
9 or entity that has as its primary function pleasure,
10 amusement, or sports activities.

11 “(8) *RECREATIONAL PROGRAM*.—The term ‘rec-
12 reational program’ includes any activity or service
13 that is intended as an entertainment pastime.

14 **“SEC. 12002. DISCLOSURE REQUIREMENTS.**

15 “Each educational organization, prior to enrolling a
16 minor and prior to accepting funds for the cost of a minor’s
17 participation in an educational program operated by such
18 organization, shall disclose the following information in
19 written form to the minor or the minor’s parent:

20 “(1) *METHOD OF SOLICITATION AND SELEC-*
21 *TION*.—The method of solicitation and selection of
22 participants in the educational program, including—

23 “(A) the origin of any mailing list used for
24 such solicitation and selection;

1 “(B) any recruitment through a local school
2 official, teacher or school personnel, including
3 any compensation or other benefit offered to such
4 official, teacher or personnel for the recommenda-
5 tion of a minor for participation in the edu-
6 cational program;

7 “(C) any open enrollment activity, includ-
8 ing the method of outreach; and

9 “(D) any cooperation with, or sponsorship
10 by, a membership organization, including a de-
11 scription of the cooperation or sponsorship and
12 the name of each such organization.

13 “(2) COSTS AND FEES.—Information regarding
14 the cost of the educational program and information
15 regarding the distribution of any enrollment fee, in-
16 cluding—

17 “(A) the amount paid for, and the percent-
18 age of the total educational program cost of, each
19 feature of the educational program, including—

20 “(i) food;

21 “(ii) lodging;

22 “(iii) transportation;

23 “(iv) program staffing;

24 “(v) textbooks, syllabi, or other scholas-
25 tic educational program materials;

1 “(vi) speaker fees; and

2 “(vii) administrative expenses, includ-
3 ing expenses related to—

4 “(I) the preparation of non-scho-
5 lastic educational program materials;

6 “(II) the provision of financial
7 assistance;

8 “(III) mailing list rental or other
9 recruitment activity; and

10 “(IV) administrative salaries and
11 consulting fees;

12 “(B) the identity of the organization or
13 business providing each of the features described
14 in clauses (i) through (vii) of subparagraph (A);
15 and

16 “(C) the nature of any relationship of any
17 board member, officer, or employee of the edu-
18 cational organization to any organization or
19 business described in subparagraph (B), includ-
20 ing the salary or other compensation paid by
21 such organization or business to such Board
22 member, officer, or employee.

1 **“SEC. 12003. NONDISCRIMINATORY ENROLLMENT AND**
2 **SERVICE POLICY.**

3 “(a) *IN GENERAL.*—Each educational organization
4 shall include a verifiable statement in all enrollment or re-
5 cruitment material that the educational organization does
6 not—

7 “(1) fail or refuse to hire, or discharge, any indi-
8 vidual, or otherwise discriminate against any indi-
9 vidual with respect to compensation, terms, condi-
10 tions, or privileges of employment; or

11 “(2) exclude any student from participation in
12 an educational program, discriminate against any
13 student in providing the benefits associated with such
14 program (including any scholarship or financial as-
15 sistance, and use of any facility), or subject the stu-
16 dent to discrimination under such program,
17 on the basis of race, disability, or residence in a low-income
18 area.

19 “(b) *CONSTRUCTION.*—Nothing in this section shall be
20 construed to entitle a student to—

21 “(1) participation in an educational program or
22 any benefit associated with such program; or

23 “(2) a waiver of any fee charged for such par-
24 ticipation or benefit.

25 **“SEC. 12004. ENFORCEMENT.**

26 “The Secretary shall—

1 “(1)(A) widely disseminate information about
2 the requirements of this title to State and local school
3 officials and parents; and

4 “(B) require educational organizations to submit
5 appropriate information or assurances regarding such
6 organizations’ compliance with this title; and

7 “(2) take whatever other steps the Secretary de-
8 termines are appropriate to enforce this title, includ-
9 ing—

10 “(A) promulgating regulations;

11 “(B) establishing a complaint process;

12 “(C) referring complaints to the relevant
13 Federal, State, or local authorities for appro-
14 priate action;

15 “(D) alerting educational agencies, schools,
16 and parents to the practices of educational orga-
17 nizations that violate the provisions of this title;
18 and

19 “(E) imposing civil fines (not to exceed
20 \$1,000 per violation) on educational organiza-
21 tions that knowingly violate this title.

**“TITLE XIII—TARGETED
ASSISTANCE PROGRAM**

“PART A—GENERAL PROVISIONS

“SEC. 13101. ALLOTMENT TO STATES.

“(a) *RESERVATIONS.*—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and Palau, to be allotted in accordance with their respective needs for assistance under this title.

“(b) *ALLOTMENT.*—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

“(c) *DEFINITIONS.*—For purposes of this section—

“(1) The term ‘school-age population’ means the population aged 5 through 17.

“(2) The term ‘States’ includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

1 ***“SEC. 13102. ALLOCATION TO LOCAL EDUCATIONAL AGEN-***
 2 ***CIES.***

3 “(a) *DISTRIBUTION RULE.*—From the sum made
 4 available each year under section 13101, the State edu-
 5 cational agency shall distribute not less than 80 percent to
 6 local educational agencies within such State according to
 7 the relative enrollments in public and private, nonprofit
 8 schools within the school districts of such agencies, adjusted,
 9 in accordance with criteria approved by the Secretary, to
 10 provide higher per pupil allocations to local educational
 11 agencies which have the greatest numbers or percentages of
 12 children whose education imposes a higher than average
 13 cost per child, such as—

14 “(1) children living in areas with high con-
 15 centrations of low-income families;

16 “(2) children from low-income families; and

17 “(3) children living in sparsely populated areas.

18 “(b) *CALCULATION OF ENROLLMENTS.*—

19 “(1) *IN GENERAL.*—The calculation of relative
 20 enrollments under subsection (a) shall be on the basis
 21 of the total of—

22 “(A) the number of children enrolled in
 23 public schools; and

24 “(B) the number of children enrolled in pri-
 25 vate nonprofit schools that desire that their chil-

1 *dren participate in programs or projects assisted*
2 *under this title,*
3 *for the fiscal year preceding the fiscal year in which*
4 *the determination is made. Nothing in this subsection*
5 *shall diminish the responsibility of local educational*
6 *agencies to contact, on an annual basis, appropriate*
7 *officials from private nonprofit schools within the*
8 *areas served by such agencies in order to determine*
9 *whether such schools desire that their children partici-*
10 *pate in programs assisted under this title.*

11 *“(2) ADJUSTMENTS.—(A) Relative enrollments*
12 *under subsection (a) shall be adjusted, in accordance*
13 *with criteria approved by the Secretary under sub-*
14 *paragraph (B), to provide higher per pupil alloca-*
15 *tions only to local educational agencies which serve*
16 *the greatest numbers or percentages of—*

17 *“(i) children living in areas with high con-*
18 *centrations of low-income families;*

19 *“(ii) children from low-income families; or*

20 *“(iii) children living in sparsely populated*
21 *areas.*

22 *“(B) The Secretary shall review criteria submit-*
23 *ted by a State educational agency for adjusting allo-*
24 *cations under paragraph (1) and shall approve such*
25 *criteria only if the Secretary determines that such*

1 *criteria are reasonably calculated to produce an ad-*
2 *justed allocation that reflects the relative needs within*
3 *the State's local educational agencies based on the fac-*
4 *tors set forth in subparagraph (A).*

5 *“(c) PAYMENT OF ALLOCATIONS.—*

6 *“(1) DISTRIBUTION.—From the funds paid to a*
7 *State educational agency pursuant to section 13101*
8 *for a fiscal year, such agency shall distribute to each*
9 *eligible local educational agency which has submitted*
10 *an application as required in section 13303 the*
11 *amount of its allocation as determined under sub-*
12 *section (a).*

13 *“(2) ADDITIONAL FUNDS.—(A) Additional funds*
14 *resulting from higher per pupil allocations provided*
15 *to a local educational agency on the basis of adjusted*
16 *enrollments of children described in subsection (a),*
17 *may, at the discretion of the local educational agency,*
18 *be allocated for expenditures to provide services for*
19 *children enrolled in public and private nonprofit*
20 *schools in direct proportion to the number of children*
21 *described in subsection (a) and enrolled in such*
22 *schools within the local educational agency.*

23 *“(B) In any fiscal year, any local educational*
24 *agency that elects to allocate such additional funds in*
25 *the manner described in subparagraph (A) shall allo-*

1 *cate all additional funds to schools within the local*
2 *educational agency in such manner.*

3 *“(C) The provisions of subparagraphs (A) and*
4 *(B) may not be construed to require any school to*
5 *limit the use of such additional funds to the provision*
6 *of services to specific students or categories of stu-*
7 *dents.*

8 ***“PART B—STATE PROGRAMS***

9 ***“SEC. 13201. STATE USES OF FUNDS.***

10 *“(a) AUTHORIZED ACTIVITIES.—A State educational*
11 *agency may use funds reserved for State use under this title*
12 *only for—*

13 *“(1) State administration of programs under*
14 *this title including—*

15 *“(A) supervision of the allocation of funds*
16 *to local educational agencies;*

17 *“(B) planning, supervision, and processing*
18 *of State funds; and*

19 *“(C) monitoring and evaluation of pro-*
20 *grams and activities under this title; and*

21 *“(2) technical assistance and direct grants to*
22 *local educational agencies and statewide activities*
23 *which assist local educational agencies to provide tar-*
24 *geted assistance as provided in section 13301.*

1 “(b) *LIMITATIONS AND REQUIREMENTS.*—Not more
2 *than 25 percent of funds available for State programs under*
3 *this title in any fiscal year may be used for State adminis-*
4 *tration under subsection (a)(1).*

5 **“SEC. 13202. STATE APPLICATIONS.**

6 “(a) *APPLICATION REQUIREMENTS.*—Any State which
7 *desires to receive grants under this title shall submit to the*
8 *Secretary an application which—*

9 “(1) *designates the State educational agency as*
10 *the State agency responsible for the administration*
11 *and supervision of programs assisted under this title;*

12 “(2) *sets forth planned allocation of funds re-*
13 *served for State use under section 13102(a) among the*
14 *targeted assistance programs described in section*
15 *13301 and describes programs, projects, and activities*
16 *which are designed to carry out such targeted assist-*
17 *ance, together with the reasons for the selection of*
18 *such programs, projects, and activities;*

19 “(3) *provides for timely public notice and public*
20 *dissemination of the information provided pursuant*
21 *to paragraph (2);*

22 “(4)(A) *provides for a biennial submission of*
23 *data on the use of funds, the types of services fur-*
24 *nished, and the students served under this title;*

1 “(B) provides for an evaluation of the effective-
2 ness of programs assisted under this title;

3 “(5) provides that the State educational agency
4 will keep such records and provide such information
5 to the Secretary as may be required for fiscal audit
6 and program evaluation (consistent with the respon-
7 sibilities of the Secretary under this title);

8 “(6) provides assurance that, apart from tech-
9 nical and advisory assistance and monitoring compli-
10 ance with this title, the State educational agency has
11 not exercised and will not exercise any influence in
12 the decisionmaking processes of local educational
13 agencies as to the expenditures made pursuant to an
14 application under section 13301;

15 “(7) provides the following information: (A) how
16 the State will adjust its formula to comply with sec-
17 tion 13102(b)(2), (B) how children under section
18 13102(b)(2)(A) are defined, (C) the basis on which a
19 determination of the local educational agencies under
20 section 13102(b)(2)(A) is made, and (D) the percent-
21 age of the State grant which is proposed to be allotted
22 on an adjusted basis under section 13102; and

23 “(8) contains assurances that there is compliance
24 with the specific requirements of this title.

1 “(b) *PERIOD OF APPLICATION.*—An application filed
2 by the State under subsection (a) shall be for a period not
3 to exceed 3 years, and may be amended annually as may
4 be necessary to reflect changes without filing a new applica-
5 tion.

6 “(c) *AUDIT RULE.*—Notwithstanding section 1745 of
7 the Omnibus Budget Reconciliation Act of 1981, local edu-
8 cational agencies receiving less than an average \$5,000 each
9 year under this title need not be audited more frequently
10 than once every 5 years.

11 ***“PART C—LOCAL TARGETED ASSISTANCE***
12 ***PROGRAMS***

13 ***“SEC. 13301. TARGETED USE OF FUNDS.***

14 “(a) *GENERAL RULE.*—Funds allocated for use under
15 this title shall be used by State and local educational agen-
16 cies for targeted assistance described in subsection (b).

17 “(b) *TARGETED ASSISTANCE*.—The targeted assistance
18 programs referred to in subsection (a) are—

19 “(1) programs for the acquisition and use of in-
20 structional and educational materials, including li-
21 brary books, reference materials, computer software
22 and hardware for instructional use, and other cur-
23 ricular materials that will be used to improve student
24 achievement;

1 “(2) programs to improve the higher order think-
2 ing skills of economically disadvantaged elementary
3 and secondary school students and to prevent students
4 from dropping out of school;

5 “(3) programs to combat illiteracy in the student
6 and adult population, including parent illiteracy;

7 “(4) programs to provide for the educational
8 needs of gifted and talented children;

9 “(5) school facility repair, renovation, improve-
10 ment and construction;

11 “(6) school reform activities that are consistent
12 with the Goals 2000: Educate America Act for local
13 educational agencies that do not receive assistance
14 under that Act;

15 “(7) school improvement programs or activities
16 under sections 1118 and 1119; and

17 “(8) efforts to implement school uniform policies
18 to ensure the health and safety of students and the
19 school environment.

20 **“SEC. 13302. AUTHORIZED ACTIVITIES.**

21 “(a) *IN GENERAL.*—Activities authorized under this
22 part may include the planning, development, or operation
23 and expansion of programs, projects, and activities which
24 are designed to carry out the targeted assistance described
25 in section 13301. Such activities may include—

1 “(1) training of educational personnel and edu-
2 cation policymakers in any of the targeted assistance
3 programs described in section 13301;

4 “(2) guidance and pupil services; and

5 “(3) any other education or related activities
6 which the State or local educational agency deter-
7 mines will contribute to improving the programs de-
8 scribed in section 13301.

9 “(b) ADMINISTRATIVE AUTHORITY.—In order to con-
10 duct the activities authorized by this title, each State or
11 local educational agency may use funds reserved for this
12 title to make grants to and to enter into contracts with local
13 educational agencies, educational service agencies, institu-
14 tions of higher education, libraries, museums, and other
15 public and private nonprofit agencies, organizations, and
16 institutions.

17 **“SEC. 13303. LOCAL APPLICATIONS.**

18 “(a) CONTENTS OF APPLICATION.—A local educational
19 agency or consortia of local educational agencies may re-
20 ceive an allocation of funds under this title for any year
21 for which an application is submitted to the State edu-
22 cational agency and such application is certified to meet
23 the requirements of this section. The State educational agen-
24 cy shall certify any such application if such application—

1 “(1) sets forth the planned allocation of funds
2 among targeted assistance programs described in sec-
3 tion 13301 and describes the programs, projects, and
4 activities designed to carry out such targeted assist-
5 ance which the State educational agency intends to
6 support, together with the reasons for the selection of
7 such programs, projects, and activities;

8 “(2) describes how assistance under this title will
9 contribute to the goals of the program of improving
10 student achievement or improving the quality of edu-
11 cation for students;

12 “(3) agrees to keep such records, and provide
13 such information to the State educational agency as
14 reasonably may be required for fiscal audit and pro-
15 gram evaluation, consistent with the responsibilities
16 of the State agency under this title; and

17 “(4) provides, in the allocation of funds for the
18 assistance authorized by this title, and in the design,
19 planning, and implementation of such programs, for
20 systematic consultation with parents of children at-
21 tending elementary and secondary schools in the area
22 served by the local agency, with teachers and admin-
23 istrative personnel in such schools, and with other
24 groups involved in the implementation of this title
25 (such as librarians, school counselors, and other pupil

1 *services personnel) as may be considered appropriate*
2 *by the local educational agency.*

3 *“(b) PERIOD OF APPLICATION.—An application filed*
4 *by a local educational agency under subsection (a) shall be*
5 *for a period not to exceed 3 fiscal years, may provide for*
6 *the allocation of funds among programs and purposes au-*
7 *thorized by this title for a period of 3 years, and may be*
8 *amended annually as may be necessary to reflect changes*
9 *without filing a new application.*

10 *“(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—*
11 *Subject to the limitations and requirements of this title, a*
12 *local educational agency shall have complete discretion in*
13 *determining how funds under this part shall be divided*
14 *among the areas of targeted assistance of this part. In exer-*
15 *cising such discretion, a local educational agency shall en-*
16 *sure that expenditures under this part carry out the pur-*
17 *poses of this title and are intended to meet the educational*
18 *needs within the schools of that local educational agency.*

19 **“PART D—AUTHORIZATION OF APPROPRIATIONS**

20 **“SEC. 13401. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There are authorized to be appropriated \$325,000,000*
22 *for fiscal year 1995, and such sums as may be necessary*
23 *for each of the 4 succeeding fiscal years, to carry out this*
24 *title.*

1 **“TITLE XIV—NATIONAL**
2 **EDUCATION STATISTICS**

3 **“SEC. 14001. SHORT TITLE.**

4 *“This part may be cited as the ‘National Education*
5 *Statistics Act of 1994’.*

6 **“SEC. 14002. FINDINGS; PURPOSE; DEFINITIONS.**

7 *“(a) FINDINGS.—The Congress finds that—*

8 *“(1) a Department Office of Education was es-*
9 *tablished in 1867 ‘for the purpose of collecting such*
10 *statistics and facts as shall show the condition and*
11 *progress of education in the several States and Terri-*
12 *tories, and of diffusing such information respecting*
13 *the organization and management of schools and*
14 *school systems and methods of teaching as shall aid*
15 *the people of the United States in the establishment*
16 *and maintenance of efficient school systems, and oth-*
17 *erwise promote the cause of education throughout the*
18 *country’;*

19 *“(2) today, while the role of the current Depart-*
20 *ment of Education is much broader, the National*
21 *Center for Education Statistics within the Office of*
22 *Educational Research and Improvement continues to*
23 *perform those crucial original purposes; and*

24 *“(3) looking to the 21st Century, the National*
25 *Center for Education Statistics must be able to design*

1 *and undertake, effectively and efficiently, statistical*
2 *activities that will aid in the reform of our Nation's*
3 *educational systems.*

4 “(b) *PURPOSE.*—*It is the purpose of this part to ensure*
5 *the continuation of an effective mechanism for collecting*
6 *and reporting statistics and information showing the condi-*
7 *tion and progress of education in the United States and*
8 *other nations in order to promote and accelerate the im-*
9 *provement of American education.*

10 “(c) *DEFINITIONS.*—*For the purpose of this part, the*
11 *term—*

12 “(1) ‘*Assistant Secretary*’ *means the Assistant*
13 *Secretary for Educational Research and Improvement*
14 *provided for under section 202(b)(1)(E) of the De-*
15 *partment of Education Organization Act; and*

16 “(2) ‘*State*’ and ‘*United States*’—

17 “(A) *other than for the purpose of section*
18 *14011, mean each of the 50 States, the District*
19 *of Columbia, and the Commonwealth of Puerto*
20 *Rico; and*

21 “(B) *for the purpose of section 14011, in-*
22 *clude Guam, American Samoa, the Virgin Is-*
23 *lands, the Commonwealth of the Northern Mari-*
24 *ana Islands, the Republic of the Marshall Is-*

1 *lands, the Federated States of Micronesia, and*
2 *Palau.*

3 ***“SEC. 14003. NATIONAL CENTER FOR EDUCATION STATIS-***
4 ***TICS.***

5 “(a) *ESTABLISHMENT.*—*There is established, within*
6 *the Office of Educational Research and Improvement estab-*
7 *lished under section 209 of the Department of Education*
8 *Organization Act, a National Center for Education Statis-*
9 *tics (hereafter in this part referred to as the ‘Center’).*

10 “(b) *COMMISSIONER AND ASSOCIATE COMMIS-*
11 *SIONERS.*—

12 “(1) *COMMISSIONER.*—*The Center shall be head-*
13 *ed by a Commissioner of Education Statistics (here-*
14 *after in this part referred to as the ‘Commissioner’)*
15 *who shall be appointed by the President, by and with*
16 *the advice and consent of the Senate, and who shall—*

17 “(A) *have substantial knowledge of pro-*
18 *grams encompassed by under the authority of the*
19 *Center;*

20 “(B) *be paid in accordance with section*
21 *5315 of title 5, United States Code; and*

22 “(C) *serve for a term of 4 years, with the*
23 *terms to expire every fourth June 21, beginning*
24 *in 1995.*

1 “(2) *ASSOCIATE COMMISSIONERS.*—*The Commis-*
2 *sioner may appoint such Associate Commissioners as*
3 *the Commissioner determines are necessary and ap-*
4 *propriate.*

5 **“SEC. 14004. DUTIES OF THE CENTER.**

6 “(a) *DUTIES.*—*The Center shall collect, analyze, and*
7 *disseminate statistics and other information related to edu-*
8 *cation in the United States and in other nations, includ-*
9 *ing—*

10 “(1) *acquiring, compiling (where appropriate,*
11 *on a State-by-State basis), and disseminating full*
12 *and complete statistics on the condition and progress*
13 *of education in the United States, including data*
14 *on—*

15 “(A) *State and local education reform;*

16 “(B) *student achievement and other edu-*
17 *cational outcomes, including data on secondary*
18 *school completions, dropouts, and adult literacy,*
19 *which education statistics and data, whenever*
20 *feasible, shall be collected, analyzed, cross-tab-*
21 *ulated and reported by sex, race or ethnicity,*
22 *and socioeconomic status;*

23 “(C) *educational access and opportunity,*
24 *including data on financial aid to postsecondary*
25 *students;*

1 “(D) teaching, including data on curricu-
2 lum, instruction, the conditions of the education
3 workplace, and the supply of, and demand for,
4 teachers, which may include data on the propor-
5 tions of women and men cross-tabulated by race
6 or ethnicity, teaching in subjects in which such
7 individuals have been historically
8 underrepresented;

9 “(E) the learning environment, including
10 data on libraries and the incidence of crime, vio-
11 lence, and substance abuse;

12 “(F) the financing and management of edu-
13 cation, including data on revenues and expendi-
14 tures; and

15 “(G) the social and economic status of chil-
16 dren;

17 “(2) conducting and publishing reports and
18 analyses of the meaning and significance of such sta-
19 tistics;

20 “(3) conducting longitudinal studies, as well as
21 regular and special surveys and data collections, nec-
22 essary to report on the condition and progress of edu-
23 cation;

24 “(4) assisting public and private educational
25 agencies, organizations, and institutions in improv-

1 *ing and automating their statistical and data collec-*
2 *tion activities; and*

3 *“(5) acquiring and disseminating data on edu-*
4 *cational activities and student achievement in the*
5 *United States compared with those in foreign nations.*

6 *“(b) SPECIAL RULE.—The Center shall ensure that*
7 *education statistics and data described in subsection (a)(1),*
8 *whenever feasible, are collected, analyzed, cross-tabulated*
9 *and reported by sex, race or ethnicity, and socioeconomic*
10 *status;*

11 *“(c) TRAINING PROGRAM.—The Commissioner may es-*
12 *tablish a program to train employees of public and private*
13 *educational agencies, organizations, and institutions in the*
14 *use of the Center’s standard statistical procedures and con-*
15 *cepts and may establish a fellows program to temporarily*
16 *appoint such employees as temporary fellows at the Center*
17 *in order to assist the Center in carrying out its duties.*

18 **“SEC. 14005. PERFORMANCE OF DUTIES.**

19 *“(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREE-*
20 *MENTS.—*

21 *“(1) IN GENERAL.—In carrying out the Commis-*
22 *sioner’s duties under this part, the Commissioner*
23 *may enter into grants, contracts, and cooperative*
24 *agreements.*

1 “(2) *SPECIAL RULE.*—Notwithstanding any
2 other provision of law, the grants, contracts, and co-
3 operative agreements awarded competitively under
4 this section may be awarded for a period of not more
5 than 5 years, and may be renewed at the discretion
6 of the Commissioner for an additional period of not
7 more than 5 years.

8 “(b) *GATHERING INFORMATION.*—

9 “(1) *SAMPLING.*—The Commissioner may use the
10 statistical method known as sampling to carry out the
11 purpose of this part.

12 “(2) *SOURCE OF INFORMATION.*—The Commis-
13 sioner may, as the Commissioner considers appro-
14 priate, use information collected—

15 “(A) from States, local educational agencies,
16 schools, institutions of higher education, librar-
17 ies, administrators, teachers, students, the gen-
18 eral public, and such other individuals, organi-
19 zations, agencies, and institutions as the Com-
20 missioner may consider appropriate; and

21 “(B) by other offices within the Department
22 and by other Federal departments, agencies, and
23 instrumentalities.

24 “(3) *COLLECTION.*—The Commissioner may—

1 “(A) enter into interagency agreements for
2 the collection of statistics;

3 “(B) arrange with any agency, organiza-
4 tion, or institution for the collection of statistics;
5 and

6 “(C) assign employees of the Center to any
7 such agency, organization, or institution to as-
8 sist in such collection.

9 “(4) *TECHNICAL ASSISTANCE AND COORDINA-*
10 *TION.—In order to maximize the effectiveness of Fed-*
11 *eral efforts to serve the educational needs of children*
12 *and youth, the Commissioner shall—*

13 “(A) provide technical assistance to Depart-
14 ment offices that gather data for statistical pur-
15 poses; and

16 “(B) coordinate closely with other Depart-
17 ment offices in the collection of data.

18 **“SEC. 14006. REPORTS.**

19 “(a) *REPORT ON THE CONDITION AND PROGRESS OF*
20 *EDUCATION.—The Commissioner shall, not later than June*
21 *1, 1995, and each succeeding June 1 thereafter, submit to*
22 *the President and the Congress a statistical report on the*
23 *condition and progress of education in the United States.*

24 “(b) *STATISTICAL REPORTS.—The Commissioner shall*
25 *issue regular statistical reports to the President and Con-*

1 *gress on such education topics as the Commissioner deter-*
2 *mines to be appropriate.*

3 “(c) *SPECIAL REPORTS.*—*The Commissioner may,*
4 *whenever the Commissioner considers it appropriate, issue*
5 *special reports on particular education topics.*

6 “**SEC. 14007. ADVISORY COUNCIL ON EDUCATION STATIS-**
7 **TICS.**

8 “(a) *ESTABLISHMENT.*—*There is established, within*
9 *the Center, an Advisory Council on Education Statistics*
10 *(hereafter in this Act referred to as the ‘Council’).*

11 “(b) *MEMBERSHIP.*—

12 “(1) *COMPOSITION.*—*The Council shall be com-*
13 *posed of—*

14 “(A) *15 voting members who are users of*
15 *education data and who are appointed by the*
16 *Secretary on the basis of their experience and*
17 *eminence within the field of education statistics,*
18 *of whom at least—*

19 “(i) *three shall be educators;*

20 “(ii) *three shall be education policy-*
21 *makers;*

22 “(iii) *three shall be professional stat-*
23 *isticians; and*

24 “(iv) *three shall be education research-*
25 *ers;*

1 “(B) the Director of the Bureau of the Cen-
2 sus and the Commissioner of the Bureau of
3 Labor Statistics, as voting, *ex officio* members;
4 and

5 “(C) the Assistant Secretary and the Com-
6 missioner, as nonvoting, *ex officio* members.

7 “(2) *PRESIDING OFFICER.*—The Secretary shall
8 appoint the presiding officer of the Council from
9 among the voting members of the Council.

10 “(3) *TERMS.*—Members of the Council appointed
11 under paragraph (1)(A) shall be appointed for 3-year
12 terms except that, in the case of initial appointments,
13 the Secretary shall make appointments for shorter
14 terms to the extent necessary to avoid the expiration
15 of the terms of more than 5 members in the same cal-
16 endar year.

17 “(4) *MEETINGS.*—

18 “(A) *IN GENERAL.*—The Council shall meet
19 at the call of the presiding officer, except that the
20 Council shall meet—

21 “(i) at least 2 times during each cal-
22 endar year; and

23 “(ii) in addition, whenever 8 voting
24 members request in writing that the presid-
25 ing officer call a meeting.

1 “(B) *QUORUM.*—Nine voting members of the
2 *Council shall constitute a quorum.*

3 “(5) *SPECIAL RULE.*—The Council shall review
4 *general policies for the operation of the Center and*
5 *shall advise the Commissioner on standards to ensure*
6 *that statistics and other information disseminated by*
7 *the Center are of high quality and are not subject to*
8 *partisan political influence.*

9 **“SEC. 14008. CONFIDENTIALITY.**

10 “(a) *CONFIDENTIALITY STANDARDS.*—

11 “(1) *IN GENERAL.*—The Center shall develop and
12 *enforce standards designed to protect the confidential-*
13 *ity of persons in the collection, reporting, and publi-*
14 *cation of data under this section. This section shall*
15 *not be construed to protect the confidentiality of in-*
16 *formation about institutions, organizations, and*
17 *agencies that receive grants from, or have contracts or*
18 *cooperative agreements with, the Federal Government.*

19 “(2) *PROHIBITION.*—No person may—

20 “(A) *use any individually identifiable in-*
21 *formation furnished under this part for any pur-*
22 *pose other than a statistical purpose;*

23 “(B) *make any publication whereby the*
24 *data furnished by any particular person under*
25 *this part can be identified; or*

1 “(C) permit anyone other than the individ-
2 uals authorized by the Commissioner to examine
3 the individual reports.

4 “(b) ADMINISTRATION.—

5 “(1) IN GENERAL.—No department, bureau,
6 agency, officer, or employee of the Federal Govern-
7 ment, except the Commissioner in carrying out the
8 purposes of this part, shall require, for any reason,
9 copies of reports that have been filed under this part
10 with the Center or retained by any individual re-
11 spondent. Copies of such reports that have been so
12 filed or retained with the Center or any of its employ-
13 ees, contractors, or agents shall be immune from legal
14 process, and shall not, without the consent of the indi-
15 vidual concerned, be admitted as evidence or used for
16 any purpose in any action, suit, or other judicial or
17 administrative proceeding. This paragraph shall
18 apply only to individually identifiable information
19 (as defined in paragraph (4)(A)).

20 “(2) EMPLOYEE OR STAFF VIOLATIONS.—Who-
21 ever, being or having been an employee or staff mem-
22 ber of the Department, having taken or subscribed the
23 oath of office, or having sworn to observe the limita-
24 tions imposed by subsection (a)(2), knowingly pub-
25 lishes or communicates any individually identifiable

1 *information (as defined in paragraph (4)(A)), the*
2 *disclosure of which is prohibited by subsection (a)(2),*
3 *and that comes into such employee or staff's posses-*
4 *sion by reason of employment (or otherwise providing*
5 *services) under this part, shall be found guilty of a*
6 *class E felony and imprisoned for not more than 5*
7 *years, or fined as specified in section 3571 of title 18,*
8 *United States Code, or both.*

9 “(3) *TEMPORARY STAFF.*—*The Commissioner*
10 *may utilize temporary staff, including employees of*
11 *Federal, State, or local agencies or instrumentalities*
12 *(including local educational agencies), and employees*
13 *of private organizations to assist the Center in per-*
14 *forming its responsibilities, but only if such tem-*
15 *porary staff are sworn to observe the limitations im-*
16 *posed by this section.*

17 “(4) *DEFINITIONS.*—*For the purposes of this sec-*
18 *tion—*

19 “(A) *the term ‘individually identifiable in-*
20 *formation’ means any record, response form,*
21 *completed survey, or aggregation thereof from*
22 *which information about particular individuals*
23 *may be revealed; and*

24 “(B) *the term ‘report’ means a response*
25 *provided by or about an individual to an in-*

1 *quiry from the Center and does not include a*
2 *statistical aggregation from which individually*
3 *identifiable information cannot be revealed.*

4 “(5) *VIOLATIONS.*—Any person who uses any
5 *data provided by the Center, in conjunction with any*
6 *other information or technique, to identify any indi-*
7 *vidual student, teacher, administrator, or other indi-*
8 *vidual and who knowingly discloses, publishes, or uses*
9 *such data for a purpose other than a statistical pur-*
10 *pose, or who otherwise violates subparagraph (A) or*
11 *(B) of subsection (a)(2), shall be found guilty of a*
12 *class E felony and imprisoned for not more than 5*
13 *years, or fined as specified in section 3571 of title 18,*
14 *United States Code, or both.*

15 “(6) *ACCESS TO REPORTS OR RECORDS.*—Noth-
16 *ing in this section shall restrict the right of the Sec-*
17 *retary, the Comptroller General of the United States,*
18 *the Director of the Congressional Budget Office, and*
19 *the Librarian of Congress to gain access to any re-*
20 *ports or other records, including information identify-*
21 *ing individuals, in the Center’s possession, except that*
22 *the same restrictions on disclosure that apply under*
23 *paragraphs (1) and (5) of subsection (b) shall apply*
24 *to such individuals.*

1 ***“SEC. 14009. DISSEMINATION.***

2 *“(a) GENERAL REQUESTS.—*

3 *“(1) IN GENERAL.—The Center may furnish*
4 *transcripts or copies of tables and other statistical*
5 *records and make special statistical compilations and*
6 *surveys for State and local officials, public and pri-*
7 *vate organizations, and individuals.*

8 *“(2) COMPILATIONS.—The Center shall provide*
9 *State and local educational agencies opportunities to*
10 *suggest the development of particular compilations of*
11 *statistics, surveys, and analyses that would assist*
12 *those educational agencies.*

13 *“(b) CONGRESSIONAL REQUESTS.—The Center shall*
14 *furnish such special statistical compilations and surveys as*
15 *the Congress may request.*

16 *“(c) JOINT STATISTICAL PROJECTS.—The Secretary*
17 *may engage in joint statistical projects related to the pur-*
18 *poses of this part, or other statistical purposes authorized*
19 *by law, with nonprofit organizations or agencies, and the*
20 *cost of such projects shall be shared equitably as determined*
21 *by the Secretary.*

22 *“(d) FEES.—*

23 *“(1) IN GENERAL.—Statistical compilations and*
24 *surveys under this section, other than those carried*
25 *out pursuant to subsections (b) and (c), may be made*

1 *subject to the payment of the actual or estimated cost*
 2 *of such work.*

3 “(2) *FUNDS RECEIVED.*—All funds received in
 4 *payment for work or services described in this sub-*
 5 *section may be used to pay directly the costs of such*
 6 *work or services, to repay appropriations that ini-*
 7 *tially bore all or part of such costs, or to refund excess*
 8 *sums when necessary.*

9 “(e) *ACCESS.*—

10 “(1) *OTHER FEDERAL AGENCIES.*—The Center
 11 *shall, consistent with section 14008, participate with*
 12 *other Federal agencies having a need for educational*
 13 *data in providing access to educational data received*
 14 *by the Center.*

15 “(2) *INTERESTED PARTIES.*—The Center shall,
 16 *in accordance with such terms and conditions as the*
 17 *Secretary may prescribe, provide all interested par-*
 18 *ties, including public and private agencies and indi-*
 19 *viduals, direct access to data collected by the Center*
 20 *for the purposes of research and acquiring statistical*
 21 *information.*

22 **“SEC. 14010. COOPERATIVE EDUCATION STATISTICS SYS-**
 23 **TEMS.**

24 “(a) *IN GENERAL.*—The Commissioner may establish
 25 *one or more national cooperative education statistics sys-*

1 *tems for the purpose of producing and maintaining, with*
2 *the cooperation of the States, comparable and uniform in-*
3 *formation and data on elementary and secondary edu-*
4 *cation, postsecondary education, and libraries, that are use-*
5 *ful for policymaking at the Federal, State, and local levels.*
6 *In carrying out this section, the Commissioner may provide*
7 *technical assistance, and make grants and enter into con-*
8 *tracts and cooperative agreements.*

9 “(b) *MODEL DATA SYSTEM.—*

10 “(1) *STUDY; DESIGN; PILOT.—The Commis-*
11 *sioner, working through the cooperative education sta-*
12 *tistics system, shall study, design, and pilot a model*
13 *data system that will yield information about spend-*
14 *ing for administration at the school, local educational*
15 *agency, and State educational agency levels, which*
16 *system shall be completed by January 1, 1997.*

17 “(2) *STUDY AND REPORT.—Upon the date of*
18 *completion of the pilot model data system described in*
19 *paragraph (1), the Secretary shall study the informa-*
20 *tion obtained through the use of such data system and*
21 *other relevant information, as well as any other data*
22 *systems which are in use on such date that account*
23 *for administrative expenses at the school, local edu-*
24 *cational agency, and State educational agency level,*

1 *and shall report to the Congress not later than July*
2 *1, 1997, regarding—*

3 “(A) *the potential for the reduction of ad-*
4 *ministrative expenses at the school, local edu-*
5 *cational agency, and State educational agency*
6 *levels;*

7 “(B) *the potential usefulness of such data*
8 *system to reduce such administrative expenses;*

9 “(C) *any other methods which may be em-*
10 *ployed by schools, local educational agencies or*
11 *State educational agencies to reduce administra-*
12 *tive expenses and maximize the use of funds for*
13 *functions directly affecting student learning; and*

14 “(D) *if appropriate, steps which may be*
15 *taken to assist schools, local educational agencies*
16 *and State educational agencies to account for*
17 *and reduce administrative expenses.*

18 **“SEC. 14011. NATIONAL ASSESSMENT OF EDUCATIONAL**
19 **PROGRESS.**

20 “(a) *ESTABLISHMENT.—The Commissioner shall, with*
21 *the advice of the National Assessment Governing Board es-*
22 *tablished by section 14012, carry out, through grants, con-*
23 *tracts, or cooperative agreements with one or more qualified*
24 *organizations, or consortia thereof, a National Assessment*

1 *of Educational Progress (hereafter in this part referred to*
2 *as the 'National Assessment').*

3 *“(b) PURPOSE; STATE ASSESSMENTS.—*

4 *“(1) PURPOSE.—The purpose of the National As-*
5 *essment is to provide a fair and accurate presen-*
6 *tation of educational achievement in reading, writing,*
7 *and the other subjects included in the third National*
8 *Education Goal, regarding student achievement and*
9 *citizenship. The Commissioner, in carrying out the*
10 *National Assessment, shall use sampling techniques*
11 *that produce data that are representative on a na-*
12 *tional and regional basis and on a State basis pursu-*
13 *ant to paragraph (2). In addition, the Commissioner*
14 *shall—*

15 *“(A) collect and report data on a periodic*
16 *basis, but at least once every 2 years, on students*
17 *at ages 9, 13, and 17 and in grades 4, 8, and*
18 *12;*

19 *“(B) report achievement data on a basis*
20 *that ensures valid and reliable trend reporting;*

21 *“(C) include, whenever feasible, information*
22 *collected, cross-tabulated, analyzed, and reported*
23 *by sex, race or ethnicity and socioeconomic sta-*
24 *tus;*

1 “(D) collect and report data on students re-
2 ceiving services under part A of title I; and

3 “(E) ensure that achievement data are
4 made available on a timely basis following offi-
5 cial reporting, in a manner that facilitates fur-
6 ther analysis.

7 “(2) STATE ASSESSMENTS.—

8 “(A) IN GENERAL.—The Commissioner, in
9 carrying out the National Assessment, may con-
10 duct State assessments of student achievement in
11 grades 4, 8, and 12.

12 “(B) STATE PARTICIPATION.—States wish-
13 ing to participate in State assessments shall
14 enter into an agreement with the Secretary pur-
15 suant to subsection (d)(2). Such agreement shall
16 contain information sufficient to give States full
17 information about the process for consensus deci-
18 sionmaking on objectives to be tested, required in
19 section 14012(e)(5), and of the standards for
20 sampling, test administration, test security, data
21 collection, validation, and reporting.

22 “(C) STATE REVIEW AND RELEASE OF RE-
23 SULTS.—A participating State shall review and
24 give permission for the release of results from
25 any test of its students administered as a part

1 *of a State assessment prior to the release of such*
2 *data. Refusal by a State to release its data shall*
3 *not restrict the release of data from other States*
4 *that have approved the release of such data.*

5 “(3) *PROHIBITED DATA.*—*In carrying out the*
6 *National Assessment, the Commissioner shall not col-*
7 *lect any data that are not directly related to the ap-*
8 *praisal of educational performance, achievement, and*
9 *traditional demographic reporting variables, or to the*
10 *fair and accurate presentation of such information.*

11 “(4) *TECHNICAL ASSISTANCE.*—*In carrying out*
12 *the National Assessment, the Commissioner may pro-*
13 *vide technical assistance to States, localities, and*
14 *other parties.*

15 “(c) *ACCESS.*—

16 “(1) *PUBLIC ACCESS.*—*Except as provided in*
17 *paragraph (2), the public shall have access to all*
18 *data, questions, and test instruments of the National*
19 *Assessment.*

20 “(2) *PERSONALLY IDENTIFIABLE INFORMA-*
21 *TION.*—

22 “(A) *IN GENERAL.*—*The Commissioner shall*
23 *ensure that all personally identifiable informa-*
24 *tion about students, their educational perform-*
25 *ance, and their families, and that information*

1 *with respect to individual schools, remains con-*
2 *fidential, in accordance with section 552a of title*
3 *5, United States Code.*

4 “(B) *SPECIAL RULE.*—*Notwithstanding any*
5 *other provision of law, the Secretary may decline*
6 *to make available to the public for a period, not*
7 *to exceed 10 years following their initial use,*
8 *cognitive questions that the Secretary intends to*
9 *reuse in the future.*

10 “(d) *PARTICIPATION.*—

11 “(1) *NATIONAL AND REGIONAL.*—*Participation*
12 *in the national and regional assessments by State*
13 *and local educational agencies shall be voluntary.*

14 “(2) *STATE.*—*Participation in assessments made*
15 *on a State basis shall be voluntary. The Secretary*
16 *shall enter into an agreement with any State that de-*
17 *sires to carry out an assessment for the State under*
18 *this subsection. Each such agreement shall contain*
19 *provisions designed to ensure that the State will—*

20 “(A) *participate in the assessment; and*

21 “(B) *pay from non-Federal sources the non-*
22 *Federal share of participation.*

23 “(3) *NON-FEDERAL SHARE.*—

1 “(A) *IN GENERAL.*—For each fiscal year,
2 the non-Federal share for the purpose of para-
3 graph (2)(B) shall be—

4 “(i) the cost of conducting the assess-
5 ment at the school level for all public schools
6 in the State sample;

7 “(ii) the cost of coordination within
8 the State; and

9 “(iii) other reasonable costs specified
10 by the Secretary in the agreement described
11 in paragraph (2).

12 “(B) *SPECIAL RULE.*—The non-Federal
13 share of payments under this paragraph may be
14 in cash or in kind, fairly valued.

15 “(C) *ADMINISTRATIVE COSTS.*—The agree-
16 ment described in paragraph (2) shall describe
17 the manner in which the costs of administering
18 the assessment to private nonprofit schools in-
19 cluded in the State sample may be met.

20 “(e) *REVIEW OF NATIONAL AND STATE ASSESS-*
21 *MENTS.*—The Secretary shall provide for continuing re-
22 views of both national and State assessments, including
23 evaluation studies by the Center and solicitation of public
24 comment on the conduct and usefulness of the National As-
25 sessment. The Secretary shall report to the Congress, the

1 *President, and the Nation on the findings and recommenda-*
 2 *tions of such reviews. The Commissioner shall consider the*
 3 *findings and recommendations in designing the competition*
 4 *to select the organization, or organizations, through which*
 5 *the Office carries out the National Assessment.*

6 “(f) *COVERAGE AGREEMENTS.*—

7 “(1) *DEPARTMENT OF DEFENSE SCHOOLS.*—The
 8 *Secretary and the Secretary of Defense may enter into*
 9 *an agreement, including such terms as are mutually*
 10 *satisfactory, to include in the National Assessment el-*
 11 *ementary and secondary schools operated by the De-*
 12 *partment of Defense.*

13 “(2) *BUREAU OF INDIAN AFFAIRS SCHOOLS.*—
 14 *The Secretary and the Secretary of the Interior may*
 15 *enter into an agreement, including such terms as are*
 16 *mutually satisfactory, to include in the National As-*
 17 *essment schools for Indian children operated or sup-*
 18 *ported by the Bureau of Indian Affairs.*

19 **“SEC. 14012. NATIONAL ASSESSMENT GOVERNING BOARD.**

20 “(a) *ESTABLISHMENT.*—There is established the Na-
 21 *tional Assessment Governing Board (hereafter in this part*
 22 *referred to as the ‘Board’), which shall formulate policy*
 23 *guidelines for the National Assessment.*

24 “(b) *MEMBERSHIP.*—

1 “(1) *APPOINTMENT AND COMPOSITION.*—The
2 *Board shall be appointed by the Secretary and be*
3 *composed of—*

4 “(A) *two Governors, or former Governors,*
5 *who shall not be members of the same political*
6 *party;*

7 “(B) *two State legislators, who shall not be*
8 *members of the same political party;*

9 “(C) *two chief State school officers;*

10 “(D) *one superintendent of a local edu-*
11 *cational agency;*

12 “(E) *one member of a State board of edu-*
13 *cation;*

14 “(F) *one member of a local board of edu-*
15 *cation;*

16 “(G) *three classroom teachers representing*
17 *the grade levels at which the National Assessment*
18 *is conducted;*

19 “(H) *one representative of business or in-*
20 *dustry;*

21 “(I) *two curriculum specialists;*

22 “(J) *three testing and measurement experts,*
23 *who shall have training and experience in the*
24 *field of testing and measurement;*

1 “(K) one nonpublic school administrator or
2 policymaker;

3 “(L) two school principals, of whom one
4 shall be an elementary school principal and one
5 shall be a secondary school principal; and

6 “(M) four additional members who are rep-
7 resentatives of the general public, including par-
8 ents.

9 “(2) ASSISTANT SECRETARY FOR EDUCATIONAL
10 RESEARCH.—The Assistant Secretary for Educational
11 Research and Improvement shall serve as an ex
12 officio, nonvoting member of the Board.

13 “(3) SPECIAL RULE.—The Secretary and the
14 Board shall ensure at all times that the membership
15 of the Board reflects regional, racial, gender, and cul-
16 tural balance and diversity and that the Board exer-
17 cises its independent judgment, free from inappropri-
18 ate influences and special interests.

19 “(c) TERMS.—Members of the Board shall serve for
20 terms not to exceed 4 years which shall be staggered, as de-
21 termined by the Secretary. Any appointed member of the
22 Board who changes status under subsection (b) during the
23 term of the appointment of the member may continue to
24 serve as a member until the expiration of such term.

1 “(d) *VACANCIES.*—As vacancies occur, new members of
2 the Board shall be appointed by the Secretary from among
3 individuals who are nominated by the Board after consulta-
4 tion with representatives of the groups listed in subsection
5 (b)(1). For each vacancy, the Board shall nominate at least
6 3 individuals who, by reason of experience or training, are
7 qualified in that particular Board vacancy.

8 “(e) *DUTIES.*—

9 “(1) *IN GENERAL.*—In carrying out its functions
10 under this section the Board shall—

11 “(A) select subject areas to be assessed (con-
12 sistent with section 14011(b)(1));

13 “(B) identify appropriate achievement goals
14 for each age and grade in each subject area to
15 be tested under the National Assessment;

16 “(C) develop assessment objectives;

17 “(D) develop test specifications;

18 “(E) design the methodology of the assess-
19 ment;

20 “(F) develop guidelines for analysis plans
21 and for reporting and disseminating results;

22 “(G) develop standards and procedures for
23 interstate, regional, and national comparisons;
24 and

1 “(H) take appropriate actions needed to im-
2 prove the form and use of the National Assess-
3 ment.

4 “(2) DELEGATION.—The Board may delegate
5 any of the Board’s procedural and administrative
6 functions to its staff.

7 “(3) COGNITIVE ITEMS.—The Board shall have
8 final authority on the appropriateness of cognitive
9 items.

10 “(4) BIAS.—The Board shall take steps to ensure
11 that all items selected for use in the National Assess-
12 ment are free from racial, cultural, gender, or re-
13 gional bias.

14 “(5) GOALS STATEMENTS.—Each learning area
15 assessment shall have goal statements devised through
16 a national consensus approach, providing for active
17 participation of teachers, curriculum specialists, local
18 school administrators, parents, and concerned mem-
19 bers of the general public.

20 “(f) PERSONNEL.—

21 “(1) IN GENERAL.—In the exercise of its respon-
22 sibilities, the Board shall be independent of the Sec-
23 retary and the other offices and officers of the Depart-
24 ment.

1 “(2) *STAFF.*—*The Secretary may appoint, at the*
2 *direction of the Board, such staff as the Board re-*
3 *quires. Such appointments may include, for terms not*
4 *to exceed 3 years, without regard to the provisions of*
5 *title 5, United States Code, governing appointments*
6 *in the competitive service, not more than 6 technical*
7 *employees to administer this subsection, who may be*
8 *paid without regard to the provisions of chapter 51*
9 *and subchapter III of chapter 53 of such title relating*
10 *to classification and General Schedule pay rates.*

11 “(g) *COMMISSIONER REPORTS.*—*The Commissioner*
12 *shall report to the Board at regular intervals on the Depart-*
13 *ment’s actions to implement the decisions of the Board.*

14 “(h) *ADMINISTRATION.*—

15 “(1) *LIMITATION.*—*Not to exceed 10 percent of*
16 *the funds available for the National Assessment for*
17 *any fiscal year may be used for administrative ex-*
18 *penses (including staff, consultants, and contracts)*
19 *and to carry out the Board’s duties described in sub-*
20 *section (e).*

21 “(2) *APPLICABILITY OF THE FEDERAL ADVISORY*
22 *COMMITTEE ACT.*—*For the purposes of its administra-*
23 *tive functions, the Board shall have the authorities*
24 *authorized by the Federal Advisory Committee Act*

1 *and shall be subject to the open meeting provisions of*
2 *that law.*

3 ***“SEC. 14013. AUTHORIZATION OF APPROPRIATIONS.***

4 *“There are authorized to be appropriated \$100,000,000*
5 *for fiscal year 1995, and such sums as may be necessary*
6 *for each of the 4 succeeding fiscal years, to carry out this*
7 *title.*

8 ***“TITLE XV—EDUCATION***
9 ***INFRASTRUCTURE***

10 ***“SEC. 15001. SHORT TITLE.***

11 *“This title may be cited as the ‘Education Infrastruc-*
12 *ture Act of 1994’.*

13 ***“SEC. 15002. FINDINGS.***

14 *“The Congress finds that—*

15 *“(1) improving the quality of public elementary*
16 *and secondary school libraries, media centers, and fa-*
17 *cilities will help our Nation meet the National Edu-*
18 *cation Goals;*

19 *“(2) Federal, State, and local funding for the re-*
20 *pair, renovation, alteration and construction of pub-*
21 *lic elementary and secondary school libraries, media*
22 *centers, and facilities has not adequately reflected*
23 *need; and*

24 *“(3) the challenges facing our Nation’s public el-*
25 *ementary and secondary schools require the concerted*

1 *and collaborative efforts of all levels of government*
2 *and all sectors of the community.*

3 ***“SEC. 15003. PURPOSE.***

4 *“It is the purpose of this title to help our Nation meet*
5 *the National Education Goals through the repair, renova-*
6 *tion, alteration, and construction of public elementary and*
7 *secondary school libraries, media centers, and facilities,*
8 *used for academic or vocational instruction.*

9 ***“SEC. 15004. DEFINITIONS.***

10 *“For the purpose of this title—*

11 *“(1) the term ‘alteration’ means any change to*
12 *an existing property for use for a different purpose or*
13 *function;*

14 *“(2) the term ‘construction’ means the erection of*
15 *a building, structure, or facility, including the con-*
16 *current installation of equipment, site preparation,*
17 *associated roads, parking, and utilities, which pro-*
18 *vides area or cubage not previously available, includ-*
19 *ing—*

20 *“(A) freestanding structures, additional*
21 *wings, or floors, enclosed courtyards or*
22 *entryways, and any other means to provide usa-*
23 *ble program space that did not previously exist;*
24 *and*

1 “(B) the complete replacement of an exist-
2 ing facility, but only if such replacement is less
3 expensive than alteration, renovation, or repair
4 of the facility;

5 “(3) the term ‘eligible local education agency’
6 means a local educational agency in which—

7 “(A) at least 15 percent of the children that
8 reside in the geographic area served by such
9 agency are eligible to be counted under section
10 1123(c)(1) of this Act; or

11 “(B) the United States owns Federal prop-
12 erty described in paragraph (5) of section 9014
13 that has an assessed value (determined as of the
14 time or times when acquired) aggregating 90
15 percent or more of the assessed value of all real
16 property in such agency (determined as of the
17 time or times when so acquired); and

18 “(C) demonstrates in the application sub-
19 mitted under section 15006 that such agency has
20 urgent repair, renovation, alteration and con-
21 struction needs for its public elementary or sec-
22 ondary school libraries, media centers, and fa-
23 cilities used for academic or vocational instruc-
24 tion;

1 “(4) the term ‘renovation’ means any change to
 2 an existing property to allow its more efficient use
 3 within such property’s designated purpose; and

4 “(5) the term ‘repair’ means the restoration of a
 5 failed or failing real property facility, component, or
 6 a building system to such a condition that such facil-
 7 ity, component, or system may be used effectively for
 8 its designated purpose, if, due to the nature or extent
 9 of the deterioration or damage to such facility, com-
 10 ponent, or system, such deterioration or damage can-
 11 not be corrected through normal maintenance.

12 **“SEC. 15005. IMPROVEMENT OF PUBLIC ELEMENTARY AND**
 13 **SECONDARY EDUCATION FACILITIES PRO-**
 14 **GRAM AUTHORIZED.**

15 “(a) PROGRAM AUTHORITY.—

16 “(1) IN GENERAL.—From amounts appropriated
 17 under subsection (b) for any fiscal year, the Secretary
 18 shall award grants to eligible local educational agen-
 19 cies with applications approved under section 15006
 20 to carry out the authorized activities described in sec-
 21 tion 15008.

22 “(2) SPECIAL RULE.—The Secretary may reserve
 23 not more than 1 percent of the amount appropriated
 24 under subsection (b) to provide assistance to Indian
 25 schools in accordance with this title.

1 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—There
2 are authorized to be appropriated \$400,000,000 for fiscal
3 year 1995, and such sums as may be necessary for each
4 of the 4 succeeding fiscal years, to carry out this title.

5 **“SEC. 15006. APPLICATIONS.**

6 “(a) *APPLICATIONS REQUIRED.*—Each eligible local
7 educational agency desiring to receive a grant under this
8 title shall submit an application to the Secretary.

9 “(b) *APPLICATION CONTENTS.*—Each application de-
10 scribed in subsection (a) shall contain—

11 “(1) an assurance that the application was de-
12 veloped in consultation with parents and classroom
13 teachers;

14 “(2) a description of each architectural, civil,
15 structural, mechanical, or electrical deficiency to be
16 corrected with funds provided under this title, includ-
17 ing the priority for the repair of the deficiency;

18 “(3) a description of the criteria used by the ap-
19 plicant to determine the type of corrective action nec-
20 essary to meet the purpose of this title;

21 “(4) a description of the corrective action to be
22 supported with funds provided under this title;

23 “(5) a cost estimate of the proposed corrective ac-
24 tion;

1 “(6) an identification of other resources, includ-
2 ing unused bonding capacity, that are available to
3 carry out the activities for which funds are requested
4 under this title;

5 “(7) a description of how activities supported
6 with funds provided under this title will promote en-
7 ergy conservation; and

8 “(8) such other information and assurances as
9 the Secretary may reasonably require.

10 **“SEC. 15007. AWARD OF GRANTS.**

11 “(a) *CRITERIA.*—The Secretary shall award grants
12 under this title on the basis of—

13 “(1) high numbers or percentages of the total
14 number of children aged 5 to 17, inclusive, residing
15 in the geographic area served by an eligible local edu-
16 cational agency who are counted under section
17 1123(c)(1);

18 “(2) the extent to which the eligible local edu-
19 cational agency lacks the fiscal capacity, including
20 the ability to raise funds through the full use of such
21 agency’s bonding capacity and otherwise, to under-
22 take the project without Federal assistance; and

23 “(3) such other criteria as the Secretary may
24 prescribe by regulation.

1 “(b) *SPECIAL RULE.*—The Secretary shall only award
2 grants under this title if the Secretary determines that suffi-
3 cient funds will be provided under this title or from other
4 sources, including the issuance of bonds, to carry out the
5 activities for which assistance is sought.

6 “(c) *AWARD CATEGORIES.*—

7 “(1) *IN GENERAL.*—From the funds appro-
8 priated to carry out this title for each fiscal year, the
9 Secretary shall award grants to eligible local edu-
10 cational agencies in each of the following categories:

11 “(A) *Eligible local educational agencies in*
12 *which the number of students enrolled is less*
13 *than 2,500.*

14 “(B) *Such agencies in which such number*
15 *is 2,500 or greater but less than 5,000.*

16 “(C) *Such agencies in which such number is*
17 *5,000 or greater but less than 10,000.*

18 “(D) *Such agencies in which such number*
19 *is 10,000 or greater but less than 25,000.*

20 “(E) *Such agencies in which such number*
21 *is 25,000 or greater but less than 50,000.*

22 “(F) *Such agencies in which such number is*
23 *50,000 or greater.*

24 “(2) *ALLOCATION AMONG CATEGORIES.*—The
25 Secretary shall allocate funds under this title among

1 *the categories described in paragraph (1) on such*
2 *basis as the Secretary determines is appropriate, after*
3 *considering such factors as—*

4 *“(A) the relative numbers or percentages of*
5 *students counted under section 1123(c)(1); and*

6 *“(B) the relative costs of carrying out ac-*
7 *tivities under this title in eligible local edu-*
8 *cational agencies in each such category.*

9 *“(d) MAXIMUM AWARD AMOUNTS.—The Secretary*
10 *shall annually set the maximum award amounts for each*
11 *category described in subsection (c)(1).*

12 *“(e) FREQUENCY OF AWARDS.—No local educational*
13 *agency may receive more than one grant under this title*
14 *in any five-year period.*

15 ***“SEC. 15008. AUTHORIZED ACTIVITIES.***

16 *“(a) IN GENERAL.—Each eligible local educational*
17 *agency receiving a grant under this title shall use the grant*
18 *funds only to—*

19 *“(1) ensure the health and safety of students*
20 *through the repair, renovation, alteration, and con-*
21 *struction of a public elementary or secondary school*
22 *library, media center, or facility, used for academic*
23 *or vocational instruction; or*

1 “(2) upgrade or alter such library, center, or fa-
2 cility in order to accommodate new instructional
3 technology.

4 “(b) PARTICULAR ACTIVITIES.—Subject to subsection
5 (a), each eligible local educational agency receiving a grant
6 under this title may use the grant funds for activities such
7 as—

8 “(1) meeting the requirements of section 504 of
9 the Rehabilitation Act of 1973 and the Americans
10 with Disabilities Act of 1990;

11 “(2) removal or containment of severely hazard-
12 ous material such as asbestos, lead, and radon using
13 a cost-effective method;

14 “(3) meeting Federal, State, or local codes relat-
15 ed to fire, air, light, noise, waste disposal, building
16 height, or other codes passed since the initial con-
17 struction of such library, center, or facility; and

18 “(4) replacing an old such library, center, or fa-
19 cility that is more cost-effective to tear down than to
20 renovate.

21 **“SEC. 15009. REQUIREMENTS.**

22 “(a) SPECIAL RULES.—

23 “(1) MAINTENANCE OF EFFORT.—An eligible
24 local educational agency may receive a grant under
25 this title for any fiscal year only if the Secretary

1 *finds that either the combined fiscal effort per student*
2 *or the aggregate expenditures of that agency and the*
3 *State with respect to the provision of free public edu-*
4 *cation by such local educational agency for the pre-*
5 *ceding fiscal year was not less than 90 percent of such*
6 *combined fiscal effort or aggregate expenditures for*
7 *the fiscal year for which the determination is made.*

8 “(2) *SUPPLEMENT NOT SUPPLANT.*—An eligible
9 *local educational agency shall use funds received*
10 *under this title only to supplement the amount of*
11 *funds that would, in the absence of such Federal*
12 *funds, be made available from non-Federal sources for*
13 *the repair, renovation, alteration, and construction of*
14 *school facilities used for educational purposes, and*
15 *not to supplant such funds.*

16 “(b) *GENERAL LIMITATIONS.*—

17 “(1) *REAL PROPERTY.*—No part of any grant
18 *funds under this title shall be used for the acquisition*
19 *of any interest in real property.*

20 “(2) *MAINTENANCE.*—Nothing in this title shall
21 *be construed to authorize the payment of maintenance*
22 *costs in connection with any projects constructed in*
23 *whole or in part with Federal funds provided under*
24 *this title.*

1 “(3) *ENVIRONMENTAL SAFEGUARDS.*—All
2 *projects carried out with Federal funds provided*
3 *under this title shall comply with all relevant Fed-*
4 *eral, State, and local environmental laws and regula-*
5 *tions.*

6 “(4) *ATHLETIC AND SIMILAR FACILITIES.*—No
7 *funds received under this title shall be used for stadi-*
8 *ums or other facilities that are primarily used for*
9 *athletic contests or exhibitions or other events for*
10 *which admission is charged to the general public.*

11 **“SEC. 15010. FAIR WAGES.**

12 *“All laborers and mechanics employed by contractors*
13 *or subcontractors in the performance of any contract and*
14 *subcontract for the repair, renovation, alteration, or con-*
15 *struction, including painting and decorating, of any build-*
16 *ing or work that is financed in whole or in part by a grant*
17 *under this title, shall be paid wages not less than those de-*
18 *termined by the Secretary of Labor in accordance with the*
19 *Act of March 3, 1931 (commonly known as the Davis-Bacon*
20 *Act); as amended (40 U.S.C. 276a–276a–5). The Secretary*
21 *of Labor shall have the authority and functions set forth*
22 *in reorganization plan of No. 14 of 1950 (15 FR 3176; 64*
23 *Stat. 1267) and section 2 of the Act of June 1, 1934 (com-*
24 *monly known as the Copeland Anti-Kickback Act) as*
25 *amended (40 U.S.C. 276c, 48 Stat. 948).*

1 ***“SEC. 15011. FEDERAL ASSESSMENT.***

2 *“The Secretary shall reserve not more than 1 percent*
 3 *of funds appropriated for each fiscal year under section*
 4 *15005(b)—*

5 *“(1) to collect such data as the Secretary deter-*
 6 *mines necessary at the school, local, and State levels;*
 7 *and*

8 *“(2) to conduct studies and evaluations, includ-*
 9 *ing national studies and evaluations, in order to—*

10 *“(A) monitor the progress of projects sup-*
 11 *ported with funds provided under this title; and*

12 *“(B) evaluate the state of American public*
 13 *elementary and secondary school libraries, media*
 14 *centers, and facilities; and*

15 *“(3) to report to the Congress by July 1, 1997,*
 16 *regarding the findings of the studies and evaluations*
 17 *described in paragraph (2).*

18 ***“TITLE XVI—URBAN AND RURAL***
 19 ***EDUCATION***

20 ***“SEC. 16001. DEFINITIONS.***

21 *“Except as otherwise provided, for the purposes of this*
 22 *title:*

23 *“(1) CENTRAL CITY.—The term ‘central city’ has*
 24 *the same meaning used by the Bureau of the Census.*

25 *“(2) COMMUNITY-BASED ORGANIZATION.—The*
 26 *term ‘community-based organization’ means a private*

1 *nonprofit organization that is representative of a*
2 *community or significant segments of a community*
3 *and which has a proven record of providing effective*
4 *educational or related services to individuals in the*
5 *community.*

6 “(3) *COMMUNITY AS SCHOOL CONCEPT.*—The
7 *term ‘community as school concept’ means the mutual*
8 *sharing of the local public school’s and the local com-*
9 *munity’s human, financial, technical, and environ-*
10 *mental resources to help meet each others needs;*

11 “(4) *METROPOLITAN STATISTICAL AREA.*—The
12 *term ‘metropolitan statistical area’ has the same*
13 *meaning used by the Bureau of the Census.*

14 “(5) *POVERTY LEVEL.*—The term ‘poverty level’
15 *means the criteria of poverty used by the Bureau of*
16 *the Census in compiling the most recent decennial*
17 *census for a family of 4 in such form as those criteria*
18 *have been updated by increases in the Consumer Price*
19 *Index for All Urban Consumers.*

20 “(6) *RURAL ELIGIBLE LOCAL EDUCATIONAL*
21 *AGENCY.*—The term ‘rural eligible local educational
22 *agency’ means a local educational agency—*

23 “(A)(i) *in which at least 15 percent of the*
24 *children enrolled in the schools served by such*

1 agency are eligible to be counted under section
2 1123(c); and

3 “(ii) which is not in a metropolitan statis-
4 tical area; or

5 “(B) in which the total enrollment in the
6 schools served by such agency is less than 2,500
7 students and that does not serve schools located
8 in a metropolitan statistical area.

9 “(7) *STATE*.—The term ‘State’ means each of the
10 several States and the District of Columbia, but does
11 not include Guam, American Samoa, the Common-
12 wealth of Puerto Rico, the United States Virgin Is-
13 lands, the Commonwealth of the Northern Mariana
14 Islands, the Republic of the Marshall Islands, the Fed-
15 erated States of Micronesia, and Palau.

16 “(8) *URBAN ELIGIBLE LOCAL EDUCATIONAL*
17 *AGENCY*.—The term ‘urban eligible local educational
18 agency’ means a local educational agency that—

19 “(A) serves the largest central city in a
20 State;

21 “(B) enrolls more than 30,000 students and
22 serves a central city with a population of at least
23 200,000 in a metropolitan statistical area; or

24 “(C) enrolls between 25,000 and 30,000 stu-
25 dents and serves a central city with a population

1 *of at least 140,000 in a metropolitan statistical*
2 *area.*

3 ***“PART A—URBAN SCHOOLS***

4 ***“SEC. 16101. SHORT TITLE.***

5 *“This part may be cited as the ‘Urban Schools of*
6 *America (USA) Act of 1994’.*

7 ***“SEC. 16102. FINDINGS.***

8 *“The Congress finds that—*

9 *“(1) the ability of the Nation’s major urban pub-*
10 *lic school systems to meet the Nation’s educational*
11 *goals will determine the country’s economic competi-*
12 *tiveness and academic standing in the world commu-*
13 *nity;*

14 *“(2) the quality of public education in the Na-*
15 *tion’s major urban areas has a direct effect on the*
16 *economic development of the Nation’s inner cities;*

17 *“(3) the success of urban public schools in boost-*
18 *ing the achievement of its minority youth attending*
19 *such schools will determine the ability of the Nation*
20 *to close the gap between the ‘haves and the have-nots’*
21 *in society;*

22 *“(4) the cost to America’s businesses to provide*
23 *remedial education to secondary school graduates is*
24 *approximately \$30,000,000,000 per year;*

1 “(5) urban public schools enroll a disproportion-
2 ately large share of the Nation’s poor and at-risk
3 youth;

4 “(6) urban public schools enroll approximately
5 one-third of the Nation’s poor, 40 percent of the Na-
6 tion’s African-American children, and 30 percent of
7 the Nation’s Hispanic youth;

8 “(7) nearly 20 percent of the Nation’s limited-
9 English proficient children and 15 percent of the Na-
10 tion’s disabled youth are enrolled in urban public
11 schools;

12 “(8) the academic performance of students in the
13 average inner-city public school system is below that
14 of students in most other kinds of school systems;

15 “(9) urban public school systems have higher
16 dropout rates, more problems with health care, and
17 less parental participation than other kinds of school
18 systems;

19 “(10) urban preschoolers have one-half the access
20 to early childhood development programs as do other
21 children;

22 “(11) shortages of teachers in urban public school
23 systems are 2.5 times greater than such shortages in
24 other kinds of school systems;

1 “(12) declining numbers of urban minority sec-
2 ondary school graduates are pursuing postsecondary
3 educational opportunities;

4 “(13) urban public school systems have greater
5 problems with teenage pregnancy, discipline, drug
6 abuse, and gangs than do other kinds of school sys-
7 tems;

8 “(14) 75 percent of urban public school buildings
9 are over 25 years old, 33 percent of such buildings are
10 over 50 years old, and such buildings are often in se-
11 rious disrepair and create poor and demoralizing
12 working and learning conditions;

13 “(15) solving the challenges facing our Nation’s
14 urban schools will require the concerted and collabo-
15 rative efforts of all levels of government and all sectors
16 of the community;

17 “(16) Federal and State funding of urban public
18 schools has not adequately reflected need; and

19 “(17) Federal funding that is well-targeted, flexi-
20 ble, and accountable would contribute significantly to
21 addressing the comprehensive needs of inner-city pub-
22 lic schools.

23 **“SEC. 16103. PURPOSE.**

24 *“It is the purpose of this part to provide financial as-*
25 *sistance to—*

1 “(1) assist urban public schools in meeting Na-
2 tional Education Goals;

3 “(2) improve the educational and social well-
4 being of urban public school children;

5 “(3) close the achievement gap between urban
6 and nonurban public school children, while improving
7 the achievement level of all children nationally;

8 “(4) conduct coordinated research on urban pub-
9 lic education problems, solutions, and promising
10 practices;

11 “(5) improve the Nation’s global economic and
12 educational competitiveness by improving the Na-
13 tion’s urban schools; and

14 “(6) encourage community, parental, and busi-
15 ness collaboration in the improvement of urban
16 schools.

17 **“Subpart 1—Urban School Improvement**

18 **“SEC. 16121. ALLOCATION OF FUNDS.**

19 “(a) RESERVATION.—

20 “(1) IN GENERAL.—Subject to paragraph (2), the
21 Secretary shall reserve 5 percent of the amounts ap-
22 propriated or otherwise made available to carry out
23 this subpart for any fiscal year, to provide incentive
24 awards in accordance with section 16126.

1 “(2) *INAPPLICABILITY.*—Paragraph (1) shall not
2 apply for the first year for which funds are appro-
3 priated to carry out this subpart.

4 “(b) *FEDERAL ALLOTMENT.*—From the remainder of
5 the sums not reserved under subsection (a), the Secretary
6 shall allot to each urban eligible local educational agency
7 with an approved application in each fiscal year an
8 amount which bears the same relationship to such funds
9 as the amount such urban eligible local educational agency
10 was allocated under section 1123 (or for fiscal year 1995
11 only, such section’s predecessor authority) in the preceding
12 fiscal year bears to the total amount received under such
13 section in such preceding fiscal year by all urban eligible
14 local educational agencies.

15 “(c) *RESERVATION FOR COMMUNITY-BASED ORGANI-*
16 *ZATIONS AND NONPROFIT PARTNERSHIPS.*—Each urban el-
17 igible local educational agency shall reserve not more than
18 5 percent of the amounts allotted under subsection (b) for
19 any fiscal year, to make as many grants as practicable for
20 the activities described in section 16124 to—

21 “(1) community-based organizations; or

22 “(2) nonprofit partnerships between the urban
23 eligible local educational agency and city-wide
24 collaboratives of private sector businesses or univer-
25 sities.

1 “(d) *PAYMENTS.*—*The Secretary shall make annual*
 2 *payments only to urban eligible local educational agencies*
 3 *that—*

4 “(1) *comply with the provisions of section 16125;*
 5 *and*

6 “(2) *demonstrate to the satisfaction of the Sec-*
 7 *retary that the data submitted pursuant to section*
 8 *16125 shows progress toward meeting National Edu-*
 9 *cation Goals.*

10 “(e) *ADMINISTRATIVE COSTS.*—*Not more than 5 per-*
 11 *cent of any allotment or grant made under this subpart*
 12 *may be used for administrative costs.*

13 **“SEC. 16122. APPLICATION.**

14 “(a) *APPLICATION REQUIRED.*—

15 “(1) *URBAN LOCAL EDUCATIONAL AGENCIES.*—

16 “(A) *IN GENERAL.*—*Any urban local edu-*
 17 *cational agency desiring to receive an allotment*
 18 *from the Secretary to carry out this subpart*
 19 *shall—*

20 “(i) *develop and prepare an applica-*
 21 *tion;*

22 “(ii) *submit to the State educational*
 23 *agency the application for review and com-*
 24 *ment; and*

1 “(iii) submit the application described
2 in clause (i) to the Secretary for approval.

3 “(B) DURATION.—Except as provided in
4 section 16125, the application described in clause
5 (i) may be for a period of not more than 5 years.

6 “(2) COMMUNITY-BASED ORGANIZATIONS AND
7 NONPROFIT PARTNERSHIPS.—Any community-based
8 organization or nonprofit partnership referred to in
9 section 16121(c) desiring to receive a grant from an
10 urban eligible local educational agency pursuant to
11 section 16126 shall—

12 “(A) submit an application to the urban el-
13 igible local educational agency;

14 “(B) describe in the application the collabo-
15 rative efforts undertaken with the urban eligible
16 local educational agency in designing a program
17 to meet the purposes of this subpart; and

18 “(C) describe in the application how funds
19 will be used to help meet the education goals se-
20 lected by the urban eligible local educational
21 agency pursuant to subsection (b).

22 “(b) CONTENTS OF URBAN LOCAL EDUCATIONAL
23 AGENCY APPLICATION.—Each application submitted by an
24 urban eligible local educational agency shall include a de-
25 scription of—

1 “(1) the ranking of all schools in the urban eligi-
2 ble local educational agency by achievement, poverty,
3 and racial isolation and how such schools will be
4 served in accordance with section 16127(a);

5 “(2) the community served by the urban eligible
6 local educational agency and the effects of the commu-
7 nity on the educational conditions within the schools
8 served by the urban eligible local educational agency;

9 “(3) the academic and other goals selected by the
10 urban eligible local educational agency and their rela-
11 tionship to the standards set for all students under
12 the Goals 2000: Educate America Act or title I of this
13 Act;

14 “(4) how funds received under this subpart will
15 be used to meet the National Education Goals selected
16 by the urban eligible local educational agency;

17 “(5) how promising or successful models or pro-
18 grams will be replicated in designing activities as-
19 sisted under this subpart; and

20 “(6) the statistical indicators and other criteria
21 that the urban eligible local educational agency will
22 use to measure progress toward meeting National
23 Education Goals, and a description of what the urban
24 eligible local educational agency has done to ensure
25 that any assessments used to measure such progress

1 *will not have a negative effect on minority or lan-*
2 *guage minority students.*

3 ***“SEC. 16123. PLANNING PERIOD.***

4 *“Any urban eligible local educational agency requiring*
5 *additional planning efforts to meet the provisions of this*
6 *subpart may use the first 6 months of the initial program*
7 *year for planning purposes, subject to approval by the Sec-*
8 *retary, except that not more than 15 percent of the first*
9 *year’s allotment shall be used for such purposes. A written*
10 *report of the results of such planning shall be submitted*
11 *to the Secretary not later than the end of the first project*
12 *year.*

13 ***“SEC. 16124. USES OF FUNDS.***

14 *“(a) IN GENERAL.—Funds allotted under this subpart*
15 *shall be used by urban eligible local educational agencies,*
16 *community-based organizations, or nonprofit partnerships*
17 *to meet National Education Goals through programs de-*
18 *signed to—*

19 *“(1) increase the academic achievement of urban*
20 *public school children to at least the national average,*
21 *such as—*

22 *“(A) effective public schools programs;*

23 *“(B) tutoring, mentoring, and other activi-*
24 *ties to improve academic achievement directly;*

1 “(C) activities designed to increase the par-
2 ticipation of minority and female students in
3 entry level and advanced courses in mathematics
4 and science;

5 “(D) supplementary academic instruction;

6 “(E) efforts to improve problem-solving and
7 higher-order thinking skills;

8 “(F) programs to increase student motiva-
9 tion for learning; and

10 “(G) efforts to lengthen the school day or
11 school year, or to reduce class sizes;

12 “(2) ensure the readiness of all urban public
13 school children for school, such as—

14 “(A) full workday, full calendar-year com-
15 prehensive early childhood development pro-
16 grams;

17 “(B) parenting classes and parent involve-
18 ment activities;

19 “(C) activities designed to coordinate pre-
20 kindergarten and child care programs;

21 “(D) efforts to integrate developmentally
22 appropriate prekindergarten services into the
23 overall public school program;

1 “(E) upgrading the qualifications of early
2 childhood education staff and standards for pro-
3 grams;

4 “(F) collaborative efforts with health and
5 social service agencies to provide comprehensive
6 services and to facilitate the transition from
7 home to school;

8 “(G) establishment of comprehensive child
9 care centers in public secondary schools for stu-
10 dents who are parents and their children; and

11 “(H) augmenting early childhood develop-
12 ment programs to meet the special educational
13 and cultural needs of limited-English proficient
14 preschool children;

15 “(3) increase the graduation rates of urban pub-
16 lic school students to at least the national average,
17 such as—

18 “(A) dropout prevention activities and sup-
19 port services for public school students at-risk of
20 dropping out of school;

21 “(B) reentry, outreach, and support activi-
22 ties to recruit students who have dropped out of
23 school to return to school;

1 “(C) development of systemwide policies
2 and practices that encourage students to stay in
3 school;

4 “(D) efforts to provide individualized stu-
5 dent support, such as mentoring programs;

6 “(E) collaborative activities between schools,
7 parents, community groups, agencies, and insti-
8 tutions of higher education aimed at preventing
9 individuals from dropping out of school;

10 “(F) programs to increase student attend-
11 ance; and

12 “(G) alternative programs for students, es-
13 pecially bilingual and special education stu-
14 dents, who have dropped out of school or are at
15 risk of dropping out of school;

16 “(4) prepare urban public school students to
17 enter higher education, pursue careers, and exercise
18 their responsibilities as citizens, such as—

19 “(A) activities designed to increase the
20 number and percentages of students, particularly
21 minority students, enrolling in postsecondary
22 educational institutions after graduation from
23 public secondary schools;

1 “(B) in-school youth employment, voca-
2 tional education, and career education programs
3 that improve the transition from school to work;

4 “(C) activities designed in collaboration
5 with colleges and universities to assist urban
6 public school graduates in completing higher
7 education;

8 “(D) efforts to increase voter registration
9 among eligible public secondary school students;

10 “(E) activities designed to promote commu-
11 nity service and volunteerism among students,
12 parents, teachers, and the community; and

13 “(F) civic education and other programs de-
14 signed to enhance responsible citizenship and un-
15 derstanding of the political process;

16 “(5) recruit and retain qualified teachers, such
17 as—

18 “(A) school-based management projects and
19 activities;

20 “(B) programs designed to test efforts to in-
21 crease the professionalization of teachers or to
22 bring teachers up to national voluntary stand-
23 ards;

1 “(C) alternative routes to certification for
2 qualified individuals from business, the military,
3 and other fields;

4 “(D) efforts to recruit and retain teachers
5 in critical shortage areas, including early child-
6 hood teachers, mathematics and science teachers,
7 and special education and bilingual teachers;

8 “(E) upgrading the skills of teacher aides
9 and paraprofessionals to permit such individuals
10 to become certified teachers;

11 “(F) activities specifically designed to in-
12 crease the number of minority teachers in urban
13 schools;

14 “(G) programs designed to ‘grow your own’
15 teachers;

16 “(H) incentives for teachers to work in
17 inner-city public schools; and

18 “(I) collaborative activities with urban uni-
19 versities to revise and upgrade teacher training
20 programs; or

21 “(6) decrease the use of drugs and alcohol among
22 urban public school students and enhance the physical
23 and emotional health of such students, such as—

1 “(A) activities designed to improve the self-
2 esteem and self-worth of urban public school stu-
3 dents;

4 “(B) the provision of health care services
5 and other social services and the coordination of
6 such services with other health care providers;

7 “(C) programs designed to improve safety
8 and discipline and reduce in-school violence,
9 vandalism, and gang activity;

10 “(D) activities that begin in the early
11 grades and are designed to prevent drug and al-
12 cohol abuse and smoking among students and
13 teachers;

14 “(E) collaborative activities with other
15 agencies, businesses, and community groups to
16 discourage the advertisement and glorification of
17 drugs and alcohol;

18 “(F) efforts to enhance health education and
19 nutrition education; and

20 “(G) alternative public schools, and schools-
21 within-schools programs, including bilingual and
22 special education programs for public school stu-
23 dents with special needs.

24 “(b) SPECIAL RULE.—Funds allotted under this sub-
25 part may be used for the planning, development, operation,

1 *or expansion of programs and activities that are designed*
2 *to assist urban public schools in meeting National Edu-*
3 *cation Goals, and may include—*

4 “(1) *training of teachers and other educational*
5 *personnel in subject areas, or in instructional tech-*
6 *nology and methods that will improve the delivery of*
7 *services in urban settings and assist in the achieve-*
8 *ment of the National Education Goals, including staff*
9 *development efforts that emphasize multicultural and*
10 *gender and disability bias-free curricula;*

11 “(2) *coordination and collaboration with other*
12 *municipal agencies, child care organizations, univer-*
13 *sities, or the private sector;*

14 “(3) *parental involvement and outreach efforts*
15 *and other activities designed to enhance parental en-*
16 *couragement of student learning;*

17 “(4) *guidance and psychological counseling, so-*
18 *cial work, and other support services that contribute*
19 *to progress in achieving National Education Goals;*

20 “(5) *efforts to acquire and improve access to edu-*
21 *cational technology;*

22 “(6) *programs to serve homeless children, chil-*
23 *dren in desegregation programs, immigrants, mi-*
24 *grants, or other highly mobile populations, even if*

1 *such individuals do not attend a public school as-*
2 *sisted under this subpart; and*

3 *“(7) efforts to improve and strengthen the cur-*
4 *riculum and coordinate services across grade levels.*

5 *“(c) PRIORITY.—Each urban eligible local educational*
6 *agency submitting an application shall give priority in de-*
7 *signing the program assisted under this subpart to activi-*
8 *ties that replicate successful efforts in other urban local edu-*
9 *cational agencies or expand successful programs within the*
10 *urban eligible local educational agency.*

11 **“SEC. 16125. ACCOUNTABILITY.**

12 *“(a) IN GENERAL.—The Secretary may award an al-*
13 *lotment under this subpart to an urban eligible local edu-*
14 *cational agency to enable such an agency to operate a pro-*
15 *gram under this subpart for a period of not more than 5*
16 *years. If an urban eligible local educational agency receiv-*
17 *ing an allotment under this subpart meets the accountabil-*
18 *ity requirements described in subsection (b) at the end of*
19 *the 5-year period, and the requirements described in sub-*
20 *section (c) at the end of each year, as determined by the*
21 *Secretary, such agency shall be eligible to continue the*
22 *project with funds under this subpart for an additional 3-*
23 *year period.*

24 *“(b) REQUIREMENTS TO MOVE TOWARD NATIONAL*
25 *EDUCATION GOALS.—*

1 “(1) *PROGRAM CONTINUATION.*—Except as pro-
2 vided in paragraph (2), if after 5 years of receiving
3 an allotment under this subpart an urban eligible
4 local educational agency is able to demonstrate to the
5 satisfaction of the Secretary that such agency has in-
6 creased the achievement level of urban public school
7 students in the lowest 2 quartiles in the schools served
8 by such agency and assisted under this subpart as
9 measured by the statistical indicators and other cri-
10 teria specified in the application in excess of the aver-
11 age such achievement of such students in the 3-year
12 period prior to the initiation of the project, then such
13 agency shall be eligible to continue the project with
14 funds under this title for an additional 5-year period
15 upon reapplication under section 16122.

16 “(2) *SPECIAL RULE.*—If after 5 years of receiv-
17 ing an allotment under this subpart an urban eligible
18 local educational agency is able to demonstrate to the
19 Secretary that it has made significant progress in
20 school improvement, given changes in the student
21 population or other factors beyond such agency’s con-
22 trol, then such agency shall be considered to have met
23 the requirements of paragraph (1) so long as the
24 achievement level of the schools served by such agency

1 *and assisted under this subpart did not decline over*
2 *the 5-year period.*

3 “(c) *COLLECTION OF DATA.*—Each urban eligible local
4 *educational agency, community-based organization, univer-*
5 *sity, or nonprofit partnership receiving an allotment under*
6 *this subpart shall annually collect and submit to the Sec-*
7 *retary data based on the statistical indicators and other*
8 *criteria described in the application submitted by such*
9 *urban eligible local educational agency for the purposes of*
10 *monitoring progress in achieving National Education*
11 *Goals. Such data shall include multiple measures or indica-*
12 *tors of each variable, and may take into consideration the*
13 *mobility of students in the schools served under this sub-*
14 *part.*

15 **“SEC. 16126. INCENTIVE AWARDS TO EXEMPLARY PRO-**
16 **GRAMS.**

17 “From amounts reserved pursuant to section 16121(a)
18 *or otherwise made available, the Secretary is authorized to*
19 *make competitive awards to individual public schools par-*
20 *ticipating in a program assisted under this subpart that*
21 *demonstrate to the satisfaction of the Secretary success in*
22 *at least 3 of the following areas:*

23 “(1) *Unusual or exemplary progress in achieving*
24 *the National Education Goals through programs de-*
25 *scribed in section 16124.*

1 “(2) *Exemplary or unusually effective collabo-*
 2 *rative arrangements between public schools, commu-*
 3 *nity-based organizations, agencies, parent groups, col-*
 4 *leges and businesses.*

5 “(3) *Identification, review, and removal of po-*
 6 *tential barriers to student performance in achieving*
 7 *National Education Goals, including a decrease in*
 8 *suspensions, expulsions, in-grade retentions, and abil-*
 9 *ity groupings, and lack of access to course offerings*
 10 *in pre-algebra and introductory algebra.*

11 “(4) *Substantial expansion of the hours that*
 12 *public schools remain open for community use or stu-*
 13 *dent after-school recreation.*

14 **“SEC. 16127. SPECIAL RULES.**

15 “(a) *RANKING OF SCHOOLS TO DETERMINE RELATIVE*
 16 *NEED.—*

17 “(1) *IN GENERAL.—In order to determine which*
 18 *public schools are most in need of services, each urban*
 19 *eligible local educational agency desiring to receive an*
 20 *allotment under this subpart shall separately rank all*
 21 *public elementary and secondary schools under the ju-*
 22 *risdiction of such agency on the basis of—*

23 “(A) *low achievement;*

24 “(B) *high poverty; and*

25 “(C) *racial isolation.*

1 “(2) *PERCENTAGE OF SCHOOLS TO BE*
2 *SERVED.*—Each urban eligible local educational agen-
3 cy that receives an allotment under this subpart shall
4 serve at least 10 percent, but not more than 20 per-
5 cent, of the public schools under the jurisdiction of
6 such agency.

7 “(3) *CRITERIA FOR SCHOOLS TO BE SERVED.*—
8 Subject to paragraph (2) of this subsection, each
9 urban eligible local educational agency that receives
10 an allotment under this subpart—

11 “(A) shall serve any public school that is
12 determined to be most in need with respect to all
13 3 rankings described in paragraph (1);

14 “(B) may serve any public school that is de-
15 termined to be most in need with respect to any
16 1 or more of such rankings; and

17 “(C) may serve any public school that re-
18 ceived assistance under this title in a previous
19 fiscal year.

20 “(b) *FLEXIBILITY.*—Each urban eligible local edu-
21 cational agency shall have the flexibility to serve homeless
22 children, children in schools undergoing desegregation, im-
23 migrants, migrants, or other highly mobile populations
24 within the program assisted under this subpart.

“Subpart 2—General Provisions

“SEC. 16131. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

“(a) AUTHORIZATION TO CALL CONFERENCE.—

“(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the ‘Conference’) which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

“(2) PURPOSE.—The purpose of the Conference shall be to—

“(A) develop recommendations and strategies for the improvement of urban education;

“(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

“(C) conduct the initial planning for a permanent national advisory commission on urban education.

“(b) COMPOSITION OF CONFERENCE.—

“(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

“(A) representatives of urban public school systems, including members of the governing

1 *body of local educational agencies, and school su-*
2 *perintendents;*

3 *“(B) representatives of the Congress, the De-*
4 *partment of Education, and other Federal agen-*
5 *cies;*

6 *“(C) State elected officials and representa-*
7 *tives from State educational agencies; and*

8 *“(D) individuals with special knowledge of*
9 *and expertise in urban education.*

10 *“(2) SELECTION.—The President shall select one-*
11 *third of the participants of the Conference, the Major-*
12 *ity Leader of the Senate shall select one-third of such*
13 *participants, and the Speaker of the House of Rep-*
14 *resentatives shall select the remaining one-third of*
15 *such participants.*

16 *“(3) REPRESENTATION.—In selecting the partici-*
17 *pants of the Conference, the President, the Majority*
18 *Leader of the Senate, and the Speaker of the House*
19 *of the House of Representatives shall ensure that the*
20 *participants are as representative of the ethnic, ra-*
21 *cial, and linguistic diversity of cities as is prac-*
22 *ticable.*

23 *“(c) REPORT.—*

24 *“(1) IN GENERAL.—Not later than 120 days fol-*
25 *lowing the termination of the Conference, a final re-*

1 *port of the Conference, containing such findings and*
 2 *recommendations as may be made by the Conference,*
 3 *shall be submitted to the President. The final report*
 4 *shall be made public and, not later than 90 days after*
 5 *receipt by the President, transmitted to the Congress*
 6 *together with a statement of the President containing*
 7 *recommendations for implementing the report.*

8 “(2) *PUBLICATION AND DISTRIBUTION.*—*The*
 9 *Conference is authorized to publish and distribute the*
 10 *report described in this section. Copies of the report*
 11 *shall be provided to the Federal depository libraries*
 12 *and made available to local urban public school lead-*
 13 *ers.*

14 **“PART B—RURAL SCHOOLS**

15 **“SEC. 16201. SHORT TITLE.**

16 “*This part may be cited as the ‘Rural Schools of Amer-*
 17 *ica (RSA) Act of 1994’.*

18 **“SEC. 16202. FINDINGS.**

19 “*The Congress finds that—*

20 “(1) *the ability of America’s rural public school*
 21 *systems to meet the National Education Goals will*
 22 *contribute to the economic competitiveness and aca-*
 23 *demic standing of the Nation in the world commu-*
 24 *nity;*

1 “(2) the quality of public education in the rural
2 areas of the Nation has a direct effect on the economic
3 development of the rural communities of the Nation;

4 “(3) the success of rural public schools in boost-
5 ing the achievement of minority youth attending such
6 schools will determine the ability of the Nation to
7 close the gap between the haves and the have-nots in
8 society;

9 “(4) the cost to America’s businesses to provide
10 remedial education to secondary public school grad-
11 uates is approximately \$21,000,000,000 per year;

12 “(5) rural public schools enroll a disproportion-
13 ately large share of the Nation’s poor and at-risk
14 youth;

15 “(6) approximately 60 percent of the Nation’s
16 public school districts are rural with a population of
17 less than 2,500;

18 “(7) approximately one out of every four of
19 America’s rural children are living below the poverty
20 line;

21 “(8) the academic performance of students in the
22 average rural public school system is below that of
23 students in most suburban school systems;

24 “(9) rural preschoolers have less access to early
25 childhood development programs than other children;

1 “(10) shortages of teachers for rural public school
2 systems is greater than in other kinds of school sys-
3 tems;

4 “(11) a declining number of rural public second-
5 ary school graduates are pursuing postsecondary edu-
6 cation opportunities;

7 “(12) the average age of rural public school
8 buildings is more than 45 years old and such build-
9 ings are often in serious disrepair, creating poor and
10 demoralizing working and learning conditions;

11 “(13) solving the challenges facing the Nation’s
12 rural public schools will require the concerted and col-
13 laborative efforts of all levels of government and all
14 sectors of the community;

15 “(14) Federal and State funding of rural public
16 schools has not adequately reflected need; and

17 “(15) Federal funding that is well-targeted, flexi-
18 ble, and accountable would contribute significantly to
19 addressing the comprehensive needs of rural public
20 schools.

21 **“SEC. 16203. PURPOSE.**

22 *“It is the purpose of this part to provide financial as-*
23 *sistance to rural public schools most in need, to encourage*
24 *the comprehensive restructuring of America’s rural schools,*
25 *the appropriate use of telecommunications technologies for*

1 *learning, and to support innovative programs which im-*
2 *prove performance through programs and projects designed*
3 *to—*

4 “(1) assist rural public schools in meeting Na-
5 tional Education Goals;

6 “(2) encourage rural public schools to engage in
7 school reform;

8 “(3) develop pilot projects that experiment with
9 innovative ways to teach rural public school children
10 more effectively;

11 “(4) improve the educational and social well-
12 being of rural public school children;

13 “(5) close the achievement gap between children
14 attending rural public schools and other children,
15 while improving the achievement level of all children
16 nationally;

17 “(6) conduct coordinated research on rural edu-
18 cation problems, solutions, promising practices, and
19 distance learning technologies;

20 “(7) improve the Nation’s global economic and
21 educational competitiveness by improving the Na-
22 tion’s rural public schools;

23 “(8) encourage community, parental, and busi-
24 ness collaboration in the improvement of rural public
25 schools;

1 “(9) encourage rural school consortia for the pur-
2 pose of increasing efficiency and course offerings;

3 “(10) encourage a positive role for rural public
4 schools in local rural entrepreneurship and the identi-
5 fication of rural community economic development
6 opportunities;

7 “(11) encourage community-as-school concepts,
8 which include the role public schools can play to as-
9 sist with rural community economic revitalization;
10 and

11 “(12) provide meaningful inservice opportunities
12 for rural public school teachers.

13 **“Subpart 1—Rural School Improvement**

14 **“SEC. 16221. ALLOTMENT OF FUNDS.**

15 “(a) RESERVATION.—From the amount appropriated
16 or otherwise made available to carry out this subpart for
17 any fiscal year after the first fiscal year in which the Sec-
18 retary awards allotments to State educational agencies
19 under this subpart, the Secretary shall reserve 5 percent of
20 such funds to provide incentive awards in accordance with
21 section 16226.

22 “(b) ALLOTMENTS.—

23 “(1) FEDERAL ALLOTMENT.—From the remain-
24 der of the funds not reserved under subsection (a), the
25 Secretary shall allot to each State educational agency

1 *with an approved application in each fiscal year an*
2 *amount which bears the same relationship to such*
3 *funds as the amount all rural eligible local edu-*
4 *cational agencies with approved applications in the*
5 *State were allocated under section 1123 (or for fiscal*
6 *year 1995 only, such section's predecessor authority)*
7 *in the preceding fiscal year bears to the total amount*
8 *received under such section (or predecessor authority)*
9 *in such preceding fiscal year by all rural eligible local*
10 *educational agencies with approved applications in*
11 *all States.*

12 “(2) STATE ALLOTMENT.—

13 “(A) RESERVATION FOR ADMINISTRATIVE
14 EXPENSES.—From amounts received pursuant to
15 paragraph (1), each State educational agency
16 may reserve not more than 1 percent of such
17 amount for administrative expenses.

18 “(B) RESERVATION FOR COMMUNITY-BASED
19 ORGANIZATIONS AND NONPROFIT PARTNER-
20 SHIPS.—From amounts received under para-
21 graph (1) for any fiscal year, each State edu-
22 cational agency shall reserve not more than 5
23 percent to make as many grants as practicable
24 for activities in accordance with the National

1 *Education Goals and described in section 16224*
2 *to—*

3 *“(i) community-based organizations; or*
4 *“(ii) nonprofit partnerships among*
5 *rural eligible local educational agencies,*
6 *local colleges or universities, private sector*
7 *businesses, or any combination thereof, that*
8 *enter into a written agreement with at least*
9 *one rural eligible local educational agency.*

10 *“(C) FORMULA.—From the remainder of*
11 *amounts received pursuant to paragraph (1) and*
12 *not reserved pursuant to subparagraphs (A) and*
13 *(B) in each fiscal year, each State educational*
14 *agency shall allot to each rural eligible local edu-*
15 *cational agency with an approved application*
16 *an amount which bears the same relationship to*
17 *such funds as the amount such rural eligible*
18 *local educational agency was allocated under sec-*
19 *tion 1123 (or for fiscal year 1995 only, such sec-*
20 *tion’s predecessor authority) in the preceding fis-*
21 *cal year bears to the total amount received under*
22 *such section (or predecessor authority) in such*
23 *preceding fiscal year by all rural eligible local*
24 *educational agencies with approved applications*
25 *in the State.*

1 “(D) *ADMINISTRATIVE COSTS.*—Not more
 2 than 5 percent of any rural eligible local edu-
 3 cational agency’s allotment under this subsection
 4 may be used for administrative costs.

5 “(c) *REALLOTMENT.*—Any amounts available for real-
 6 lotment pursuant to subsections (a) and (b) shall be reallocot-
 7 ted in the same manner as the original allotments were
 8 made.

9 **“SEC. 16222. APPLICATION.**

10 “(a) *STATE APPLICATION.*—

11 “(1) *IN GENERAL.*—Each State educational
 12 agency desiring to receive an allotment in any fiscal
 13 year to carry out the provisions of this subpart shall
 14 submit an application to the Secretary at such time,
 15 in such manner, and accompanied by such informa-
 16 tion as the Secretary may reasonably require.

17 “(2) *CONTENTS.*—Each application submitted
 18 pursuant to paragraph (1) shall—

19 “(A) describe the State’s approach to im-
 20 proving education in rural public schools;

21 “(B) contain such information as the Sec-
 22 retary may reasonably require in order to make
 23 the allotment described in section 16221(b)(1);
 24 and

1 “(C) contain such other information or as-
2 surances as the Secretary determines necessary to
3 ensure compliance with this subpart.

4 “(b) LOCAL APPLICATION.—

5 “(1) IN GENERAL.—Any rural eligible local edu-
6 cational agency desiring to receive an allotment to
7 carry out this subpart, shall submit an application to
8 the State educational agency at such time, in such
9 manner, and accompanied by such information as the
10 State educational agency may reasonably require.

11 “(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY
12 APPLICATION.—Each application submitted by a
13 rural eligible local educational agency pursuant to
14 paragraph (1) shall include a description of—

15 “(A) the community served by the rural eli-
16 gible local educational agency and the effects of
17 the community on the educational conditions
18 within the public schools served by the rural eli-
19 gible local educational agency;

20 “(B) the academic and other goals selected
21 by the rural eligible local educational agency
22 and their relationship to the standards set for all
23 students under the Goals 2000: Educate America
24 Act or title I of this Act;

1 “(C) how funds received under this subpart
2 will be used to meet the National Educational
3 Goals selected by the rural eligible local edu-
4 cational agency;

5 “(D) how promising or successful models or
6 programs will be replicated in designing activi-
7 ties assisted under this subpart;

8 “(E) which federally funded programs and
9 activities are being expanded under this subpart;
10 and

11 “(F) the statistical indicators and other cri-
12 teria that the rural eligible local educational
13 agency will use to measure progress toward
14 meeting National Education Goals.

15 “(3) DURATION.—Except as provided in section
16 16225, the application described in paragraph (1)
17 may be for a period of not more than 5 years.

18 “(c) COMMUNITY-BASED ORGANIZATIONS AND NON-
19 PROFIT PARTNERSHIPS.—Any community-based organiza-
20 tion or nonprofit partnership described in section
21 16221(b)(2)(B) desiring to receive a grant from a State edu-
22 cational agency pursuant to such section shall—

23 “(1) prepare and submit an application to the
24 State educational agency;

1 “(2) describe in the application the collaborative
2 efforts undertaken with a rural eligible local edu-
3 cational agency in designing a program to meet the
4 purposes of this part; and

5 “(3) describe in the application how funds will
6 be used to help meet the education goals selected by
7 a rural eligible local educational agency pursuant to
8 subsection (b) of this section.

9 **“SEC. 16223. PLANNING PERIOD.**

10 “Any rural eligible local educational agency requiring
11 additional planning efforts to meet the requirements of this
12 subpart may use the first 3 months of the initial program
13 year for planning purposes, subject to approval by the State
14 educational agency, except that not more than 10 percent
15 of the first year’s allotment shall be used for such purposes.
16 A written report of the results of the plan shall be submitted
17 to the State educational agency.

18 **“SEC. 16224. USES OF FUNDS.**

19 “(a) *IN GENERAL.*—Funds allotted under section
20 16221(b)(2) shall be used by rural eligible local educational
21 agencies, or community-based organizations or nonprofit
22 partnerships described in section 16221(b)(2)(B), to meet
23 National Education Goals through programs designed to—

1 “(1) increase the academic achievement of rural
2 public school children to at least the national average,
3 including education reform initiatives, such as—

4 “(A) effective public schools programs;

5 “(B) tutoring, mentoring, and other activi-
6 ties to improve academic achievement directly;

7 “(C) supplementary academic instruction;

8 “(D) efforts to improve problem-solving and
9 higher-order critical thinking skills;

10 “(E) programs to increase student motiva-
11 tion for learning;

12 “(F) efforts to lengthen the school day,
13 school year, or reduce class sizes; and

14 “(G) encouraging the establishment of rural
15 school consortia to increase efficiency and course
16 offerings;

17 “(2) ensure the readiness of all rural children for
18 school, such as—

19 “(A) full workday, full calendar-year com-
20 prehensive early childhood development pro-
21 grams;

22 “(B) parenting classes, including parenting
23 classes for teenage parents, and parent involve-
24 ment activities;

1 “(C) activities designed to coordinate pre-
2 kindergarten and child care programs;

3 “(D) efforts to integrate developmentally
4 appropriate prekindergarten services into the
5 overall public school program;

6 “(E) improving the skills of early childhood
7 education staff and standards for programs;

8 “(F) collaborative efforts with health and
9 social service agencies to provide comprehensive
10 services and to facilitate the transition from
11 home to school;

12 “(G) establishment of comprehensive child
13 care centers in public secondary schools for stu-
14 dent-parents and their children; and

15 “(H) augmenting early childhood develop-
16 ment programs to meet the special educational
17 and cultural needs of limited-English proficient
18 and migrant preschool children;

19 “(3) increase the graduation rates of rural public
20 school students to at least the national average, when
21 funds are used to serve secondary schools, such as—

22 “(A) dropout prevention activities and sup-
23 port services for students at-risk of dropping out
24 of school;

1 “(B) reentry, outreach and support activi-
2 ties to recruit students who have dropped out of
3 school to return to school;

4 “(C) development of systemwide policies
5 and practices that encourage students to stay in
6 school;

7 “(D) efforts to provide individualized stu-
8 dent support;

9 “(E) collaborative activities between schools,
10 parents, community groups, agencies, and insti-
11 tutions of higher education aimed at preventing
12 individuals from dropping out of school;

13 “(F) programs to increase student attend-
14 ance; and

15 “(G) alternative programs for students, es-
16 pecially bilingual, special education, and mi-
17 grant students, who have dropped out of school
18 or are at risk of dropping out of school;

19 “(4) prepare rural public school students to enter
20 higher education, pursue careers, and exercise their
21 responsibilities as citizens, such as—

22 “(A) activities designed to increase the
23 number and percentages of students, enrolling in
24 postsecondary educational institutions after
25 graduation from secondary schools;

1 “(B) in-school youth employment, voca-
2 tional education, and career education programs
3 that improve the transition from school to work;

4 “(C) activities designed in collaboration
5 with colleges and universities to assist rural pub-
6 lic school graduates in completing higher edu-
7 cation;

8 “(D) activities designed in conjunction with
9 community colleges to provide a kindergarten
10 through grade 14 experience for rural public
11 school secondary school students;

12 “(E) efforts to increase voter registration
13 among eligible public secondary school students
14 attending schools served by rural eligible local
15 educational agencies;

16 “(F) activities designed to promote commu-
17 nity service and volunteerism among students,
18 parents, teachers, and the community;

19 “(G) civic education, law-related education,
20 and other programs designed to enhance respon-
21 sible citizenship and understanding of the politi-
22 cal process; and

23 “(H) encouraging a positive role for rural
24 public schools in local rural entrepreneurship

1 *and the identification of rural community eco-*
2 *nomie development opportunities;*

3 “(5) recruit and retain qualified teachers, such
4 *as—*

5 “(A) school-based management projects and
6 *activities;*

7 “(B) programs designed to increase the sta-
8 *tus of the teaching profession;*

9 “(C) alternative routes to certification for
10 *qualified individuals from business, the military,*
11 *and other fields;*

12 “(D) efforts to recruit and retain teachers
13 *in critical shortage areas, including early child-*
14 *hood teachers, mathematics and science teachers,*
15 *foreign language teachers, and special education*
16 *and bilingual teachers;*

17 “(E) upgrading the skills of existing class-
18 *room teachers through the use of year-round, sys-*
19 *tematic, comprehensive inservice training pro-*
20 *grams;*

21 “(F) upgrading the skills of teacher aides
22 *and paraprofessionals to assist such individuals*
23 *in becoming certified teachers;*

1 “(G) efforts specifically designed to increase
2 the number of minority teachers in rural public
3 schools;

4 “(H) programs designed to encourage par-
5 ents and students to enter the teaching profes-
6 sion;

7 “(I) incentives for teachers to work in rural
8 public schools;

9 “(J) collaborative activities with colleges
10 and universities to revise and upgrade teacher
11 training programs to meet the needs of rural
12 public school students; and

13 “(K) training activities for the purpose of
14 incorporating distance learning technologies; or

15 “(6) decrease the use of drugs and alcohol among
16 rural public school students, and to enhance the phys-
17 ical and emotional health of such students, such as—

18 “(A) activities designed to improve the self-
19 esteem and self-worth of rural students;

20 “(B) the provision of health care services
21 and other social services and the coordination of
22 such services with other health care providers;

23 “(C) programs designed to improve safety
24 and discipline and reduce in-school violence and
25 vandalism;

1 “(D) activities that begin in the early
2 grades and are designed to prevent drug and al-
3 cohol abuse and smoking among students;

4 “(E) collaborative activities with other
5 agencies, businesses, and community groups;

6 “(F) efforts to enhance health education and
7 nutrition education; and

8 “(G) alternative public schools, and schools-
9 within-schools programs, including bilingual,
10 migrant, and special education programs for
11 students with special needs.

12 “(b) *SPECIAL RULE.*—Funds allotted under section
13 16221(b)(2) may be used by rural eligible local educational
14 agencies, or community-based organizations or nonprofit
15 partnerships, described in section 16221(b)(2)(B), for the
16 planning, development, operation, or expansion of pro-
17 grams and activities that are designed to assist rural public
18 schools in meeting National Education Goals, and may in-
19 clude—

20 “(1) training of teachers and other educational
21 personnel in subject areas, or instructional technology
22 and methods, that will improve the delivery of serv-
23 ices in rural settings in any of the National Edu-
24 cation Goal areas, including staff development efforts

1 *which emphasize multicultural, gender, and disability*
2 *bias-free curricula;*

3 “(2) coordination and collaboration with other
4 *rural agencies, including State rural development*
5 *councils, child care organizations, universities, or the*
6 *private sector;*

7 “(3) parental involvement and outreach efforts
8 *and other activities designed to enhance parental en-*
9 *couragement of student learning;*

10 “(4) guidance counseling, psychological, social
11 *work, and other support services that contribute to*
12 *progress in achieving National Education Goals;*

13 “(5) efforts to acquire and improve access to edu-
14 *cational technology, including distance learning tech-*
15 *nologies;*

16 “(6) programs to serve homeless children, chil-
17 *dren in schools undergoing desegregation, immi-*
18 *grants, migrants, or other highly mobile populations,*
19 *even if such individuals do not attend a rural public*
20 *school assisted under this subpart;*

21 “(7) efforts to improve, reform and strengthen
22 *the curriculum, especially efforts to enhance critical*
23 *thinking skills among rural students, and efforts to*
24 *coordinate services across grade levels; and*

1 “(8) other activities designed to assist in achiev-
2 ing the National Education Goals.

3 “(c) *PRIORITY.*—Each eligible rural local educational
4 agency submitting an application under this section shall
5 give priority in designing the program assisted under this
6 subpart to activities that replicate successful efforts in other
7 local educational agencies or expand successful programs
8 within the rural eligible local educational agency.

9 **“SEC. 16225. ACCOUNTABILITY.**

10 “(a) *IN GENERAL.*—The State educational agency
11 may award an allotment under this subpart to a rural eli-
12 gible local educational agency to enable such an agency to
13 operate a program under this subpart for a period of not
14 more than 5 years. If a rural eligible local educational
15 agency receiving an allotment under this subpart meets the
16 accountability requirements described in subsection (b) at
17 the end of 5 years and the requirements described in sub-
18 section (c) at the end of each year, as determined by the
19 State educational agency, such local educational agency
20 shall be eligible to continue the project with funds under
21 this subpart for an additional 3 years if such local edu-
22 cational agency so desires.

23 “(b) *REQUIREMENTS TO MOVE TOWARD NATIONAL*
24 *EDUCATION GOALS.*—

1 “(1) *PROGRAM CONTINUATION.*—If, after 5 years
2 of receiving an allotment under this subpart, a rural
3 eligible local educational agency is able to dem-
4 onstrate to the satisfaction of the State educational
5 agency that such rural eligible local educational agen-
6 cy has increased the achievement within the lowest 2
7 quartiles of students in rural public schools assisted
8 under this subpart as measured by the statistical in-
9 dicators and other criteria specified in the applica-
10 tion in comparison to the year prior to the initiation
11 of the project, then such agency shall be eligible to
12 continue the project with funds under this subpart for
13 an additional 5 years upon reapplication under sec-
14 tion 16222.

15 “(2) *SPECIAL RULE.*—If, after 5 years of receiv-
16 ing an allotment under this subpart, a rural eligible
17 local educational agency is able to demonstrate to the
18 Secretary that it has made significant progress in
19 school improvement, given changes in the student
20 population or other factors beyond such agency’s con-
21 trol, then such agency shall be deemed to have met the
22 requirements of paragraph (1) so long as the average
23 achievement level of the public schools assisted under
24 this subpart did not decline over the previous 5-year
25 period.

1 “(c) *COLLECTION OF DATA AND CERTIFICATION.*—

2 “(1) *IN GENERAL.*—Each rural eligible local edu-
3 cational agency, community-based organizations or
4 nonprofit partnerships described in section
5 16221(b)(2)(B), receiving assistance under this sub-
6 part shall annually collect and submit to the State
7 educational agency data based on the statistical indi-
8 cators and other criteria described in the application
9 submitted by such rural eligible local educational
10 agency for the purposes of monitoring progress in
11 achieving the National Education Goals in accord-
12 ance with paragraph (2). Such data shall include
13 multiple measures or indicators of each variable, and
14 may take into consideration the mobility of students
15 in the public schools served under this subpart or
16 other special factors.

17 “(2) *CERTIFICATION.*—Each rural eligible local
18 educational agency receiving an allotment pursuant
19 to section 16221(b)(2) shall annually certify to the
20 State educational agency that such rural eligible local
21 educational agency has—

22 “(A) complied with the provisions of this
23 subsection; and

1 “(B) made progress toward meeting Na-
2 tional Education Goals and the goals described
3 in section 16222(b)(2)(D).

4 **“SEC. 16226. INCENTIVE AWARDS TO EXEMPLARY PRO-**
5 **GRAMS.**

6 “From amounts reserved pursuant to section 16221(a)
7 or otherwise made available, the Secretary is authorized to
8 make competitive awards to rural eligible local educational
9 agencies to enable such agencies to provide assistance to in-
10 dividual schools participating in a program assisted under
11 this subpart that demonstrate to the satisfaction of the Sec-
12 retary at least 3 of the following:

13 “(1) Unusual or exemplary progress in achieving
14 the National Education Goals through programs de-
15 scribed in section 16224.

16 “(2) Exemplary or unusually effective collabo-
17 rative arrangements between the schools, community-
18 based organizations, agencies, parent groups, colleges,
19 and businesses.

20 “(3) Identification, review and removal of poten-
21 tial barriers to student performance in the National
22 Education Goal areas, such as suspensions and expul-
23 sions, in-grade retentions, ability grouping, lack of
24 access to course offerings, and other such barriers.

“Subpart 2—General Provisions

“SEC. 16231. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.

“(a) AUTHORIZATION TO CALL CONFERENCE.—

“(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (referred to in this section as the ‘Conference’).

“(2) DATE.—The Conference described in paragraph (1) shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

“(3) PURPOSE.—The purposes of the Conference shall be to—

“(A) develop recommendations and strategies for the improvement of rural public education;

“(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

1 “(C) conduct the initial planning for a per-
2 manent national commission on rural public
3 education.

4 “(b) COMPOSITION OF CONFERENCE.—

5 “(1) IN GENERAL.—The Conference shall be com-
6 prised of—

7 “(A) representatives of eligible public school
8 systems, including members of the governing
9 body of local educational agencies, school super-
10 intendents, and classroom teachers;

11 “(B) representatives of the Congress, the De-
12 partment of Education, and other Federal agen-
13 cies;

14 “(C) State elected officials and representa-
15 tives from State educational agencies;

16 “(D) individuals with special knowledge of,
17 and expertise in, rural education, including in-
18 dividuals involved with rural postsecondary edu-
19 cation; and

20 “(E) individuals with special knowledge of,
21 and expertise in, rural business.

22 “(2) SELECTION.—The President shall select one-
23 third of the participants of the Conference, the Major-
24 ity Leader of the Senate shall select one-third of such
25 participants, and the Speaker of the House of Rep-

1 *representatives shall select the remaining one-third of*
2 *such participants.*

3 “(3) *REPRESENTATION.*—*In selecting the partici-*
4 *pants of the Conference, the President, the Majority*
5 *Leader of the Senate, and the Speaker of the House*
6 *of Representatives shall ensure that the participants*
7 *are as representative of the ethnic, racial, and lan-*
8 *guage diversity of rural areas as is practicable.*

9 “(c) *REPORT.*—

10 “(1) *IN GENERAL.*—*Not later than 120 days fol-*
11 *lowing the termination of the Conference, a final re-*
12 *port of the Conference, containing such findings and*
13 *recommendations as may be made by the Conference,*
14 *shall be submitted to the President. The final report*
15 *shall be made public and, not later than 90 days after*
16 *receipt by the President, transmitted to the Congress*
17 *together with a statement of the President containing*
18 *recommendations for implementing the report.*

19 “(2) *PUBLICATION AND DISTRIBUTION.*—*The*
20 *Conference is authorized to publish and distribute the*
21 *report described in this section. Copies of the report*
22 *shall be provided to the Federal depository libraries*
23 *and made available to local rural school leaders and*
24 *teachers.*

1 **“PART C—AUTHORIZATION OF APPROPRIATIONS**

2 **“SEC. 16301. AUTHORIZATION OF APPROPRIATIONS.**

3 “(a) *IN GENERAL.*—There are authorized to be appro-
 4 priated \$50,000,000 for fiscal year 1995, and such sums
 5 as may be necessary for each of the 4 succeeding fiscal years,
 6 to carry out this title, of which—

7 “(1) 50 percent shall be made available to carry
 8 out part A; and

9 “(2) 50 percent shall be made available to carry
 10 out part B.

11 “(b) *FEDERAL FUNDS TO SUPPLEMENT NOT SUP-*
 12 *PLANT NON-FEDERAL FUNDS.*—An eligible local edu-
 13 cational agency may use funds received under this title only
 14 to supplement and, to the extent practicable, increase the
 15 level of funds that would, in the absence of such Federal
 16 funds, be made available from non-Federal sources for the
 17 education of students participating in activities assisted
 18 under this title, and in no such case may such funds be
 19 used to supplant funds from non-Federal sources.

20 **“TITLE XVII—GUN-FREE**
 21 **SCHOOLS**

22 **“SEC. 17001. GUN-FREE REQUIREMENTS.**

23 “(a) *SHORT TITLE.*—This section may be cited as the
 24 “Gun-Free Schools Act of 1994”.

25 “(b) *REQUIREMENTS.*—

1 “(1) *IN GENERAL.*—Except as provided in para-
2 graph (3), no assistance may be provided to any local
3 educational agency under this Act unless such agency
4 has in effect a policy requiring the expulsion from
5 school for a period of not less than one year of any
6 student who is determined to have brought a weapon
7 to a school under the jurisdiction of such agency, ex-
8 cept that such policy may allow the chief administer-
9 ing officer of such agency to modify such expulsion re-
10 quirement for a student on a case-by-case basis.

11 “(2) *CONSTRUCTION.*—Nothing in this title shall
12 be construed to prevent a local educational agency
13 that has expelled a student from such student’s regu-
14 lar school setting from providing educational services
15 to such student in an alternative setting, as provided
16 by State law, policy, or otherwise determined by such
17 local educational agency.

18 “(3) *SPECIAL RULE.*—(A) Any local educational
19 agency serving a State that has enacted a State law
20 prior to the date of enactment of the Improving
21 America’s Schools Act of 1994 which is in conflict
22 with the not less than 1 year expulsion requirement
23 described in paragraph (1) shall have the period of
24 time described in subparagraph (B) to comply with
25 such requirement.

1 “(B) *The period of time shall be the period be-*
2 *ginning on the date of enactment of the Improving*
3 *America’s Schools Act and ending 1 year after such*
4 *date.*

5 “(4) *DEFINITION.—For the purpose of this sec-*
6 *tion, the term ‘weapon’ means a firearm as such term*
7 *is defined in section 921 of title 18, United States*
8 *Code.*

9 “(c) *REPORT TO STATE.—Each local educational*
10 *agency requesting assistance from the State educational*
11 *agency that is to be provided from funds made available*
12 *to the State under this Act shall provide to the State, in*
13 *the application requesting such assistance—*

14 “(1) *an assurance that such local educational*
15 *agency has in effect the policy required by subsection*
16 *(b); and*

17 “(2) *a description of the circumstances surround-*
18 *ing any expulsions imposed under the policy required*
19 *by subsection (b), including—*

20 “(A) *the name of the school concerned;*

21 “(B) *the number of students expelled from*
22 *such school; and*

23 “(C) *the types of weapons concerned.”.*

1 ***TITLE II—AMENDMENTS TO THE***
2 ***GENERAL EDUCATION PROVI-***
3 ***SIONS ACT***

4 ***PART A—APPLICABILITY OF THE GENERAL***
5 ***EDUCATION PROVISIONS ACT***

6 ***SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.***

7 *Section 400 of the General Education Provisions Act*
8 *(20 U.S.C. 1221 et seq.) (hereafter in this title (other than*
9 *part G) referred to as the “Act”) is amended to read as*
10 *follows:*

11 *“SHORT TITLE; APPLICABILITY; DEFINITIONS*

12 *“SEC. 400. (a) This title may be cited as the ‘General*
13 *Education Provisions Act’.*

14 *“(b)(1) Except as otherwise provided, this title applies*
15 *to each applicable program of the Department of Education.*

16 *“(2) Except as otherwise provided, this title does not*
17 *apply to any contract made by the Department of Edu-*
18 *cation.*

19 *“(c) As used in this title, the following terms have the*
20 *following meanings:*

21 *“(1) The term ‘applicable program’ means any*
22 *program for which the Secretary or the Department*
23 *has administrative responsibility as provided by law*
24 *or by delegation of authority pursuant to law. The*
25 *term includes each program for which the Secretary*

1 *or the Department has administrative responsibility*
2 *under the Department of Education Organization Act*
3 *or under Federal law effective after the effective date*
4 *of that Act.*

5 *“(2) The term ‘applicable statute’ means—*

6 *“(A) the Act or the title, part, section, or*
7 *any other subdivision of an Act, as the case may*
8 *be, that authorizes the appropriation for an ap-*
9 *plicable program;*

10 *“(B) this title; and*

11 *“(C) any other statute that by its terms ex-*
12 *pressly controls the administration of an appli-*
13 *cable program.*

14 *“(3) The term ‘Department’ means the Depart-*
15 *ment of Education.*

16 *“(4) The term ‘Secretary’ means the Secretary of*
17 *Education.*

18 *“(d) Nothing in this title shall be construed to affect*
19 *the applicability of title VI of the Civil Rights Act of 1964,*
20 *title IX of the Education Amendments of 1972, title V of*
21 *the Rehabilitation Act of 1973, the Age Discrimination Act,*
22 *or other statutes prohibiting discrimination, to any appli-*
23 *cable program.”.*

1 **SEC. 212. REPEAL.**

2 Section 400A of the Act (20 U.S.C. 1221–3) is re-
3 *pealed.*

4 **PART B—THE DEPARTMENT OF EDUCATION**

5 **SEC. 221. NEW HEADING FOR PART A.**

6 The heading for part A of the Act is amended to read
7 *as follows:*

8 “PART A—FUNCTIONS OF THE DEPARTMENT OF
9 EDUCATION”.

10 **SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.**

11 Section 408 of the Act (20 U.S.C. 1221e–3) is amended
12 *to read as follows:*

13 “GENERAL AUTHORITY OF THE SECRETARY

14 “SEC. 408. The Secretary, in order to carry out func-
15 *tions otherwise vested in the Secretary by law or by delega-*
16 *tion of authority pursuant to law, and subject to limita-*
17 *tions as may be otherwise imposed by law, is authorized*
18 *to make, promulgate, issue, rescind, and amend rules and*
19 *regulations governing the manner of operation of, and gov-*
20 *erning the applicable programs administered by, the De-*
21 *partment.”.*

22 **SEC. 223. REPEALS.**

23 Sections 401, 402, 403 (20 U.S.C. 1221c), 406 (20
24 U.S.C. 1221e–1), 406A (20 U.S.C. 1221e–1a), 406B (20
25 U.S.C. 1221e–1b), 406C (20 U.S.C. 1221e–1c), and 407 (20
26 U.S.C. 1221e–2) of the Act are repealed.

1 **PART C—APPROPRIATIONS AND EVALUATIONS**

2 **SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

3 (a) *AMENDMENT TO HEADING.*—The heading for sec-
4 tion 412 of the Act (20 U.S.C. 1225) is amended to read
5 as follows:

6 “*AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR*
7 *SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLI-*
8 *GATION OF FUNDS*”.

9 (b) *AMENDMENT TO TEXT.*—Section 412 of the Act (20
10 U.S.C. 1225) is further amended—

11 (1) in subsection (a)—

12 (A) by striking “to educational agencies or
13 institutions”;

14 (B) by striking “expenditure” and inserting
15 “obligation”; and

16 (C) by striking “agency or institution con-
17 cerned” and inserting “recipient”;

18 (2) in subsection (b)—

19 (A) by amending the matter preceding
20 paragraph (2) to read as follows:

21 “(b)(1)(A) Notwithstanding any other provision of
22 law, unless enacted in express limitation of this subsection,
23 any funds from appropriations to carry out any applicable
24 State formula grant program that are not obligated by a
25 recipient by the end of the fiscal year for which such funds

1 *were appropriated shall remain available for obligation by*
 2 *such recipient during the succeeding fiscal year.*

3 *“(B) As used in this subsection, the term ‘applicable*
 4 *State formula grant program’ means an applicable pro-*
 5 *gram the authorizing statute or implementing regulations*
 6 *of which provide a formula for allocating program funds*
 7 *among eligible States.’”; and*

8 *(B) in paragraph (2)—*

9 *(i) in the matter preceding subpara-*
 10 *graph (A)—*

11 *(I) by striking “applicable pro-*
 12 *gram” and inserting “applicable State*
 13 *formula grant program”; and*

14 *(II) by striking “and expendi-*
 15 *ture” and inserting “and expended”;*
 16 *and*

17 *(ii) in subparagraph (B), by striking*
 18 *“such educational agencies or institutions”*
 19 *and inserting “the recipients of such funds”;*
 20 *and*

21 *(3) by striking subsection (c).*

22 **SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

23 *Section 414 of the Act (20 U.S.C. 1226a) is amended*
 24 *to read as follows:*

1 “CONTINGENT EXTENSION OF PROGRAMS

2 “SEC. 414. (a) *The authorization of appropriations*
3 *for, or duration of, an applicable program shall be auto-*
4 *matically extended for two additional fiscal years unless the*
5 *Congress, in the regular session that ends prior to the termi-*
6 *nal fiscal year of such authorization or duration has passed*
7 *legislation that becomes law and extends, or has rejected leg-*
8 *islation that would have extended, the authorization or du-*
9 *ration of such program.*

10 “(b) *The amount authorized to be appropriated for the*
11 *period of automatic extension under subsection (a) of an*
12 *applicable program shall be the amount authorized to be*
13 *appropriated for such program for the terminal fiscal year*
14 *of the applicable program.*

15 “(c) *If the Secretary is required, in the terminal fiscal*
16 *year of an applicable program, to carry out certain acts*
17 *or make certain determinations that are necessary for the*
18 *continuation of such program, such acts or determinations*
19 *shall be required to be carried out or made during the pe-*
20 *riod of automatic extension under subsection (a).”.*

21 **SEC. 233. BIENNIAL EVALUATION REPORT.**

22 *Section 417 of the Act (20 U.S.C. 1226c) is amended*
23 *to read as follows:*

24 “BIENNIAL EVALUATION REPORT

25 “SEC. 417. *Not later than March 31, 1995, and every*
26 *2 years thereafter, the Secretary shall transmit to the Com-*

1 *mittee on Education and Labor of the House of Representa-*
2 *tives and the Committee on Labor and Human Resources*
3 *of the Senate an evaluation report on the effectiveness of*
4 *applicable programs in achieving their legislated intent and*
5 *purposes during the 2 preceding fiscal years. Such report*
6 *shall—*

7 “(1) contain program profiles that include legis-
8 lative citations, multiyear funding histories, and leg-
9 islated purposes;

10 “(2) contain recent information on the progress
11 being made toward the achievement of program objec-
12 tives, including listings of program performance indi-
13 cators, data from performance measurement based on
14 the indicators, and information on the costs and bene-
15 fits of the applicable programs being evaluated;

16 “(3) address significant program activities, such
17 as initiatives for program improvement, regulations,
18 and program monitoring and evaluation;

19 “(4) list the principal analyses and studies sup-
20 porting the major conclusions in the report;

21 “(5) include available data to indicate the effec-
22 tiveness of the programs and projects by the race, sex,
23 disability and age of the beneficiaries of such pro-
24 grams and projects; and

1 “(6) include the results of the program evalua-
2 tions conducted in accordance with section 10107 of
3 the Elementary and Secondary Education Act of
4 1965.”.

5 **SEC. 234. TECHNICAL AMENDMENTS.**

6 (a) *PAYMENTS*.—Section 415 of the Act (20 U.S.C.
7 1226a–1) is amended by striking “Commissioner” and in-
8 serting “Secretary”.

9 (b) *PROGRAM PLANNING AND EVALUATION*.—Section
10 420 of the Act (20 U.S.C. 1228) is amended—

11 (1) by striking “title I of” and all that follows
12 through “Congress)” and inserting “title IX of the El-
13 ementary and Secondary Education Act of 1965”;
14 and

15 (2) by striking “subparagraph (C) of section
16 3(d)(2) or section 403(1)(C) of that Act” and insert-
17 ing “subsections (d) and (g) of section 9004 of such
18 Act or residing on property described in section
19 9014(10) of such Act”.

20 **SEC. 235. REPEALS.**

21 Sections 411 (20 U.S.C. 1223), 413 (20 U.S.C. 1226),
22 416 (20 U.S.C. 1226b), and 419 (20 U.S.C. 1227) of the
23 Act are repealed.

1 **PART D—ADMINISTRATION OF EDUCATION**

2 **PROGRAMS**

3 **SEC. 241. JOINT FUNDING OF PROGRAMS.**

4 *Section 421A of the Act (20 U.S.C. 1231) is amended*
5 *to read as follows:*

6 *“JOINT FUNDING OF PROGRAMS*

7 *“SEC. 421A. (a)(1) The Secretary is authorized to*
8 *enter into arrangements with other Federal agencies to*
9 *jointly carry out projects of common interest, to transfer*
10 *to such agencies funds appropriated under any applicable*
11 *program, and to receive and use funds from such agencies,*
12 *for projects of common interest.*

13 *“(2) Funds transferred or received pursuant to para-*
14 *graph (1) shall be used only in accordance with the Federal*
15 *law authorizing the appropriation of such funds and the*
16 *Federal law appropriating such funds, and shall be made*
17 *available only to parties eligible to receive such funds under*
18 *such law.*

19 *“(3) If the Secretary enters into a agreement under*
20 *this subsection for the administration of a project, the agen-*
21 *cy administering the project shall use such agency’s proce-*
22 *dures to select recipients of funds under such project and*
23 *to administer the awards, unless the parties to the agree-*
24 *ment specify the use of procedures of another agency that*
25 *is a party to the agreement.*

22 **SEC. 242. COLLECTION AND DISSEMINATION OF INFORMA-**
23 **TION.**

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1 “COLLECTION AND DISSEMINATION OF INFORMATION

2 “SEC. 422. The Secretary shall—

3 “(1) prepare and disseminate to State and local
4 educational agencies and institutions information
5 concerning applicable programs, and cooperate with
6 other Federal officials who administer programs af-
7 fecting education in disseminating information con-
8 cerning such programs;

9 “(2) inform the public regarding federally sup-
10 ported education programs; and

11 “(3) collect data and information on applicable
12 programs for the purpose of obtaining objective meas-
13 urements of the effectiveness of such programs in
14 achieving the intended purposes of such programs.”.

15 **SEC. 243. REVIEW OF APPLICATIONS.**

16 Section 425 of the Act (20 U.S.C. 1231b-2) is amend-
17 ed—

18 (1) in subsection (a)—

19 (A) by striking “Commissioner” and insert-
20 ing “Secretary”;

21 (B) by striking “and in the case of the pro-
22 gram provided for in title I of the Elementary
23 and Secondary Education Act of 1965,”;

24 (C) in the third sentence, by inserting a
25 comma after “the hearing”; and

1 (D) in the fourth sentence—

2 (i) by striking the comma after “guide-
3 lines”; and

4 (ii) by inserting a comma after “pro-
5 gram”;

6 (2) in subsection (b), by striking “Commis-
7 sioner” each place such term appears and inserting
8 “Secretary”; and

9 (3) in subsection (d)—

10 (A) by striking “Commissioner” each place
11 such term appears and inserting “Secretary”;
12 and

13 (B) by inserting before the period “or issue
14 such other orders as the Secretary may deem ap-
15 propriate to achieve such compliance”.

16 **SEC. 244. USE OF FUNDS WITHHELD.**

17 Section 428 of the Act (20 U.S.C. 1231e) is amended
18 to read as follows:

19 “USE OF FUNDS WITHHELD

20 “SEC. 428. (a) At any time that the Secretary makes
21 an allotment or reallocation to any State under any appli-
22 cable program, the Secretary shall reduce such allotment or
23 reallocation by such amount as the Secretary determines
24 such allotment or reallocation would have been reduced, had
25 the data on which the allotment or reallocation is based ex-
26 cluded all data relating to local educational agencies of the

1 *State that, on the date of the Secretary's action, are ineli-*
2 *gible to receive the Federal financial assistance involved be-*
3 *cause of failure to comply with title VI of the Civil Rights*
4 *Act of 1964, title IX of the Education Amendments of 1972,*
5 *section 504 of the Rehabilitation Act of 1973, or the Age*
6 *Discrimination Act of 1975.*

7 “(b) The Secretary may use any funds withheld under
8 subsection (a)—

9 “(1) to increase the allotments or reallotments of
10 local educational agencies within the State that are
11 not described in subsection (a), or the allotments or
12 reallotment of all States, in accordance with the Fed-
13 eral law governing the program; or

14 “(2) for grants to local educational agencies of
15 that State in accordance with section 405 of the Civil
16 Rights Act of 1964, or for any other program admin-
17 istered by the Department that is designed to enhance
18 equity in education or redress discrimination on the
19 basis of race, color, national origin, sex, age, or dis-
20 ability.”.

21 **SEC. 245. APPLICATIONS.**

22 Subsection (a) of section 430 of the Act (20 U.S.C.
23 1231g) is amended by striking “for three fiscal years” and
24 inserting “for more than 1 fiscal year”.

1 **SEC. 246. REGULATIONS.**

2 *Section 431 of the Act (20 U.S.C. 1232) is amended*
3 *to read as follows:*

4 *“REGULATIONS*

5 *“SEC. 431. (a) For the purpose of this section, the term*
6 *‘regulation’ means any generally applicable rule, regula-*
7 *tion, guideline, interpretation, or other requirement that—*

8 *“(1) is prescribed by the Secretary or the De-*
9 *partment; and*

10 *“(2) has legally binding effect in connection*
11 *with, or affecting, the provision of financial assist-*
12 *ance under any applicable program.*

13 *“(b) Regulations issued by the Secretary or the Depart-*
14 *ment shall contain, immediately following each substantive*
15 *provision of such regulations, citations to the particular sec-*
16 *tion or sections of statutory law or other legal authority*
17 *on which such provision is based.*

18 *“(c) All such regulations shall be uniformly applied*
19 *and enforced throughout the 50 States.*

20 *“(d) The Secretary shall promulgate regulations in ac-*
21 *cordance with chapter 5 of title 5, United States Code, ex-*
22 *cept that the exemption in section 553(a)(2) of such chapter*
23 *for public property, loans, grants, and benefits shall apply*
24 *only to regulations—*

25 *“(1) that govern a grant competition for the first*
26 *year of a new program; or*

1 “(2) where the Secretary determines that the re-
2 quirements of this subsection will cause extreme hard-
3 ship to the intended beneficiaries of the program af-
4 fected by such regulations.

5 “(e)(1) Following the enactment of any Act, or any
6 part of any Act, affecting the administration of any appli-
7 cable program, the Secretary shall submit to the Committee
8 on Education and Labor of the House of Representatives
9 and the Committee on Labor and Human Resources of the
10 Senate a schedule in accordance with which the Secretary
11 plans to promulgate final regulations that the Secretary de-
12 termines are necessary to implement such Act or part of
13 such Act. Subject to paragraph (2) of this subsection, such
14 schedule shall provide that all such final regulations shall
15 be promulgated within 480 days after the date of enactment
16 of such Act or part of such Act.

17 “(2) If in developing such schedule the Secretary deter-
18 mines in an exceptional case, for good cause, that a final
19 regulation cannot be promulgated within the period speci-
20 fied in paragraph (1), the Secretary shall include in such
21 schedule the date by which such regulation will be promul-
22 gated and the reasons for such determination.

23 “(3) Except as provided in the following sentence, all
24 such final regulations shall be promulgated in accordance
25 with such schedule. If the Secretary, for good cause, later

1 *determines that the Secretary cannot comply with such*
 2 *schedule for reasons unforeseen at the time such schedule*
 3 *was submitted, the Secretary shall notify such committees*
 4 *of the reasons for such finding and submit a new schedule.*
 5 *All such final regulations shall be promulgated in accord-*
 6 *ance with such new schedule.*

7 “(f) Concurrently with the publication of any final
 8 regulations, the Secretary shall transmit a copy of such
 9 final regulations to the Speaker of the House of Representa-
 10 tives and the President pro tempore of the Senate.”

11 **SEC. 247. RECORDS; REDUCTION IN RETENTION REQUIRE-**
 12 **MENTS.**

13 *Section 437 of the Act (20 U.S.C. 1232f) is amended—*

14 *(1) in subsection (a)—*

15 *(A) by striking “grant, subgrant, contract,*
 16 *subcontract, loan, or other arrangement (other*
 17 *than procurement contracts awarded by an ad-*
 18 *ministrative head of an educational agency)”*
 19 *and inserting “grant, subgrant, cooperative*
 20 *agreement, loan or other arrangement”;*

21 *(B) by inserting “financial or pro-*
 22 *grammatic” before “audit.”; and*

23 *(C) by striking the last sentence; and*

24 *(2) in subsection (b), by striking “to any records*
 25 *of a recipient which may be related, or pertinent to,*

1 *the grants, subgrants, contracts, subcontracts, loans,*
2 *or other arrangements” and inserting “to any records*
3 *maintained by a recipient that may be related, or*
4 *pertinent to, grants, subgrants, cooperative agree-*
5 *ments, loans, or other arrangements”.*

6 **SEC. 247A. PRIVACY RIGHTS.**

7 *Section 438 of the Act (20 U.S.C. 1232g) is amended—*

8 *(1) in subsection (a)—*

9 *(A) in paragraph (1)—*

10 *(i) by redesignating subparagraphs (B)*
11 *and (C) as subparagraphs (C) and (D), re-*
12 *spectively; and*

13 *(ii) by inserting after subparagraph*
14 *(A) the following new subparagraph:*

15 *“(B) No funds under any applicable pro-*
16 *gram shall be made available to any State edu-*
17 *cational agency (whether or not that agency is*
18 *an educational agency or institution under this*
19 *section) that has a policy of denying, or effec-*
20 *tively prevents, the parents of students the right*
21 *to inspect and review the education records*
22 *maintained by the State educational agency on*
23 *their children who are or have been in attend-*
24 *ance at any school of an educational agency or*

1 *institution that is subject to the provisions of*
2 *this section.”;*

3 *(iii) in clause (iii) of subparagraph*
4 *(C) (as redesignated by clause (i)), by strik-*
5 *ing “(C)” and inserting “(D)”;* and

6 *(iv) in subparagraph (D) (as redesign-*
7 *ated by clause (i)), by striking “(B)” and*
8 *inserting “(C)”;* and

9 *(B) in paragraph (2), by striking “or other*
10 *rights” and inserting “rights”;*

11 *(2) in subsection (b)—*

12 *(A) in paragraph (1)—*

13 *(i) in subparagraph (A), by inserting*
14 *“, including the educational interests of the*
15 *child for whom consent would otherwise be*
16 *required” before the semicolon;*

17 *(ii) in subparagraph (H), by striking*
18 *“and” after the semicolon;*

19 *(iii) in subparagraph (I), by striking*
20 *the period and inserting “; and”;* and

21 *(iv) by adding at the end the following*
22 *new subparagraph:*

23 *“(J)(i) the entity or persons designated in*
24 *a Federal grand jury subpoena, in which case*
25 *the court shall order, for good cause shown, the*

1 *educational agency or institution (and any offi-*
2 *cer, director, employee, agent, or attorney for*
3 *such agency or institution) on which the sub-*
4 *poena is served, to not disclose to any person the*
5 *existence or contents of the subpoena or any in-*
6 *formation furnished to the grand jury in re-*
7 *sponse to the subpoena; and*

8 *“(ii) the entity or persons designated in*
9 *any other subpoena issued for a law enforcement*
10 *purpose, in which case the court or other issuing*
11 *agency may order, for good cause shown, the*
12 *educational agency or institution (and any offi-*
13 *cer, director, employee, agent, or attorney for*
14 *such agency or institution) on which the sub-*
15 *poena is served, to not disclose to any person the*
16 *existence or contents of the subpoena or any in-*
17 *formation furnished in response to the sub-*
18 *poena.”;*

19 *(B) in paragraph (2)—*

20 *(i) by redesignating subparagraphs (A)*
21 *and (B) as clauses (i) and (ii), respectively;*

22 *(ii) in clause (ii) (as redesignated by*
23 *clause (i)), by inserting “except as provided*
24 *in paragraph (1)(J),” before “such informa-*
25 *tion”;* and

1 (iii) by adding at the end the following
2 new subparagraph:

3 “(B) If a third party outside the educational
4 agency or institution permits access to information in
5 violation of subparagraph (A)(i), or fails to destroy
6 information in violation of paragraph (1)(F), the
7 educational agency or institution shall be prohibited
8 from permitting access to information from education
9 records to that third party for a period of at least 5
10 years.”;

11 (3) in subsection (c), by striking “The Secretary
12 shall adopt appropriate regulations to” and inserting
13 “Not later than 240 days after the date of enactment
14 of the Improving America’s Schools Act of 1994, the
15 Secretary shall adopt appropriate regulations, or
16 identify existing regulations, which”;

17 (4) in subsection (e), by inserting “effectively”
18 before “informs”; and

19 (5) by adding at the end the following new sub-
20 section:

21 “(h) Nothing in this section shall prohibit an edu-
22 cational agency or institution from—

23 “(1) including appropriate information in the
24 education record of any student whose presence at
25 school is determined by school officials to pose a sig-

